

**TOWN AND COUNTRY PLANNING ACT 1990**  
**THE LAKE DISTRICT NATIONAL PARK AUTHORITY (CALGARTH, WINDERMERE)**  
**TREE PRESERVATION (NO. 12A) ORDER 2001**

THE LAKE DISTRICT NATIONAL PARK AUTHORITY, in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order:-

**Citation**

1 This Order may be cited as The Lake District National Park Authority (Calgarth, Windermere) Tree Preservation (No. 12A) Order 2001.

**Interpretation**

2 In this Order "the Authority" means the Lake District National Park Authority and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

**Application of section 201**

3 The Authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 22 November 2001.

**Prohibited acts in relation to trees**

4 Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders), and subject to article 5, no person shall –

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage

or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the Authority and, where such consent is given subject to conditions, in accordance with those conditions.

### Exemptions

- 5 (1) Nothing in article 4 shall prevent –
- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary –
    - (i) in the interests of the safe operation of the undertaking;
    - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker;  
or
    - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
  - (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
  - (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
  - (d) the cutting down, topping, lopping or uprooting of a tree where that work is

required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a) (iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);

- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

- (2) In paragraph (1), "statutory undertaker" means any of the following –

a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,

a relevant airport operator (within the meaning of Part V of the Airports Act 1986),

the holder of a licence under section 6 of the Electricity Act 1989,  
a public gas transporter,  
the holder of a licence under section 7 of the Telecommunications Act 1984  
to whom the telecommunications code (within the meaning of that Act) is  
applied,  
a water or sewerage undertaker,  
the Civil Aviation Authority or a body acting on behalf of that Authority,  
the Post Office.

#### **Applications for consent under the Order**

6 An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the Authority and shall –

- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b) specify the work for which consent is sought; and
- (c) contain a statement of the applicant's reasons for making the application.

#### **Application of provisions of the Town and Country Planning Act 1990**

7 (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

### **Directions as to replanting**

8 (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the Authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to –

- (a) species;
- (b) number of trees per hectare;
- (c) the preparation of the relevant land prior to the replanting; and
- (d) the erection of fencing necessary for the protection of the newly planted trees.

### **Compensation**

9 (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of –

- (a) the refusal of any consent required under this Order; or
- (b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the Authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article –

- (a) if more than 12 months have elapsed since the date of the Authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal;  
or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the Authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person –

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or

(d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the Authority.

(6) In this article –

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

“owner” has the meaning given to it by section 34 of the Forestry Act 1967.

GIVEN UNDER THE COMMON SEAL of  
THE LAKE DISTRICT NATIONAL  
PARK AUTHORITY this  
22<sup>nd</sup> day of November  
Two thousand and  
One

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AUTHORISED SIGNATORY

SCHEDULE 1

Article 4

SPECIFICATION OF TREES

**Trees specified individually**  
(encircled in black on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Birch	T1-T7 located at the entrance to White Cross Bay Caravan Park – Grid Ref: OS NY 395 005
T2	Larch	
T3	Ash	
T4	Ash	
T5	Hawthorn	
T6	Hawthorn	
T7	Yew	
T8	Beech	T8-T12 located on the main access drive – Grid Ref: OS NY 394 004
T9	Beech	
T10	Beech	
T11	Poplar	
T12	Oak	
T13	Spruce	T13-T30 located around the Ambleside/Bowness Lodges – Grid Ref: OS NY 394 004
T14	Ash	
T15	Birch	

LAKE DISTRICT NATIONAL PARK AUTHORITY (CALGARTH, WINDERMERE) TREE  
PRESERVATION (NO. 12A) ORDER 2001

CONFIRMED SUBJECT TO THE MODIFICATIONS SET OUT BELOW

PAGE 1

Amend all references to the title of the Order to:  
THE LAKE DISTRICT NATIONAL PARK AUTHORITY (WHITE CROSS BAY,  
WINDERMERE) TREE PRESERVATION (NO. 12A) ORDER 2001

SCHEDULE I PAGE 8

<u>Reference on Map</u>	<u>Description</u>
T13	Delete reference to Spruce and add Beech

SCHEDULE I PAGE 9 TO PAGE 12

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
T17	Hawthorn	Amended location on plan
T18	Hawthorn	Amended location on plan
T20	Delete reference to Fir and add Spruce	
T28	Delete reference to Birch and add Cypress	
T35	Sycamore	Amended location on plan
T42	Larch	Amended location on plan
T67	Oak	Amended location on plan
T100	Cypress	Amended location on plan

