

TPO/25

P

EAST SUFFOLK COUNTY COUNCIL

TREE PRESERVATION ORDER NO. 25

TOWN AND COUNTRY PLANNING ACT, 1947

THE EAST SUFFOLK COUNTY COUNCIL in pursuance of the powers conferred in that behalf by Section 28 of the Town and Country Planning Act, 1947, and subject to the provisions of Section 13 of the Forestry Act, 1951, hereby make the following Order:-

1. In this Order -

"the Act" means the Town and Country Planning Act 1947

"the authority" means the East Suffolk County Council

"the owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; a lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in possession.

"the Minister" means the Minister of Housing and Local Government

2. Subject to the exemptions specified in the Second Schedule to this Order, no person shall, except with the consent of the authority cut down, top, lop or wilfully destroy or cause or permit the cutting down, topping, lopping, or wilful destruction of any of the trees or any of the trees contained in the groups of trees or woodland areas specified in the First Schedule hereto, shown numbered and delineated as indicated in the said First Schedule on the map annexed hereto; which map shall prevail where any ambiguity arises between it and the specification in the said First Schedule.

3. An application for consent made to the authority under paragraph 2 of this Order shall be in writing stating the reasons for making the application, and shall specify the trees to which the application relates, and the operations for the carrying out of which consent is required, and where necessary for the identification of such trees shall be accompanied by a map or plan of a size or on a scale sufficient for the purpose.

4. (1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent.

Provided that where the application relates to any woodland area specified in the First Schedule to this Order, the Authority shall grant consent in accordance with the principles of good forestry except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area.

(2) The Authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any directions as to replanting of woodland areas, and any compensation awarded in consequence of such decision; and every such register shall be available for inspection by the public at all reasonable hours.

5. Where an application for consent under this Order relates to felling any part of a woodland area, the authority, having regard to the need for bringing the amenity and forestry aspects of the woodland area into a proper relation, may draw up a plan of forestry operations for the woodland area, and incorporate it in the decision on the application, and such plan may include provisions deferring felling for a specified period or periods.

6. Where the authority refuse consent under this Order or grant such consent subject to conditions, they may, when refusing or granting consent certify that in respect of any tree for which they have so refused or granted consent, they are satisfied that

- (a) the refusal or condition is in the interests of good forestry; or
- (b) in the case of a woodland area, it has an outstanding amenity value in relation to the woodland character of the area; or
- (c) in the case of any trees other than trees contained in woodlands, the trees have an outstanding amenity value; or
- (d) there is a special amenity served by the trees and woodlands other than amenity in relation to the woodland character of the neighbourhood.

7. (1) Where any part of a woodland area is felled in accordance with consent granted under this Order, the owner of the land on which the woodland is situated shall subject to any directions that may be given by the authority replant that part:

Provided that

- (a) where the Minister considers it expedient to dispense with any such requirement as to replanting he may at any time do so to such extent as he may think fit upon representation being made to him for the purpose by either the authority or the owner.
- (b) where any part of a woodland area is so felled for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, it shall not be necessary to replant that part.

(2) Where consent is granted under this Order to fell any part of a woodland area, the authority may give directions to the owner of the land on which the woodland is situated as to the manner in which that part should be replanted and any such directions may include requirements as to

- (a) species;
- (b) planting distances;
- (c) the erection and maintenance of fencing necessary for protection of the replanting;
- (d) the preparation of ground, draining, removal of brushwood, lop and top; and
- (e) protective measures against fire.

OF EAST SUFFOLK



CLERK'S DEPARTMENT

COUNTY HALL

IPSWICH

that the Order and map annexed
are true copies of the documents
presenting the County Council of East Suffolk
Area Preservation Order Number 25, as confirmed
by the Minister of Housing and Local Government
on the 21st July, 1953.

A handwritten signature in cursive script, appearing to read 'S. Chapman', written over a horizontal line.

Clerk of the East Suffolk County Council.

6th August, 1953.

