

TOWN AND COUNTRY PLANNING ACT, 1947

CAYTHORPE (PRIESTON) TREE PRESERVATION ORDER, 1957

As confirmed by the Minister of Housing and Local Government on
the 11th March, 1958

THE County Council of Lincoln, Parts of Kesteven (in this Order called "the authority") 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, and "the Minister" means the Minister of Housing and Local Government.
2. Subject to the provisions of this Order and to the exemptions specified in the First Schedule hereto, no person shall, except with the consent of the authority, and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful destruction of any tree within any of the areas marked Area 1, Area 2 and Area 3 on the map hereinafter mentioned. These areas are shown enclosed within dotted black lines on the map and are situated in the hamlet of Prieston in the parish of Caythorpe in the West Kesteven rural district on land forming part of field No.219 on the Ordnance Survey Map, Lincolnshire Sheets Nos.XCVI.13 and CV.1, 1905, Edition, which field is bounded on the east by the main Grantham-Lincoln road and on the west by the village street. The aforesaid map, marked "Map referred to in the Caythorpe (Prieston) Tree Preservation Order, 1957" and signed by the Clerk of the Authority, is deposited for inspection at the offices of the West Kesteven Rural District Council at 19 Watergate, Grantham.
3. An application for consent made to the authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.
- 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.

(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 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 the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied that the trees have an outstanding or special amenity value.
6. The provisions set out in the Second Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

NOTE: If it is desired to fell any of the trees included in this Order and the trees are trees for the felling of which a licence is required under the Forestry Act, 1951, application must be made not to the authority for consent under this Order but to the Forestry Commissioners for a licence under that Act. (See Forestry Act, 1951, Section 13(1)).

7. 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 on the authority within the time and in the manner prescribed 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 trees the subject of a certificate in accordance with Article 5 of this Order.

8. In assessing compensation payable under the last preceding Article or under Section 22 of the Act as applied by this Order account shall be taken of any compensation or contribution which has been paid in respect of the same trees under the terms of this Order and any injurious affection to any land of the owner of the trees which would result from the felling of the trees the subject of the claim.

9.(1).A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority such service to be effected by delivering the claim at the offices of the authority addressed to the Clerk thereof or by sending it by prepaid post so addressed.

(2). The time within which any such claim shall be made as aforesaid shall be a period of twelve months from 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, from the date of the decision of the Minister on the appeal.

10. Any question of disputed compensation shall be determined in accordance with the provisions of Section 110 of the Act.

11. Any person contravening the provisions of this Order is guilty of an offence under sub-section (6) of Section 28 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 forty shillings for every day on which the contravention is so continued.

