

Town and Country Planning Act, 1947.

ANCASTER (CASTLE CLOSE) TREE PRESERVATION ORDER, 1960.

as confirmed by the Minister of Housing and Local Government  
on the 9th March, 1961.

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 second 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, or lopping or wilful destruction of any tree specified in the First Schedule hereto or comprised in either group of trees therein specified, the position of which trees and groups of trees is defined in the manner indicated in the said First Schedule on the map marked "Map referred to in the Ancaster (Castle Close) Tree Preservation Order, 1960" signed by the Clerk of the Authority and deposited for inspection at the offices of the West Kesteven Rural District Council, Sandon Close, Grantham, which map shall, for the purpose of any such definition as aforesaid, 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 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 Third 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.

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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 "Ancaster (Castle Close) Tree Preservation Order, 1960".

#### FIRST SCHEDULE

##### TREES SPECIFIED INDIVIDUALLY

(coloured green and encircled in black on the map)

<u>Number on map</u>	<u>Description</u>	<u>Situation</u> ( <u>Parish of Ancaster</u> )
T.1.	Lime	Along or near to the Southern boundary of fields O.S. 111 and 111a as shown on the 1/2500 Ordnance Survey Sheet, Lincolnshire (Parts of Kesteven) Sheet CV.11 Second Edition 1905, and known as Castle Close.
T.2.	Lime	
T.3.	Ash	
T.4.	Sycamore	
T.5.	Sycamore	
T.6.	Chestnut	
T.7.	Ash	
T.8.	Hawthorn	

<u>Number on Map</u>	<u>Description</u>	<u>Situation</u> (Parish of Ancaster)
T.9.	Hawthorn	Along or near to the southern boundary of fields O.S. 111 and 111a (Lincs. CV.11) known as Castle Close.
T.10.	Chestnut	
T.11.	Chestnut	
T.12.	Chestnut	
T.13.	Chestnut	Along the western boundary of field O.S. 109 (Lincs CV.11).
T.14.	Chestnut	
T.15.	Chestnut	
T.16.	Chestnut	
T.17.	Hawthorn	Along the eastern boundary of fields O.S. 111 and 111a (Lincs CV.11) known as Castle Close.
T.18.	Hawthorn	
T.19.	Hawthorn	
T.20.	Chestnut	
T.21.	Hawthorn	
T.22.	Hawthorn	
T.23.	Hawthorn	

#### GROUPS OF TREES

(Within a broken black line on the map)

<u>Number on Map</u>	<u>Description</u>	<u>Situation</u> (Parish of Ancaster)
G.1.	Group consisting of 4 Sycamore, 4 Elm and 15 Ash.	In the South West Corner of the field known as Castle Close.
G.2.	Group consisting of 1 Hornbeam, 6 Elm, 51 Ash, 2 Scots Pine, 9 Sycamore, 1 Beech and 5 Hawthorn.	Within fields O.S. 112 and O.S. 111, (Lincs CV.11) at the North East corner of the field known as Castle Close.

#### SECOND 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;

(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 in the period after the making of the Order and 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 during that period.

GIVEN under the Seal of the County Council of Lincoln, Parts of Kesteven the *28th* day of *November* 1960.

THE COMMON SEAL of the County )  
Council of Lincoln, Parts of )  
Kesteven was hereunto affixed in )  
pursuance of a Resolution passed )  
by the Council on the 23rd day of )  
November, 1960. )

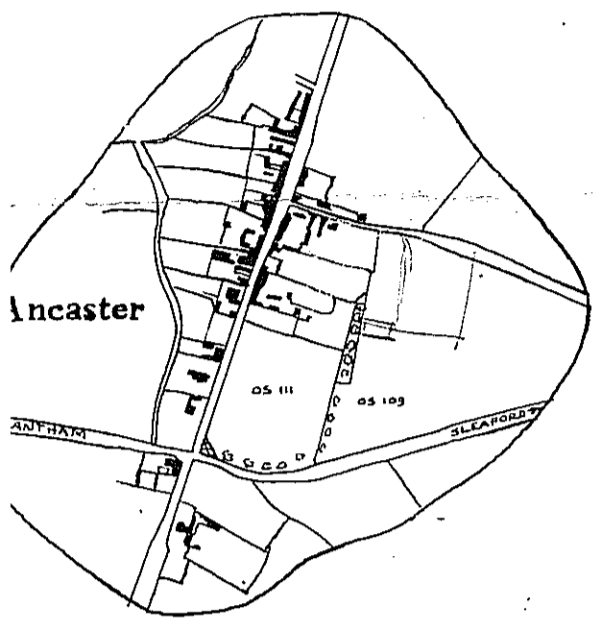
*Seal.*

*(Sgd)* [REDACTED]  
Vice-Chairman.