8. The provisions set out in the Third Schedule to this Order being the provisions of Part III of the Act as adapted and modified for the purposes of this Order, shall apply in relation to any application made to the authority for consent under the Order and to any decision of the authority thereon.

9. Subject to the provisions of this Order, any person who has suffered damage or has incurred expenditure in consequence of any refusal of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim within the time limited for the purpose by this Order, be entitled to recover from the authority compensation in respect of such damage or expenditure.

Provided that no compensation shall be payable in respect of damage suffered or expenditure incurred by reason of such refusal or grant of consent in the case of any tree the subject of a certificate in accordance with paragraph 6 of this Order.

10. In assessing compensation payable under the last preceding paragraph account shall be taken of

- (a) any compensation or contribution which has been paid in respect of the same trees or woodland areas under the terms of this or any other Tree Preservation Order under Section 28 of the Town and Country Planning Act, 1947, or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and
- (b) any injurious affection to any land of the owner which would result from the felling of the trees or woodlands, the subject of the claim, and regard shall be had to any plan of forestry operations drawn up under paragraph 5 of this Order.

11. A claim under this Order for compensation shall be made by serving on the authority a notice in writing stating the grounds of the claim and the amount claimed, within six months of the date of the decision of the authority, or of the Minister, as the case may be, or where an appeal has been made to the Minister against the decision of the authority, of the date of the decision of the Minister on appeal.

12. Any question of disputed compensation payable in accordance with the terms of this order shall be determined in accordance with the provisions of Section 110 of the Act.

13. Any person contravening the provisions of this Order is guilty of an offence under Section 28 sub-section 6 of the Act and liable on summary conviction, to a fine not exceeding fifty pounds; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding fifty shillings for every day on which the contravention is so continued.

THE COMMON SEAL of the EAST SUFFOLK COUNTY COUNCIL was hereunto affixed in pursuance of a resolution of the said Council passed at a quarterly meeting duly convened and held at Ipswich on the Sixth day of January One thousand nine hundred and fifty-three in the presence of:-

L. S.

CRANBROOK }
STRADBROKE } Members of the Council
G. C. LIGHTFOOT } having custody of the Keys
of the Seal
Clerk of the East Suffolk
County Council.

P.1258

(21st July, 1953)

The Minister of Housing and Local Government in exercise of the powers conferred upon him by subsection (3) of Section 28 of the Town and Country Planning Act, 1947, hereby confirms the above Order, subject to the modifications shown in red thereon.

L. S.

Given under the official seal
of the Minister of Housing
and Local Government this
twenty-first day of July,
nineteen hundred and fifty
three.

J. H. WILSHIRE
Assistant Secretary,
Ministry of Housing and
Local Government.

EAST SUFFOLK COUNTY COUNCIL

TREE PRESERVATION ORDER NO: 25

FIRST SCHEDULE

No. on Map Description of Woodland Areas Situation

(Cross-hatched in black on the map).

In the Parish of Melton Ordnance Survey Sheet Suffolk East LXVII 16 1927 Edition

W.1. Woodland area of approximately 3.8 acres consisting of mixed species of hardwoods and conifers, mainly elm, silver birch, Scots pine and Corsican pine. Part plots 221, 219, part 222 in grounds of property known as Long Spring.

W.2. Woodland area of approximately .85 acres consisting of mixed species of hardwoods and conifers, mainly silver birch, oak, beech, Scots pine and Corsican pine. Part 221 in property known as Long Spring fronting Woods Lane.

W.3. Woodland area of approximately 9.6 acres consisting of mixed species of hardwoods and conifers, mainly sycamore, sweet chestnut, silver birch, Lombardy poplars, oak, elm, beech and Scots pine. Plots 208, pt.206, pt.205, 204, pt.203, pt.124, pt.210 and 125 situated in grounds of Fern Hill and properties to the south-west and south on east side of lane leading from Woods Lane to Leek's Hills, on south side of Woods Lane and in grounds of Melton Hall.

W.4. Woodland area of approximately 2.5 acres consisting of mixed species of hardwoods and conifers, mainly horse chestnut, elm, oak, beech, lime, sycamore and Scots pine. Part Plots 107, 106, 104, 103 and 124 in the grounds of properties known as Melton Hall and Melton Mead.