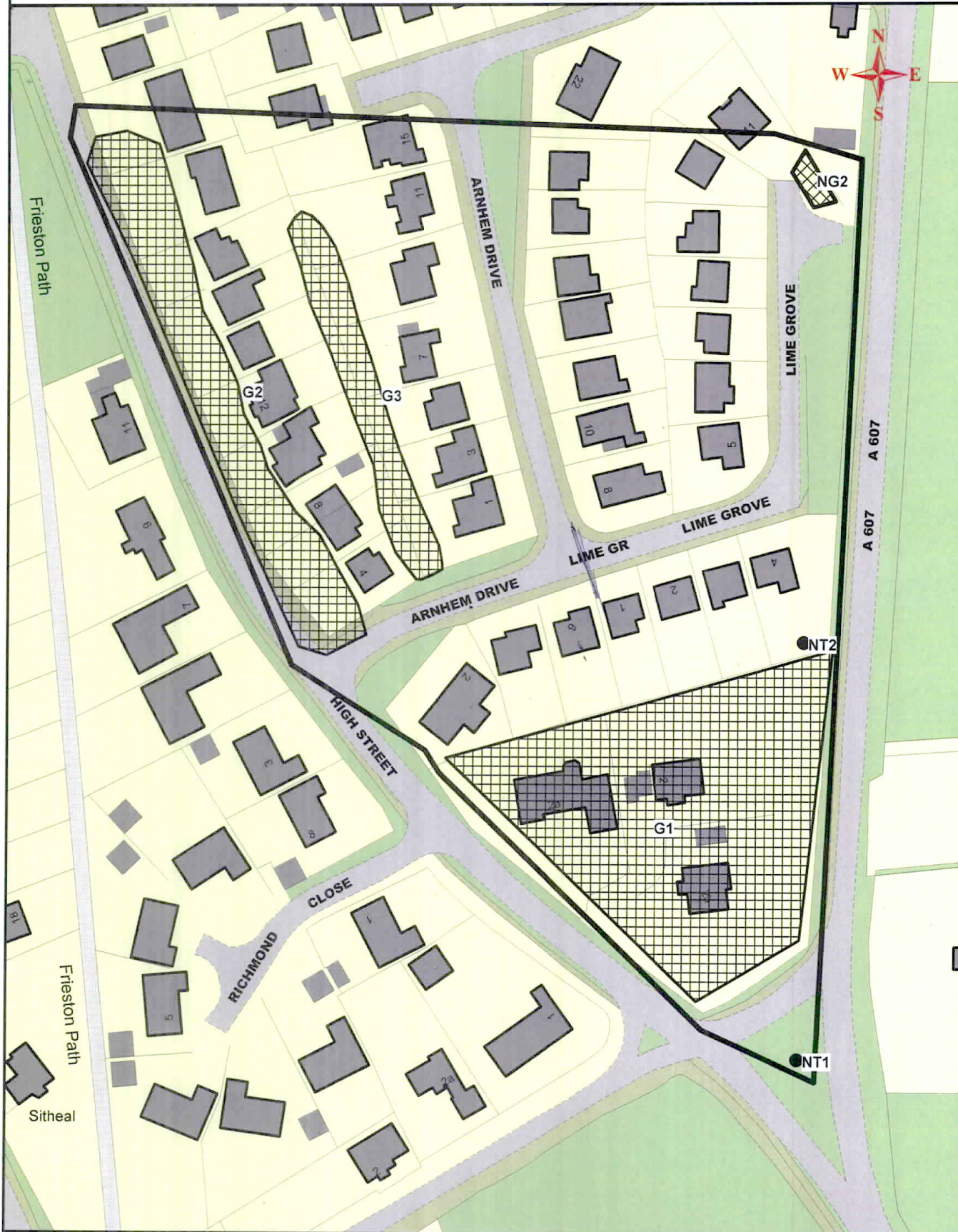
12. This Order may be cited as "The Caythorpe (Frieston) Tree Preservation Order, 1957."

- FIRST SCHEDULE -

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

- (1) to the cutting down, topping or lopping 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 tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping, or lopping is for the purpose of securing safety in the operation of the undertaking.

TREE PRESERVATION ORDER - CAYTHORPE (FRIESTON)