SCHEDULE I PAGE 13

ADD IN PAGE 13A, 13B – SCHEDULE OF TREES T108 – T133

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
G1	Amend description to: Group consisting of 1 spruce, 1 pine, 4 beech, 1 oak and 2 sycamore	Amended area of G1 on plan
G2	Amend description to: Group consisting of 3 spruce, 1 sycamore and 1 cotoneaster	
G3	Amend description to: Group consisting of 14 spruce and 2 ash	

-7B-

**SCHEDULE I PAGE 14**

<b><u>Reference on Map</u></b>	<b><u>Description</u></b>	<b><u>Situation</u></b>
G7	Amend description to: Group consisting of 10 ash, 2 thorn, 1 oak, 2 prunus, 2 willow and 7 cypress	Amended area of G7 on plan
G9	Amend description to: Group consisting of 4 pine, 1 holly, 1 birch, 2 cypress, 2 alder, 3 juniper and 1 cotoneaster	
G11	<b>Delete</b>	
G11A	Add new group - description: <b>Group consisting of 2 cryptomeria</b>	Located near to the Car Park – Centred on Grid Ref: OS NY 395 004
G16	Amend description to: Group consisting of 6 ash, 1 yew, 1 sycamore, 1 beech, 2 birch, 2 willow and 1 cypress	Amended area of G16 on plan

**SCHEDULE I PAGE 16**

<b><u>Reference on Map</u></b>	<b><u>Description</u></b>	<b><u>Situation</u></b>
G33	No change	Amended area of G33 on plan
G34	Amend description to: Group consisting of 1 sycamore, 2 birch and 1 beech	Amended area of G34 on plan
G35	Amend description to: Group consisting of 7 oak, 2 willow, 3 birch, 1 ash, 1 alder 3 sycamore and 2 hazel	
G36-G42	No change	Amended locations of G36-G42 on plan

**SCHEDULE I PAGE 17**

<b><u>Reference on Map</u></b>	<b><u>Description</u></b>	
G43	Amend description to: Group consisting of 3 sweet chestnut	

**SCHEDULE I PAGE 18**

<b><u>Reference on Map</u></b>	<b><u>Description</u></b>	<b><u>Situation</u></b>
G60	Amend description to: Group consisting of 19 sycamore, 12 beech, 7 oak, 7 larch and 19 ash	Amended area of G60 on plan

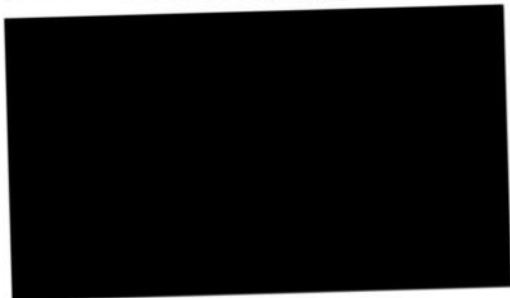
SCHEDULE I PAGE 19  
ADD G62 TO SCHEDULE

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
G62	Group consisting of 1 yew and 2 ash	Located next to the reception building Grid Ref: OS NY 396 005

SCHEDULE I PAGE 19

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
W1	No change	Boundary of W 1 amended on plan to follow access road

GIVEN UNDER THE COMMON SEAL of  
THE LAKE DISTRICT NATIONAL  
PARK AUTHORITY this 17<sup>th</sup> day of  
May Two thousand and Two



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AUTHORISED SIGNATORY

T16	Ash	
T17	Hawthorn	
T18	Hawthorn	
T19	Crab Apple	
T20	Fir	
T21	Oak	
T22	Cypress	
T23	Cypress	
T24	Spruce	
T25	Birch	
T26	Birch	
T27	Birch	
T28	Birch	
T29	Birch	
T30	Rowan	
T31	Ash	T31-T33 located near to the edge of Lake Windermere – Grid Ref: OS NY 393 003
T32	Ash	
T33	Birch	
T34	Sycamore	T34-T35 located near to the Hillside Caravans – Grid Ref: OS NY 394 004
T35	Sycamore	
T36	Oak	T36-T58 located around the Deer Park Caravans – Grid Ref: OS NY 394 004 – 397 003

T37	Pine
T38	Oak
T39	Oak
T40	Oak
T41	Oak
T42	Larch
T43	Birch
T44	Birch
T45	Birch
T46	Birch
T47	Birch
T48	Ash
T49	Cypress
T50	Birch
T51	Norway maple
T52	Oak
T53	Fir
T54	Oak
T55	Oak
T56	Oak
T57	Oak
T58	Larch
T59	Oak