W.5. Woodland area of approximately 33.9 acres, consisting of mixed species of hardwoods and conifers, mainly elm, oak, chestnut, silver birch, beech, sycamore, pines and willows. Cross-hatched portions of Plots 234a, 195, pt.234, 194, pt.233, 197, 199, 125a, pt.190, pt.196, pt.203, pt.202, pt.201 known as Leeks Hills, and Bury Hill and north and west of Melton Recreation Ground.

W.6. Woodland area of approximately .92 acres, consisting mainly of Scots Pine and silver birch. Cross-hatched portion of Plot 198 in the grounds of Bury Hill.

W.7. Woodland area of approximately 6.1 acres, consisting of mixed species of hardwoods and conifers, mainly oak, beech, elm, sycamore, scarlet oaks, ash and Scots pine. Plots pt.244, pt.243, pt.242 pt.239, pt.177, pt.170 and 147 in grounds of property known as "Brownings" Pytches Road and within grounds of the Grange bordering Pytches Road and Love Lane.

In the Urban District of Woodbridge Ordnance Survey Sheet Suffolk East LXVII; 16; 1927 Edition

W.8. Woodland area of approximately 3.5 acres, consisting of mixed species of hardwoods and conifers, mainly elm, sycamore, oak, lime, beech, Corsican pine, Scots pine, spruce and cedar. Plots pt.200, pt.201, pt.204, pt.204a, pt.204b, pt.206, in the grounds of properties known as The Mount, Pine Crest, Direk, and Little Grange on the south side of Pytches Road.

<u>No. on Map</u>	<u>Description of Woodland area</u>	<u>Situation</u>
<u>In the Parish of Melton Ordn Survey Sheet Suffolk East LXVII 16 1927 Edition</u>		
W.9.	Woodland area of approximately 2.5 acres consisting of mixed species of hardwoods and conifers, mainly Scots pine, Corsican pine, sycamore and elm.	Plots pt.146, pt.148, and pt.168 in the grounds of properties known as The Grove and Cedarhouse.
<u>Description of Groups of Trees (indicated by dots within a continuous black line on the map)</u> <u>In the Parish of Melton Ordnance Survey Sheet Suffolk East LXVII 12 and 16, 1927 Edition</u>		
G.1	Group of 13 hedgerow trees - 3 Scots pine and 10 oak	Plots pt.224 and pt.294 in grounds of Long Spring, Woods Lane.
<u>In the Parish of Melton Ordnance Survey Sheet Suffolk East LXVII 16 1927 Edition</u>		
G.2.	Group of 20 hedgerow and garden trees, 12 oak, 6 Corsican pine and 2 hornbeam.	Plot pt.222 in the grounds of Long Spring, Woods Lane.
G.3.	Group of 7 conifers - 6 Scots pine and 1 cedar.	Plot pt.207 in grounds of Fern Hill.
G.4.	Group of 6 deciduous trees - 3 ash, 2 lime and 1 oak.	Plot pt.107, pt.124 in grounds of Melton Hall.
G.5.	Group of 5 deciduous trees - 4 oak and 1 ash.	Plot pt.124 in grounds of Melton Hall.
G.6.	Hedgerow group of 21 deciduous trees - 13 lime, 5 elm, 2 oak and 1 ash.	Plot pt.126 in the grounds of Recreation Ground.
G.7.	Hedgerow group of 24 deciduous trees - 16 lime, 5 elm, 1 ash, 1 poplar and 1 horsechestnut.	Plot pt.126 in grounds of Recreation Ground and Tudor House.
G.8.	Mixed group consisting of 3 pinus ponderosus, 6 sycamore, 2 Scots pine and approximately 40 small silver birch.	Plot pt.234 in the grounds of Bury Hill.
G.9.	Group of 3 silver birch.	Plot pt.193 in the grounds of The Grange.
G.10.	Group consisting of 1 beech, 1 silver birch and approximately 12 small silver birch.	Plot pt.193 in the grounds of The Grange.
G.11.	Group of 4 Scots pine.	Plot pt.192 in the grounds of The Grange.
G.12.	Group of 1 ash and 6 Scots pine.	Plot pt.177 in the grounds of The Grange.
G.13.	Group of 10 Scots pine, 4 beech, 1 cedar, 1 ilex.	Plot pt.233 in the grounds of The Grange.
G.14.	Group of 11 Scots pine, 2 oak and 2 elm.	Plots pt.176, pt.170 in the grounds of The Grange.
G.15.	Group of 5 Scots pine.	Plot pt.170 in the grounds of The Grange.