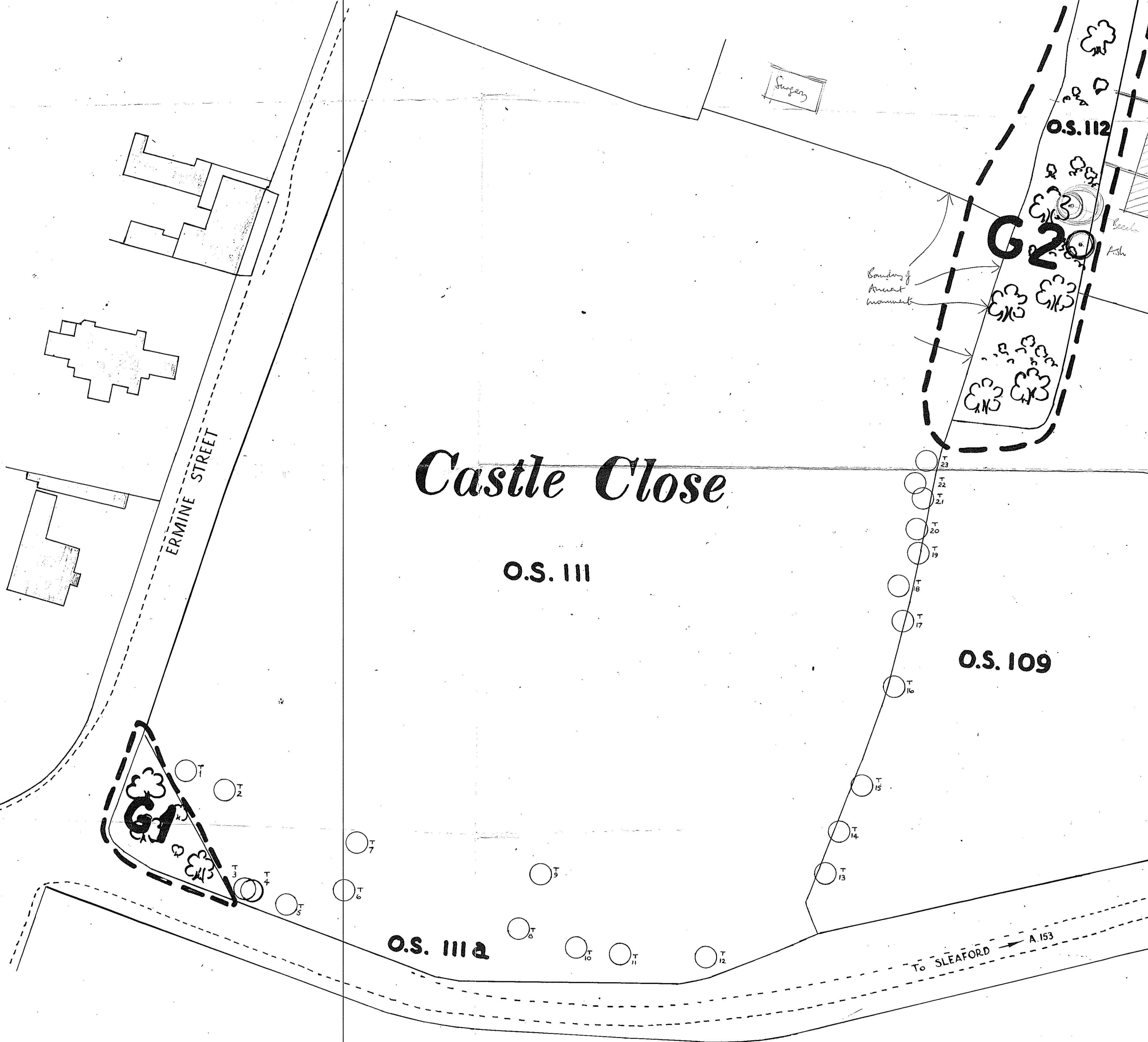
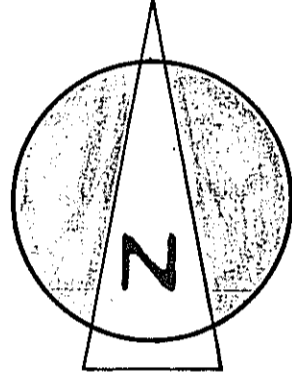
*(Sgd)* [REDACTED]  
Clerk of the County Council.

COUNTY OF LINCOLN - PARTS OF KESTEVEN

MAP referred to in the ANCASTER (Castle Close)  
Tree Preservation Order, 1960.



6" TO ONE MILE



*Castle Close*

O.S. III

O.S. 109

O.S. III a

DRAWING No.	272
PLANNER No.	E 73
NEG. No.	
DATE	Nov '60

B. BELL, O.B.E., F.R.I.B.A., M.T.P.I.,  
COUNTY OFFICES,  
SLEAFORD.  
SCALE :- 1:500