

MARPLE AREA COMMITTEE

9th August 1983

DEVELOPMENT SERVICES (DEVELOPMENT CONTROL)
SUB-COMMITTEE

16th August 1983

THE METROPOLITAN BOROUGH OF STOCKPORT TREE
PRESERVATION (LAKES ROAD, MARPLE) ORDER 1983

REPORT OF THE DIRECTOR OF ADMINISTRATION

MATTER FOR CONSIDERATION

The Metropolitan Borough of Stockport Tree Preservation (Lakes Road, Marple) Order 1983.

INFORMATION

1. The Order seeks to preserve four areas of trees adjacent to the River Etherow at Lakes Road, Marple as shown on the attached plan. The Council has received objections from Mr. Sewart of the Roman Bridge Lakes Company, Marple Bridge; Mr. Prescott of Old Hall Farm, Marple and the Country Landowners Association on behalf of Messrs., Sewart and Prescott and Mr. Evans of Bottoms Hall Farm, Old Hall Lane, Marple. As far as can be ascertained Area A1 is in the ownership of Mr. C.A. Gregory, 249 Stockport Road, Cheadle Heath, Stockport. Areas A2/3 are in the ownership of the Roman Bridge Lakes Company and Area A4 is owned by Mr. Prescott of Old Hall Farm, Old Hall Lane, Mellor. Since the objections were received two site meetings have been held between representatives from the Recreation and Culture and Development and Town Planning Divisions and Messrs. Sewart, Prescott and the Country Landowners Association. The objections have not however been withdrawn. It is for the Development Services (Development Control) Sub Committee to consider the objections and to amend the Order or confirm it as made as the Sub Committee thinks fit.

2. The Country Landowners Association on behalf of the objectors object for the following reasons:-

2.1 The power given to local authorities is to make tree preservation orders where it is expedient in the interests of amenity. Government interpretation of the grounds ^{for} making a T.P.O. has been given in DoE Circular 36/78. In the opinion of the Country Landowners Association the interests of amenity refer to the interests of the public in having a pleasant landscape and environment. In the case of Messrs. Prescott and Evans, a large proportion of the trees subject to the T.P.O. proposals are not in fact visible from the road or from any public right of way. The land upon which they lie is derelict land where a house once stood and the majority of the trees in question are self-seeded alder and similar. Any attempt to place restrictive orders upon these trees will prevent unwarranted control of any future development plans which Mr. Prescott may have for his farm programme. The Council should be aware that commercial forestry is conducted at Old Hall Farm. Trees that are not sold are used on the farm as timber for fencing and construction. A T.P.O. under these circumstances will serve to prevent the natural treatment of the timber as a crop.

2.2 The C.L.A. were surprised that no attempt had been made to discuss with Mr. Prescott the terms of the Order before it was made because there are trees on the farm that Mr. Prescott would be prepared to accept as a subject of a T.P.O. Both the CLA and Mr. Prescott feel that the Order has been drawn up with a complete lack of understanding of the farming

Tree Preservation Order

Tree Preservation Order

(in full)

in full

in full

in full
in full
X
enterprise, the wishes of the farmer, or, indeed Mr. Prescott's own extremely responsible attitude to the conservation of the landscape. The CLA while readily accepting the need in particular circumstances for a T.P.O. is most disheartened when it hears from its members of Orders imposed under these circumstances. A notification rushed through as this one was without any regard for the farmer, his circumstances or his attitude, will do nothing to encourage a responsible attitude to the countryside.

in full
in full
2.3 The CLA suggests that the Council should agree with the landowners concerned, the provisions of a T.P.O. schedule, and put forward a scheme for positive management of trees on the farms concerned, which would involve a 5-10 year programme for planting and maintenance, and the programme be drawn up with the full support and guidance of the Forestry Commission Officer, in consultation with the Council's Arboricultural Officer and the landowners. The CLA urges this Committee to bear in mind that T.P.O.'s on their own are negative and unhelpful, in that they fail to recognise that trees are a crop and they fail to bring any kind of management for the landscape into being.

3. Mr. Sewart objects for the following reasons:-

3.1 He maintains that he has a first rate record for maintaining and enhancing the local countryside, and for over 30 years he has been constantly repairing the roadways, cleaning the local landscapes and rendering safe, areas subjected to various natural disasters and sheer wanton vandalism. Tens of thousands of visitors are attracted to the Roman Lakes yearly and they have received hundreds of oral and written compliments about their work. The Roman Lakes Company is not only a commercial enterprise - they offer also a valuable and caring asset to the community, in the way of free picnic areas, free car parking and free toilet facilities to all visitors. An invaluable service to the Educational Authorities is offered free to schools and colleges for educational visits, and they supervise and cater free for the physically and mentally handicapped organisations. Over four thousand free yearly Fishing Permits are given to Senior Citizens.