No. on
Map

Description
of Groups of Trees

Situation
In the Parish of Melton Ordnance
Survey Sheet Suffolk East LXVII 16
1927 Edition

- G.16. Group of 2 elm and 1 oak Plot pt.170 in the grounds of the Grange.
- G.17. Group of 2 acacia and 1 walnut. Plot pt.204b, pt.206 in the grounds of the Little Grange.
- G.18. Group of 3 beech and 1 pine. Plot pt.180 in the grounds of the Rectory, Melton Road.

Description of Trees
(encircled in black on the map).

- T.1. Silver Birch. Plot 222 in the grounds of Long Spring.
- T.2. Lime)
T.3. Beech) Plot 109 in the grounds of The Beeches, Melton Street.
- T.4. Ash. Plot 124 in the grounds of Melton Hall.
- T.5. Elm. Plot 105 in the grounds of The Mead.
- T.6. Oak)
T.7. Oak) Plot 126 in the Recreation Ground.
- T.8. Oak)
T.9. Oak) Plot 126 in the grounds of The Mead.
- T.10. Oak)
T.11. Oak) Plot 126 in the Recreation Ground.
- T.12. Horse Chestnut Plot 234 in the grounds of Bury Hill.
- T.13. Oak)
T.14. Willow)
T.15. Willow) Plot 190 in the grounds of Oak Cottage.
- T.16. Oak Plot 192 in the grounds of The Grange.
- T.17. Elm)
T.18. Elm) Plot 176 in the grounds of The Grange.
- T.19. Scots Pine)
T.20. Scots Pine) Plot 170a in the grounds of The Grange.
- T.21. Oak. Plot 170 in the grounds of The Grange.
- T.22. Corsican Pine)
T.23. Conifer) Plot 206 in the grounds of Little Grange
- T.24. Beech Plot 180 in the grounds of the Rectory
- T.25. Silver Birch Plot 180 in the grounds of "Burnside."
- T.26. Deciduous Plot 164.
- T.27. Silver Birch)
T.28. Ash) Plot 162 in the grounds of Highfield Cottage, Melton Road.

No. on
Map

Description of
Groups of Trees

Situation

In the Parish of Melton Ordnanee
Survey Sheet Suffolk East LXVII.16
1927 Edition

T.29. Scots Pine.

Plot 165 in the grounds north of
The Grove.

T.30. Spruce.

Plot 168 in the grounds of The
Grove.

T.31. Cedar.

Plot 148 in the grounds of The
Grove.

T.32. Scots Pine. }
T.33. Cedar. }

Plot 146 in the grounds of
Cedarhouse.

EAST SUFFOLK COUNTY COUNCIL
TREE PRESERVATION ORDER NO.25

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority

- (1) to the cutting down, lopping or topping of any tree that is dying or dead or has become dangerous,
- (2) to the cutting down, topping or lopping of any tree
 - (a) in compliance with an obligation imposed by or under an Act of Parliament;
 - (b) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908;
 - (c) in pursuance of the powers conferred by Section 24 of the Regulation of Railways Act, 1868;
 - (d) for the purpose of preventing or abating a nuisance;
 - (e) in the case of a statutory undertaker where the land on which the trees are situated is operational land as defined by the Act and where works on such land cannot otherwise be carried out; or where the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking.