RTB No

Drawn by
Alice Clarke

Scale
1:1250

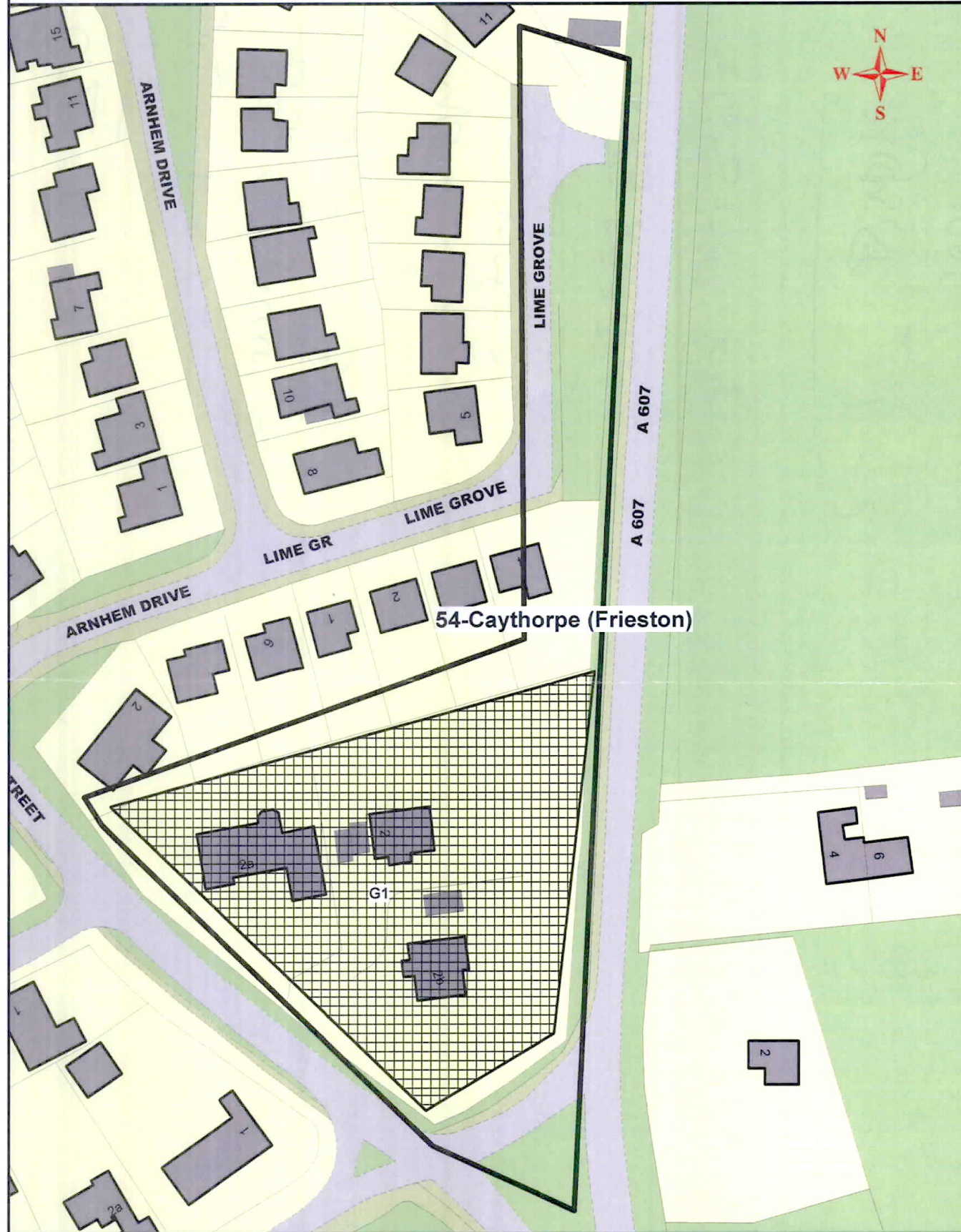
Date
02/07/07

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South Kesteven District Council LA079421 2002

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Council Offices
St Peters Hill
Grantham
Lincolnshire
NG31 7PR

CAYTHORPE (FRIESTON)



RTB No		
TPO 19241		
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Alice Clarke	1:1000	12/04/07