Located around the  
Skiptoryhowe Lodges –  
Grid Ref: OS NY 397 003

T60	Ash	T60-T65 located near the Tennis Courts and Childrens Play Area – Grid Ref: OS NY 396 003 – 395 004
T61	Ash	
T62	Cherry	
T63	Hawthorn	
T64	Cherry	
T65	Cherry	
T66	Oak	T66-T70 located near the Car Park – Grid Ref: OS NY 395 004
T67	Oak	
T68	Ash	
T69	Ash	
T70	Oak	
T71	Oak	T71-T90 located around the Skiptoryhowe Lodges – Grid Ref: OS NY 398 003
T72	Birch	
T73	Sycamore	
T74	Oak	
T75	Birch	
T76	Beech	
T77	Beech	
T78	Spruce	
T79	Birch	
T80	Birch	

T81	Beech
T82	Oak
T83	Oak
T84	Oak
T85	Willow
T86	Beech
T87	Beech
T88	Pine
T89	Beech
T90	Willow
T91	Birch
T92	Birch
T93	Birch
T94	Ash
T95	Cedar
T96	Pine
T97	Cedar
T98	Cypress
T99	Cypress
T100	Cypress
T101	Cherry
T102	Birch
T103	Cypress

T91-T102 located around the  
Calgarth Park Caravans – Grid  
Ref: OS NY 397 003

T103-T107 located around the

Pony Meadow Residential  
Caravans – Grid Ref: OS  
NY 394 003

T104	Birch
T105	Birch
T106	Birch
T107	Pine

**Trees specified by reference to an area**  
(within a dotted black line on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
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None

**Groups of trees**  
(within a broken black line on the map)

<u>Reference on Map</u>	<u>Description</u> (including no of trees in the group)	<u>Situation</u>
G1	Group consisting of 1 Fir, 2 Pine and 1 Sycamore	Located at the entrance to White Cross Bay Park – Centred on Grid Ref: OS NY 396 005
G2	Group consisting of 3 Spruce and 1 Yew	Located in front of the Reception Building – Centred on Grid Ref: OS NY 396 005
G3	Group consisting of 14 Spruce	Located next to the Reception Building – Centred on Grid Ref: OS NY 396 005
G4	Group consisting of 5 Ash, 1 Larch, 5 Thorn, 2 Spruce, 1 Alder and 1 Willow	Located along the access drive – Centred on Grid Ref: OS NY 395 005

G5	Group consisting of 1 Oak, 3 Ash, 1 Lime, 1 Rowan and 1 Birch	Located close to the Visitors Car Park – Centred on Grid Ref: OS NY 396 005
G6	Group consisting of 2 Holly, 4 Ash and 1 Yew	Located close to the Visitors Car Park – Centred on Grid Ref: OS NY 396 004
G7	Group consisting of 10 Ash, 2 Thorn, 1 Oak, 2 Prunus and 2 Willow	Located close to the Visitors Car Park – Centred on Grid Ref: OS NY 396 004
G8	Group consisting of 3 Cypress	Located close to the Visitors Car Park – Centred on Grid Ref: OS NY 395 004
G9	Group consisting of 4 Pine, 1 Holly, 2 Birch, 3 Cypress, and 2 Alder	Located close to the Visitors Car Park – Centred on Grid Ref: OS NY 395 004
G10	Group consisting of 4 Ash and 2 Willow	Located near to the Deer Park Caravans – Centred on Grid Ref: OS NY 395 004
G11	Group consisting of 9 Ash, 2 Thorn, 5 Sycamore and 1 Oak	Located along the main access drive – Centred on Grid Ref: OS NY 395 004
G12	Group consisting of 1 Birch and 1 Cherry	Located near to the Deer Park Caravans – Centred on Grid Ref: OS NY 395 003
G13	Group consisting of 5 Birch (multi-stemmed) and 1 Ash	Located near to the Deer Park Caravans – Centred on Grid Ref: OS NY 395 004
G14	Group consisting of 1 Birch, 1 Ash, 2 Sycamore and 1 Willow	Located near to the Deer Park Caravans – Centred on Grid Ref: OS NY 395 003
G15	Group consisting of 2 Pine, 1 Sycamore (coppiced) and 2 Laburnum	Located near to the Deer Park Caravans – Centred on Grid Ref: OS NY 394 004
G16	Group consisting of 6 Ash, 1 Yew, 1 Sycamore, 1 Beech, 2 Birch, 1 Willow and 1 Horse chestnut	Located near to the Touring Caravans – Centred on Grid Ref: OS NY 396 004