THIRD SCHEDULE

Provisions of Part III of the Act as adapted and modified to apply to this Order.

of applic-
ations to
the
Minister

15(1) The Minister may give directions to the authority, requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister, instead of being dealt with by the authority, and any such application shall be so referred accordingly.

(2) Where an application for consent under the order is referred to the Minister under this section, the provisions of paragraphs 4 to 7 of the Order shall apply in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the authority;

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The decision of the Minister on all applications referred to him under this section shall be final.

Appeals
to the
Minister

16(1) Where application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions or where any certificate or direction is given by the authority, then if the applicant is aggrieved by their decision on the application, or by any such certificate or if the person directed is aggrieved by the direction the applicant or that person, as the case may be, may, by notice in writing served within 28 days from the receipt of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister.

(2) When an appeal is brought under this section from a decision certificate or direction of the authority, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may vary any certificate or direction, and may deal with the application as if it has been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.

(3) Unless within two months from the date of receipt of an application for consent under the Order, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either -

- (a) give notice to the applicant of their decision on the application, or
- (b) give notice to him that the application has been referred to the Minister in accordance with the directions given by him under the last foregoing section;

the provisions of subsection (1) of this section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

Revocation or modification of consent under the Order. 21(1) Subject to the provisions of this section, if it appears to the authority that it is expedient that any consent granted on an application made in that behalf should be revoked or modified, they may by order revoke or modify the consent to such extent as appears to them to be expedient aforesaid.

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose without modification or subject to such modifications as he considers expedient.

- (2) Where an authority submit an order to the Minister for his confirmation under this Section, that authority shall furnish the Minister with a statement of their reasons for making the order and shall serve a notice of the making of the order on the owner of the land, and on any other person who in their opinion will be affected by the order, and if within the period of 28 days from the service thereof any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him and to the authority an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.
- (3) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations, as has been carried out before the date on which the order was confirmed as aforesaid.

- (4) Where a notice has been served in accordance with the provisions of subsection (2) of this Section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under subsection (1) of this Section.

Supplement- 22(1) Where any person is affected by an order under any provisions as confirmed by the Minister, or where any person is affected by a notice served on him under subsection (2) of the foregoing section when the order is not confirmed, then, if on a claim made to the authority within two months of the date of the Minister's decision, it is shown that he has incurred expenditure in carrying out work which is rendered abortive by the revocation, or modification, or stay of operations, as the case may be, or has otherwise suffered loss or damage which is directly attributable to the revocation, or modification, or stay of operations, the authority shall pay to that person compensation in respect of that expenditure, loss or damage;

(2) For the purposes of this section any expenditure incurred on matters preparatory to acting on the consent shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid, no compensation shall be paid under this section in respect of any work carried out before the grant of consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of the depreciation in value of any interest in land) arising out of anything done or omitted to be done before the grant of that consent.

Copy

(12th March, 1953)

P.990.

The Minister of Housing and Local Government in exercise of the powers conferred upon him by subsection (3) of Section 28 of the Town and Country Planning Act, 1947, hereby confirms the above Order, subject to the modifications shown in red ink thereon.

L.S.
Ministry of Local
Government & Housing.

GIVEN under the official seal of
the Minister of Housing and
Local Government this twelfth
day of March, nineteen hundred
and fifty-three.

Sgd. ?

Assistant Secretary,
Ministry of Housing and Local
Government.

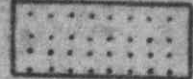
EAST SUFFOLK COUNTY COUNCIL
TREE PRESERVATION ORDER NO. 25

LEEK'S HILLS - URBAN DISTRICT OF WOODBRIDGE & PARISH OF MELTON

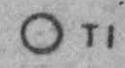
Woodlands referred to in the above order shown thus



Groups of trees referred to in the above order shown thus



Single trees referred to in the above order shown thus



T. B. OXENBURY, M.I.MUN. E., M.T.P.I., L.R.I.B.A.,
COUNTY PLANNING OFFICER,
COUNTY HALL, IPSWICH.

O. S. SHEETS - SUFFOLK (EAST) LXVII.
12 & 16, 1927 EDITIONS

SCALE: 1: 2500