3.2 Mr. Sewart maintains that he not only preserves the area but has planted over seventeen hundred trees over the past ten years, and bedded approximately five tons of daffodils as part of his normal daily efforts.

3.3 He feels that it should be pointed out that certain trees the Council wish to preserve may be future hazards as they are actually in the Roman Bridge Waterways and could damage the banks. The area is part of the old disused water mill of Samuel Oldknow, and the ground requires constant attention in the interests of public safety, therefore it is of paramount importance that this work is not hindered by any statutory order.

3.4 Mr. Sewart would like members to visit his premises to show at first hand that they are landowners who are well known to manage their estates acceptably and in accordance with all that the Department of the Environment requires.

4. Mr. Prescott objects for the following reasons:-

4.1 Mr. Prescott states that the area concerned is the site of the old demolished Mellor Lodge and is one of the few reasonably flat and accessible pieces of land close to his farm which is suitable for calf rearing building without depriving him of much needed land for lambing -

something which the compensation he could claim could not replace.

- 4.2 The use of certain trees for fencing and other construction would be prevented for the first time in hundreds of years thus depriving him of a normal and proper use of the farm assets.

X A high proportion of the trees are not visible to the public from roads or footpaths and ninety per cent of the trees are self seeding saplings of poor species. He can show many examples of his concern for the appearance of the area to the public which involves him in regular expense and work neither of which are ever subscribed to by the Council or local societies which often profess concern for the district.

- 4.3 Mr. Prescott would not wish to remove the vast majority of the trees on the site in any development of the future, and would not object to many of them being preserved, but he feels that the Order has been hastily prepared and indiscriminate in its application, and feels that the Council should have discussed the matter with the landowners to reach an amicable arrangement which would not destroy the co-operation and goodwill of the people who do the practical work of keeping the countryside attractive. He feels that if the landowners had been the kind of irresponsible people from whom the countryside needs to be protected, which the Council's action suggests, the trees concerned would have been felled long ago and certainly in the period before the Order was given a temporary approval.

5. The Director of Recreation and Culture has caused the site to be inspected and has considered the objections raised. He has the following comments:-

5.1 All trees subject to the proposed Order are quite visible from either Lakes Road; public footpath No.78, or the two bridleways which all pass through the area, and as such provide considerable visual amenity in the surrounding locality. Whether the trees are self-sown seedlings or planted is irrelevant, as they contribute to the general appearance of the environment.

5.2 On an area classification as identified in the Order (and normally used where large areas are concerned) the individual appearance or condition of a particular tree is less important as it is the overall visual effects which predominates the scene.

in full X
Mr. Prescott's concern for the environment is evident from the high standard of farm management. However, when surveying on an adjacent plot of land and considering the need for a T.P.O. to support the existing orders and change of land use, it would have been inappropriate for the Council not to have considered the immediate area as a whole. Areas A2, A3 and A4 were, therefore, the logical extension of A1 all of which support the existing orders in the area.

in full X
5.3 The Order was prepared in the normal way - site inspection, preparation of plans and schedules and served on the owners. It was difficult to trace the owners, and it was for this reason that landowners were not contacted at the time of the site inspection, which is the normal procedure when surveying T.P.O's.

5.4 The proposed order would not necessarily restrict future development on the site of the Old Hall. Any application would be considered by the Council in the normal manner and consideration would be given at that time to the desirability of preserving trees on the site whether or not an Order was already in force.

- 5.5 With regard to the comments on commercial forestry, the Director of Recreation and Culture is unaware of any such activities. However, if this operation converts more than 825 cu.ft. in any quarter, it could well be subject to a felling licence under the control of the Forestry Commission. If less than this amount, he feels that it would not affect the proposed order to any great extent.
- 5.6 The Director of Recreation and Culture accepts the comments concerning the negative side of tree preservation orders and their inability to ensure adequate future management. It would benefit everyone to agree a management plan for the areas of woodland concerned but he doubts that the Forestry Commission would have any great interest in such a small area of land, unless felling licences were in force.
- 5.7 Regarding hazards which may well occur, there is sufficient scope within the terms of the order for dealing with emergency situations or normal applications for general maintenance.