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G2

line 1

Horse Churnut 2

Beacon 3

Yew 1

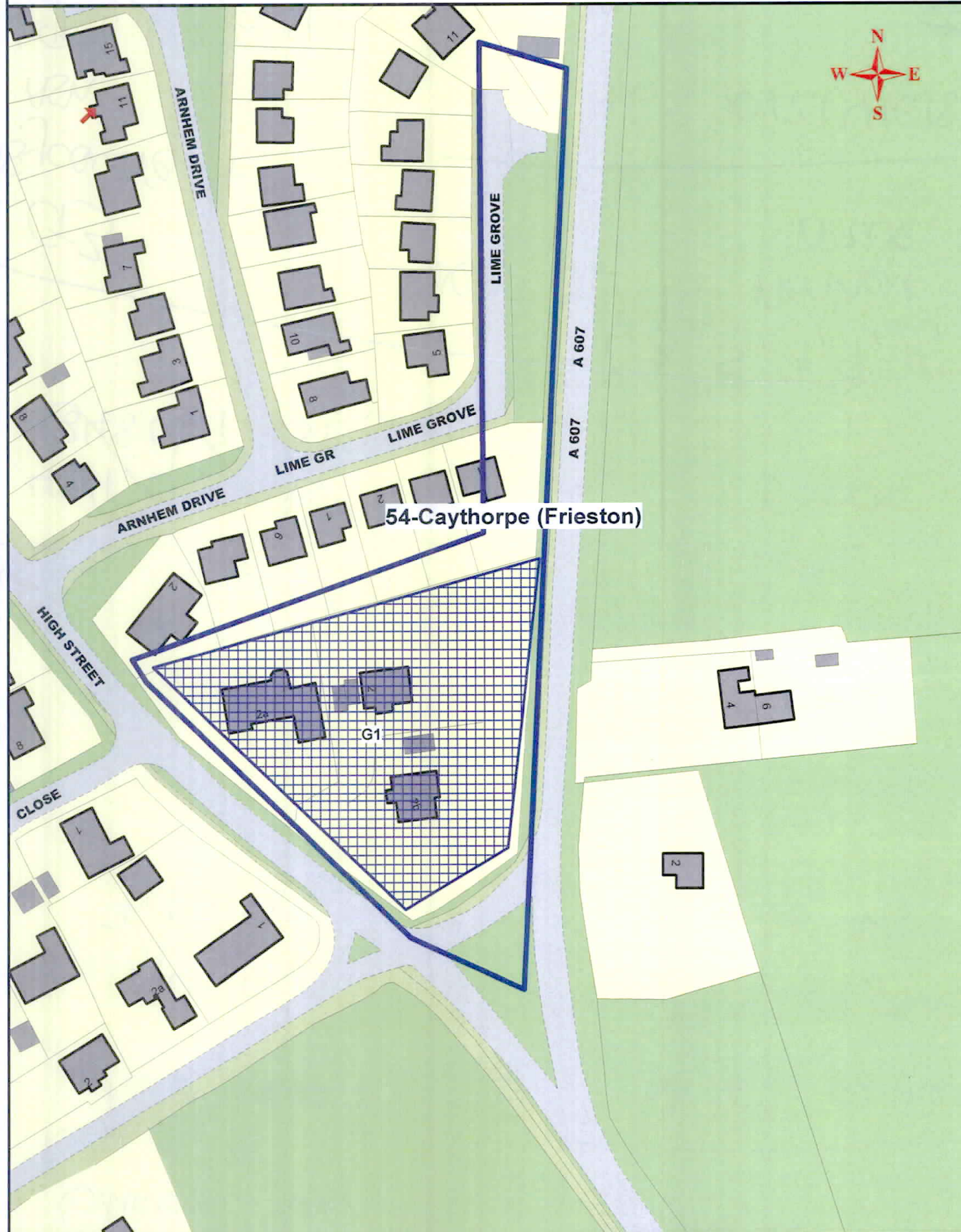
Sycamore 3

493 899.98

348 019.64

High St 4-22
NAS ↗

TPO 19241 - TREE PRESERVATION ORDER - CAYTHORPE - FRIESTON



RTB No
COS 19210

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Date
21/03/07

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G1. - ASH 7

Sycamore 17. rear of
Common Hornbeam 4. and with gardens
Corsican Pine 4. of 2.
Common Yew 2.
hedge 2
field made 1.

2, 4, 6, Arnhem Dr.
1, 2, 3, 4 lime grove.
2, 2a, 2b High St.

NG2 - Sycamore, 3.