-13A-

<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
T108	Ash	T108-T110 Located near to the Boat Park - Grid Ref: OS NY 393 003
T109	Spruce	
T110	Pine	
T111	Cypress	T111 - Located adjacent to the Ambleside/Bowness lodges - Grid Ref: OS NY 393 005
T112	Sycamore	T112 - Located next to the main access drive - Grid Ref: OS NY 395 004
T113	Birch	T113 - Located near to the Deer Park Caravans - Grid Ref: OS NY 394 004
T114	Hawthorn	T114-T116 - Located next to the main access drive- Grid Ref: OS NY 395 004
T115	Ash	
T116	Oak	
T117	Cypress	T117-T120 - Located near to the car park - Grid Ref: OS NY 396 004
T118	Spruce	
T119	Cypress	
T120	Cypress	
T121	Ash	T121-T122 - Located next to the reception building - Grid Ref: OS NY 396 005
T122	Ash	
T123	Ash	T123-T124 - Located near to the reception building - Grid Ref: OS NY 396 004
T124	Rowan	
T125	Horse Chestnut	T125 - Located near the Touring Caravans - Grid Ref: OS NY 397 004
T126	Cotoneaster	T126 - Located near to the Deer Park Caravans - Grid Ref: OS NY 395 003
T127	Cypress	T127-T128 - Located next to the Hillside Caravans - Grid Ref: OS NY 394 004
T128	Cypress	
T129	Spruce	T129 - Located next to the Ambleside/Bowness Lodges - Grid Ref: OS NY 394 004

-13B-

<u>Reference on map</u>	<u>Description</u>	<u>Situation</u>
T130	Cypress	T130 - Located next to the Ambleside/Bowness Lodges - Grid Ref: OS NY 393 005
T131	Birch	T131 - T133 - Located next to the Ambleside/Bowness Lodges - Grid Ref: OS NY 393 004
T132	Cypress	
T133	Cypress	

No P 14

G17	Group consisting of 12 Ash, 3 Sycamore, 2 Willow, 1 Alder, 3 Cherry and 1 Hawthorn	Located near to the Touring Caravans – Centred on Grid Ref: OS NY 396 004
G18	Group consisting of 5 Ash, 2 Cherry, 3 Willow, 1 Thorn and 1 Oak	Located near to the Touring Caravans – Centred on Grid Ref: OS NY 396 004
G19	Group consisting of 9 Cherry, 2 Willow, 3 Laburnum, 3 Ash, 1 Birch, 2 Prunus and 1 Rowan	Located near to the Tennis Courts – Centred on Grid Ref: OS NY 396 004
G20	Group consisting of 7 Willow, 1 Birch and 1 Yew	Located near to the Tennis Courts – Centred on Grid Ref: OS NY 396 003
G21	Group consisting of 3 Ash, 5 Willow, 2 Sycamore, 5 Cherry, 2 Oak and 2 Birch	Located near to the Deer Park Caravans – Centred on Grid Ref: OS NY 396 003
G22	Group consisting of 3 Cypress	Located near to the Deer Park Caravans – Centred on Grid Ref: OS NY 395 003
G23	Group consisting of 5 Cypress	Located near to the Deer Park Caravans – Centred on Grid Ref: OS NY 395 003
G24	Group consisting of 8 Fir, 5 Ash, 1 Willow, 2 Spruce, 2 Sycamore, 1 Thorn and 1 Birch	Located near to the Deer Park Caravans – Centred on Grid Ref: OS NY 396 003
G25	Group consisting of 2 Birch, 1 Ash, 1 Willow and 1 Thorn	Located near to the Tennis Courts - Centred on Grid Ref: OS NY 396 003
G26	Group consisting of 4 Ash and 1 Thorn	Located near to the Touring Caravans – Centred on Grid Ref: OS NY 396 003
G27	Group consisting of 3 Birch, 1 Beech, 3 Ash and 1 Thorn	Located near to the Touring Caravans – Centred on Grid Ref: OS NY 397 003
G28	Group consisting of 5 Birch,	Located near to Skiptoryhowe