RECOMMENDATIONS

That the Sub Committee confirms the Order or amends it as it thinks fit.

THE COUNCIL OF THE METROPOLITAN BOROUGH OF STOCKPORT

TOWN AND COUNTRY PLANNING ACTS 1971 - 4

LOCAL GOVERNMENT PLANNING AND LAND ACT 1980

THE METROPOLITAN BOROUGH OF STOCKPORT TREE PRESERVATION

(THE LAKES ROAD, MARPLE BRIDGE) ORDER 1983

The Council of the Metropolitan Borough of Stockport in this Order called "the Authority", in pursuance of the powers conferred in that behalf by sections 60 and 61 of the Town and Country Planning Act 1971 (as amended by section 10(1) of the Town and Country Amenities Act 1974 and sections 90 and 194 of the Local Government Planning and Land Act 1980), and subject to the provisions of the Forestry Act 1967, hereby makes the following Order

1. In this Order "the Act" means the Town and Country Planning Act 1971;

"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; 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; and "the Secretary of State" means the Secretary of State for the Environment.

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, uproot, wilfully damage, or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purpose of 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.

Provided that where the application relates to any woodland specified in the First Schedule to this Order the Authority shall grant consent so far

as accords 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, and shall not impose conditions on such consent requiring replacement or replanting.

(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 compensation awarded in consequence of such decision and any directions as to replanting of woodlands; 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 the trees for which they are so refusing or granting consent that they are satisfied:

a. that the refusal or condition is in the interests of good forestry; or

b. in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

6. (1) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless -

a. such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or

b. the Authority with the approval of the Secretary of State dispense with replanting,

the Authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provision of this Order and section 175 of the Act, replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to -

a. species;

b. number of trees per acre (or hectare);

c. the erection and maintenance of fencing necessary for protection of the replanting;

NOTE: If it is desired to fell any of the trees included in this Order whether included as trees, groups of trees or woodlands, and the trees are trees for the felling of which a licence is required under the Forestry Act 1967, application should be made not to the Authority for consent under this Order but to the Conservator of Forests for a licence under that Act (section 15(5)).

- d. the preparation of ground, draining, removal of brushwood, lop and top; and
 - e. protective measures against fire.
7. On imposing any condition requiring the replacement of a tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by a water authority since 31st March, 1974, by any other authority (whose functions are now exercised by a water authority) who at any time prior to 1st April, 1974 exercised the functions in respect of which the byelaw was made, by a drainage board, or by the Greater London Council in the exercise of any of its functions in relation to the maintenance, improvement or construction of watercourses or of drainage works restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any such condition or direction has effect subject to the requirements of the water authority, the drainage board, or the Greater London Council under those byelaws and the conditions or direction shall have effect accordingly.
 8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purpose of this Order, shall apply in relation thereto.
 9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) 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 in this Order, be entitled to recover from the Authority compensation in respect of such loss or damage:

Provided that no compensation shall be payable in respect of loss or damage suffered 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.
 10. In assessing compensation payable under the last preceding Article account shall be taken of :
 - a. any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under section 60 of the Act 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 the subject of the claim.
 - 11.(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 principal office of the Authority addressed to the Director of Administration 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 Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the Authority, from the date of the decision of the Secretary of State on the appeal.

12. Any question of disputed compensation shall be determined in accordance the provisions of section 179 of the Act.

13. The provisions of section 61 of the Act shall apply to this Order and the Order shall take effect on the 25th February, 1983.

NOTE:- Any person contravening the provisions of this Order by cutting down uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £1000 or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding £200 on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree other than one to which an Order applies as part of a woodland is removed, uprooted or destroyed in contravention of an Order or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by section 60(6) of the Town and Country Planning Act 1971 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days previous notice of the removal, etc., should be given to the authority to enable the latter to decide whether or not to dispense with the requirement.

METROPOLITAN BOROUGH OF STOCKPORT

THE LAKES ROAD TREE PRESERVATION ORDER
1983

FIRST SCHEDULE

Trees Specified Individually

None

Trees Specified by Reference to an Area

<u>No on Map</u>	<u>Situation</u>	<u>Description</u>
A1	Enclosed within the convex meander of the River Goyt (as detailed on the attached plan).	The several trees of whatever species standing within the area marked A1 on the map.
A2	Enclosed within the concave meander of the River Goyt, on the east riverbank abutting the bridge.	The several trees of whatever species standing within the area marked A2 on the map.
A3	Immediately adjacent to, and due east of A2.	The several trees of whatever species standing within the area marked A3 on the map.
A4	Enclosed within the concave meander of the River Goyt and on the north east riverbank, abutting the bridge.	The several trees of whatever species, standing within the area marked A4 on the map.