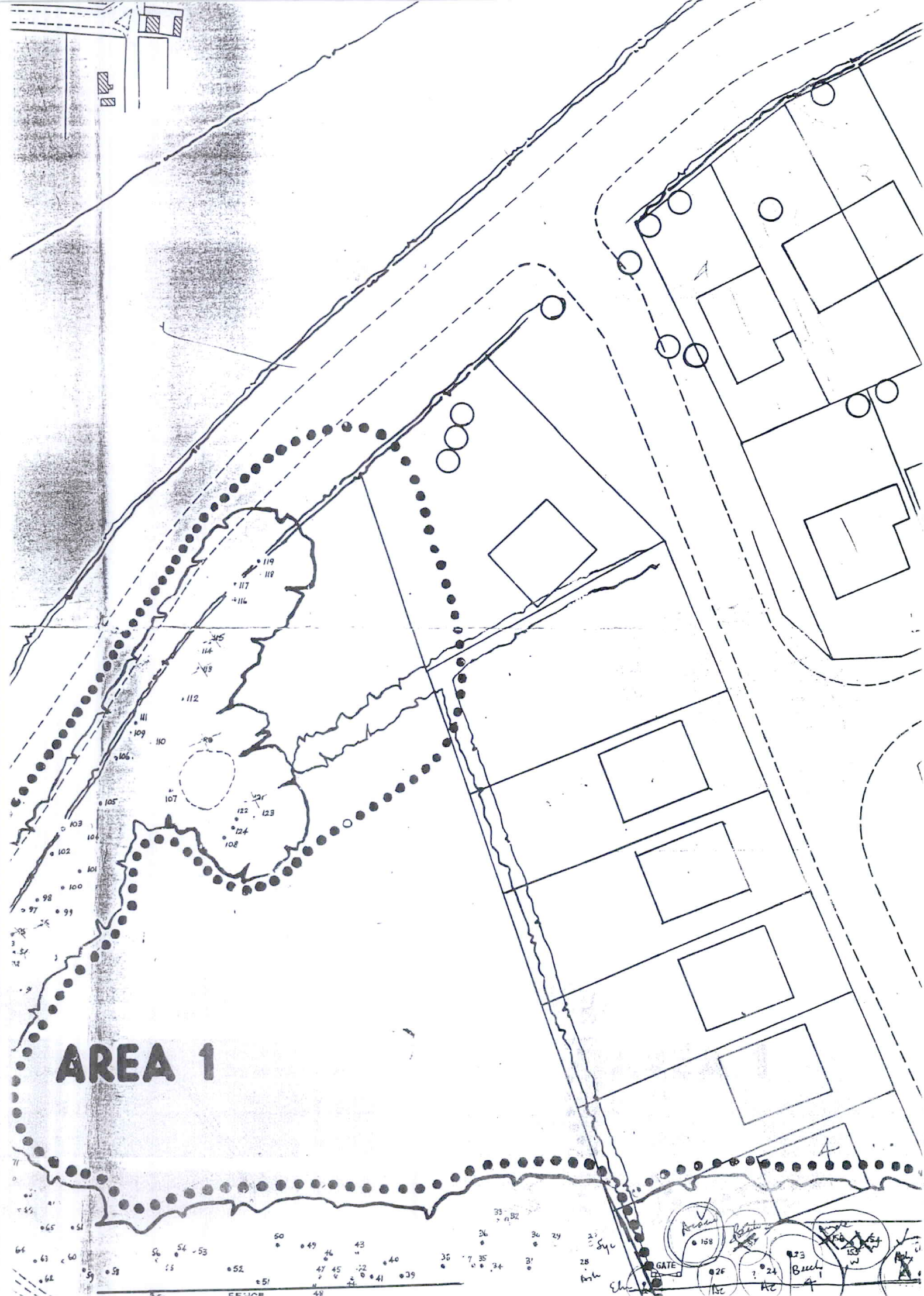
11 Lime
Grove.

G3
Sycamore 4
ASH 2.

