CHERTSEY URBAN DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS, 1932 and 1943

INTERIM PRESERVATION ORDER NO. 2

28th December, 1943
WHEREAS it appears to us the Urban District Council for the Urban District of Chertsey (hereinafter called "the Urban Council") being the Interim Development Authority for the purposes of the above Acts in respect of the said District that it is expedient having regard to the provisions proposed to be inserted in the Planning Scheme for the said Urban District of Chertsey in accordance with Section 46 of the Town and Country Planning Act 1932 to provide as hereinafter mentioned for the preservation of trees and woodlands during the period pending the coming into operation of the provisions in such Scheme

NOW THEREFORE in pursuance of the powers contained in Section 8 of the Town and Country Planning (Interim Development) Act 1943 and of all other powers enabling us in this behalf we THE COUNCIL DO ORDER as follows namely:

(1) That until such time as a Planning Scheme for the said Urban District of Chertsey comes into operation and is subject to the exemptions specified in the Schedule hereto no person (which expression shall in this Order include any body or firm whether corporate or otherwise) shall except with the consent of the Council cut down top lop or willfully destroy or cause or permit the cutting down topping or lopping or willful destruction of any of the trees or shrubs now growing upon the several areas of land (hereinafter referred to as "the woodland areas") in the Urban District of Chertsey more particularly delineated and described on the map annexed hereto and thereon coloured green and numbered 1 to 6 (inclusive)

(2) ANY application for consent of the Council made in pursuance of paragraph 1 hereof shall be in writing and shall contain such particulars and be accompanied by such plans as the Council may require and in considering any such application the Council shall be empowered to grant the same either unconditionally or subject to such conditions as they may think fit to impose or may refuse the same PROVIDED THAT

(a) any person who is aggrieved by the refusal of any consent under this Order or by any condition imposed upon the grant of any such consent may appeal to the Minister of Town and Country Planning (hereinafter called "the Minister") in like manner as if the refusal or attaching of the condition had related to an application for consent under an Interim Development Order

(b) if upon the refusal of any consent under this Order or upon the Council granting any such consent subject to conditions any person proves that he has thereby suffered damage or incurred expense the Council may make to such person a contribution towards the damage or expense so suffered or incurred of such amount as may be agreed or in default of agreement may be determined by a single assessor who shall be appointed by agreement between the Council and the person aggrieved or in default of such agreement by the Minister

(3) If any part of the woodland areas is felled in the course of forestry operations permitted by or under this Order the owner of the land shall if required by the Council undertake such replanting as would be in accordance with the practice of good forestry but save as hereinbefore specifically provided this Order shall not impose any control over forestry operations in the woodland areas: PROVIDED that if any question shall arise between the Council and the owner whether any replanting of land carried out or proposed to be carried out by the owner is or would be in accordance with the practice of good forestry it shall on the application of either party be determined by the Forestry Commissioners whose decision shall be final

(4) ANY person contravening this Order shall be guilty of an offence and liable on summary conviction to a fine not exceeding Fifty pounds and in the case of a continuing offence shall be liable on summary conviction to a fine not exceeding Forty shillings for every day on which the offence continues after conviction

(5) THIS Order shall take effect from the date on which it is approved by the Minister in accordance with the provisions of subsection (2) of Section 8 of the Town and Country Planning (Interim Development) Act 1943

Dated this 28th day of December one thousand nine hundred and forty three
This Order shall not apply so as to require the consent of the Council to the cutting down topping lopping or wilful destruction of any tree or shrub undertaken
(a) in compliance with an obligation imposed by or under any Act of Parliament; or
(b) in pursuance of a power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act 1908;
(c) in the case of a local or public authority statutory undertakers, in the exercise of any powers conferred on the authority or undertakers by or under any Act of Parliament; or
(d) where the tree is dead or has become dangerous; or
(e) to such an extent as may be necessary to prevent its constituting a nuisance or permissible in pursuance of a right to abate a nuisance; or
(f) in the course of thinning operations carried out in accordance with the principles of good forestry

(Sgd.) Bert Day
Chairman

(Sgd.) A. Rex Herbert
Clerk
WHEREAS it appears to us the Urban District Council for the Urban District of Chertsey (hereinafter called "the Urban Council") being the Interim Development Authority for the purposes of the above Acts in respect of the said District that it is expedient having regard to the provisions proposed to be inserted in the Planning Scheme for the said Urban District of Chertsey in accordance with Section 66 of the Town and Country Planning Act 1947 to provide as hereinafter mentioned for the preservation of trees and woodlands during the period pending the coming into operation of the provisions in such Scheme.