(For specific locations of the protected specimens, refer directly to the attached plan).

Groups of Trees

None

Woodlands

None

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

- (1) the cutting down of any tree on land which is subject to a forestry dedication covenant where
 - a. any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
 - b. the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.
- (2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme or other grant scheme under section 4 of the Forestry Act 1967 except a scheme which applies to a forestry dedication covenant;
- (3) the cutting down, uprooting, topping or lopping of a tree
 - a. in pursuance of the power conferred on the Post Office by virtue of section 5 of the Telegraph (Construction) Act 1908 and section 21 of the Post Office Act 1969, or by or at the request of the Post Office where the land on which the tree is situated is operational land as defined by the Post Office Operational Land Regulations* 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;
 - b. by or at the request of
 - (i) 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;
 - (ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity(Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line;
 - (iii) a water authority established under the Water Act 1973, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, or the Greater London Council, where the tree interferes or would interfere with the exercise of any of the functions of such water authority, drainage board, or Council in relation to the maintenance, improvement or construction of water courses or of drainage works; or
 - (iv) the Secretary of State for Defence, the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such

Secretary of State or Authority the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;

- c. where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;
- d. which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1971 as adapted and modified to apply to this Order.

- 33 (1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the Authority on the granting of such consent, shall (except in so far as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.
- 35 (1) The Secretary of State may give directions to the Authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the Authority.
- 35 (2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.
- 35 (3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.
- 35 (4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the Authority.
- 35 (5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the Authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- 35 (6) The decision of the Secretary of State on any application referred to him under this section shall be final.
- 36 (1) Where an 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, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Secretary of State.

- 36 (2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.
- 36 (3) Where an appeal is brought under this section from a decision, certificate or direction of the Authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the Authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.
- 36 (4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant or the Authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- 36 (6) The decision of the Secretary of State on any appeal under this section shall be final.

37 Where an application for consent under the Order is made to the Authority, then unless within two months from the date of receipt of the application, 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 Secretary of State in accordance with directions given under Section 35 above,

the provisions of Section 36 of the Act shall apply in relation to the application as if the consent to which it relates has been refused by the Authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

- 45 (1) If it appears to the Authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the Authority may by Order revoke or modify the consent to such extent as they consider expedient.
- 45 (2) Subject to the provisions of sections 46 and 61 of the Act, an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.
- 45 (3) Where an Authority submit an Order to the Secretary of State for his confirmation under this section, the Authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected and on any other person who in their opinion will be

affected by the Order; and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person and to the Authority an opportunity of appearing before, and before heard by, a person appointed by the Secretary of State for the purpose.

- 45 (4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which the consent has been given have been completed:

Provided that the revocation or modification of consent shall not affect so much of those operations as have been previously carried out.

- 45 (5) Where a notice has been served in accordance with the provisions of sub-section (3) 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 Secretary of State under sub-section (2) of this section.

- 46 (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him and the owner and the occupier of the land and all persons who in the Authority's opinion will be affected by such Order have notified the Authority in writing that they do not object to such Order.

- 46 (2) The Authority shall advertise the fact that such Order has been made and the advertisement shall specify

(a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and

(b) the period (not less than fourteen days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

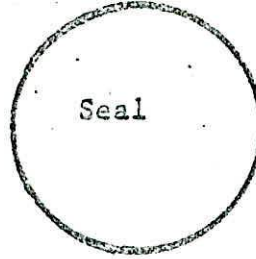
- 46 (3) The Authority shall also serve notice to the same effect on the persons mentioned in sub-section (1) above.

- 46 (4) The Authority shall send a copy of any advertisement published under sub-section (2) above to the Secretary of State, not more than three days after the publication.

- 46 (5) If within the period referred to in sub-section (2)(a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid, and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall, at the expiration of the period referred to in sub-section (2)(b) of this section, take effect by virtue of this section and without being confirmed by the Secretary of State as required by section 45 of the Act.

*46 (6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part IV or Part V of the Act.

The COMMON SEAL of the COUNCIL of)
the METROPOLITAN BOROUGH OF)
STOCKPORT was hereunto affixed)
this 25th day of February, 1983)
in the presence of:-)



Mayor

Director of Administration.