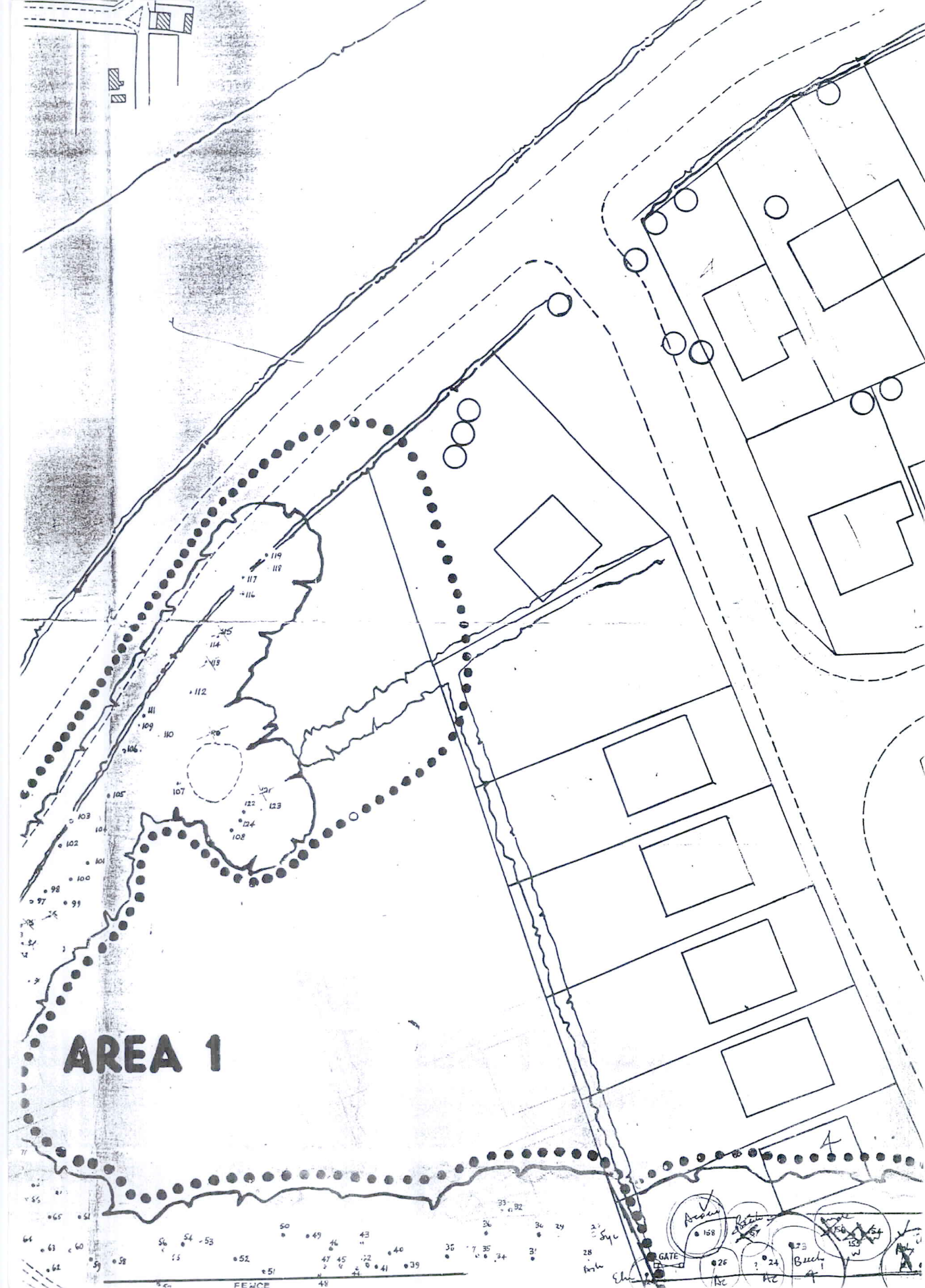
1, 3, 5, 7, 9, 11,
15
near of Arnhem
Drwe

4 6 8 10 12 14 16 18,

High St.



AREA 1



AREA 1