NOW THEREFORE, in pursuance of the powers contained in Section 4 of the Town and Country Planning (Interim Development) Act 1947 and of all other powers enabling us in this behalf we HEREBY CONSTITUTE ORDER as follows namely:

1. That until such time as a Planning Scheme for the said Urban District of Chertsey comes into operation and subject to the exceptions specified in the Schedule hereto no person (which expression shall in this Order include any body or firm whether corporate or otherwise) shall except with the consent of the Council put down top log or wilfully destroy or cause or permit the cutting-down, topping or lopping or wilful destruction of any of the trees or shrubs not growing upon the several areas of land (hereinafter referred to as "the woodlands areas") in the Urban District of Chertsey most particularly delineated and described on the map annexed hereto and thereon coloured green and numbered 1 to 6 (inclusive).

2. Any application for consent of the Council made in pursuance of paragraph 1 above shall be in writing and shall contain such particulars and be accompanied by such plans as the Council may require and in considering any such application the Council shall be empowered to grant the same either unconditionally or subject to such conditions as they may think fit to impose or may refuse the same.

(a) Any person who is aggrieved by the refusal of any consent under this Order or by any condition imposed upon the grant of any such consent may appeal to the Minister of Town and Country Planning (hereinafter called "the Minister") in like manner as if the refusal or attaching of the condition had related to an application for consent under an Interim Development Order.

(b) If upon the refusal of any consent under this Order or upon the Council granting any such consent subject to conditions any person proves that he has thereby suffered damage or incurred expenses the Council may make to such person a contribution towards the damage or expense so suffered or incurred of such amount as may be agreed or in default of agreement may be determined by a single assessor who shall be appointed by agreement between the Council and the person aggrieved or in default of such agreement by the Minister.
(5) If any part of the woodland areas is felled in the course of forestry operations permitted by or under this Order the owner of the land shall if required by the Council undertake such replanting as would be in accordance with the practice of good forestry but save as hereinbefore specifically provided this Order shall not impose any control over forestry operations in the woodland areas: PROVIDED that if any question shall arise between the Council and the owner whether any replanting of land carried out or proposed to be carried out by the owner is or would be in accordance with the practice of good forestry it shall on the application of either party be determined by the Forestry Commissioners whose decision shall be final.

(4) ANY person contravening this Order shall be guilty of an offence and liable on summary conviction to a fine not exceeding Fifty pounds and in the case of a continuing offence shall be liable on summary conviction to a fine not exceeding Forty shillings for every day on which the offence continues after conviction.

(5) THIS Order shall take effect from the date on which it is approved by the Minister in accordance with the provisions of subsection (2) of Section 9 of the Town and Country Planning (Interim Development) Act 1945.

Dated this 26th day of December one thousand nine hundred and forty three.

THE SCHOLL hereinbefore referred to—

This Order shall not apply so as to require the consent of the Council to the cutting down, topping, lopping or wilful destruction of any tree or shrub undertaken—

(a) in compliance with an obligation imposed by or under any Act of Parliament; or—

(b) in pursuance of a power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act 1903;

(c) in the case of a local or public authority or statutory undertakers, in the exercise of any powers conferred on the authority or undertakers by or under any Act of Parliament;

(d) where the tree is dead or has become dangerous;

(e) to such an extent as may be necessary to prevent it constituting a nuisance or permissible in pursuance of a right to state a nuisance; or—

(f) in the course of thinning operations carried out in accordance with the principles of good forestry.

THE COMMON SEAL of the URBAN DISTRICT COUNCIL

For the purposes of the Urban District of Churche in the presence of

Chairman

Clerk