	5 Willow, 5 Hazel, 2 Cherry, 3 Beech, 1 Ash, 2 Oak and 3 Sycamore	Wood – Centred on Grid Ref: OS NY 397 004
G29	Group consisting of 4 Birch	Located along the main access drive – Centred on Grid Ref: OS NY 395 004
G30	Group consisting of 11 Poplar, 8 Pine, 1 Sycamore, 2 Ash, 3 Thorn, 5 Oak, 1 Birch and 1 Hazel	Located along the Northern edge of White Cross Bay Park – Centred on Grid Ref: OS NY 394 005
G31	Group consisting of 3 Ash, 7 Thorn, 3 Willow, 4 Birch, 6 Oak and 1 Spruce	Located near to the Hillside Caravans – Centred on Grid Ref: OS NY 394 004
G32	Group consisting of 1 Cypress, 1 Thorn, 1 Ash, 1 Sycamore and 1 Willow	Located near to the Ambleside/ Bowness Lodges – Centred on Grid Ref: OS NY 393 005
G33	Group consisting of 4 Sycamore, 1 Beech, 1 Alder and 1 Pine	Located near to the Ski School - Centred on Grid Ref: OS NY 394 003
G34	Group consisting of 1 Pine, 1 Birch, 1 Sycamore, 1 Beech, 1 Spruce, 1 Willow, 1 Alder and 1 Ash	Located near to the Boat Park - Centred on Grid Ref: OS NY 393 003
G35	Group consisting of 8 Oak, 2 Willow, 3 Birch, 1 Ash, 1 Alder, 3 Sycamore and 2 Hazel	Located close to the edge of Lake Windermere – Centred on Grid Ref: OS NY 393 003
G36	Group consisting of 1 Ash, 1 Hazel and 1 Thorn	Located close to the edge of Lake Windermere – Centred on Grid Ref: OS NY 393 003
G37	Group consisting of 1 Willow and 1 Birch	Located close to the edge of Lake Windermere – Centred on Grid Ref: OS NY 393 003
G38	Group consisting of 1 Alder, 9 Willow, 1 Cherry, 1 Cedar, 1 Sycamore, 1 Horse chestnut and 1 Ash	Located close to the edge of Lake Windermere – Centred on Grid Ref: OS NY 393 003

G39	Group consisting of 3 Birch	Located close to the edge of Lake Windermere – Centred on Grid Ref: OS NY 393 003
G40	Group consisting of 2 Willow	Located close to the edge of Lake Windermere – Centred on Grid Ref: OS NY 393 003
G41	Group consisting of 6 Alder, 11 Willow, 3 Sycamore, 2 Hazel, 6 Ash, 1 Poplar and 2 Thorn	Located close to the edge of Lake Windermere – Centred on Grid Ref: OS NY 393 004
G42	Group consisting of 7 Willow, 1 Poplar, 1 Alder and 2 Thorn	Located close to the edge of Lake Windermere – Centred on Grid Ref: OS NY 393 004
G43	Group consisting of 4 Sweet chestnuts	Located close to the Ambleside/Bowness Lodges – Centred on Grid Ref: OS NY 393 004
G44	Group consisting of 2 Beech, 1 Sycamore, 8 Birch, 1 Ash, 1 Willow and 1 Larch	Located near to the Skiptoryhowe Lodges – Centred on Grid Ref: OS NY 398 004
G45	Group consisting of 1 Ash, 2 Willow and 1 Prunus	Located near to the Skiptoryhowe Lodges – Centred on Grid Ref: OS NY 398 004
G46	Group consisting of 1 Beech, 3 Oak and 2 Sycamore	Located near to the Skiptoryhowe Lodges – Centred on Grid Ref: OS NY 398 004
G47	Group consisting of 1 Larch and 3 Birch	Located near to the Skiptoryhowe Lodges – Centred on Grid Ref: OS NY 398 003
G48	Group consisting of 3 Birch	Located near to the Skiptoryhowe Lodges – Centred on Grid Ref: OS NY 398 003
G49	Group consisting of 2	Located near to the

	Birch, 2 Sycamore and 1 Pine	Skiptoryhowe Lodges – Centred on Grid Ref: OS NY 398 003
G50	Group consisting of 7 Birch and 1 Willow	Located near to the Skiptoryhowe Lodges – Centred on Grid Ref: OS NY 398 003
G51	Group consisting of 1 Birch, 2 Beech and 1 Ash	Located near to the Calgarth Park Caravans – Centred on Grid Ref: OS NY 397 003
G52	Group consisting of 3 Birch and 1 Cherry	Located near to the Calgarth Park Caravans – Centred on Grid Ref: OS NY 397 003
G53	Group consisting of 2 Sycamore and 1 Birch	Located near to the Calgarth Park Caravans – Centred on Grid Ref: OS NY 397 002
G54	Group consisting of 1 Larch, 2 Spruce, 1 Cypress, 1 Birch and 2 Willow	Located near to the Calgarth Park Caravans – Centred on Grid Ref: OS NY 397 003
G55	Group consisting of 4 Cypress, 1 Sycamore, 4 Birch and 1 Pine	Located near to the Calgarth Park Caravans – Centred on Grid Ref: OS NY 397 003
G56	Group consisting of 1 Spruce, 6 Cypress and 1 Willow	Located near to the Calgarth Park Caravans – Centred on Grid Ref: OS NY 397 003
G57	Group consisting of 5 Sycamore, 6 Birch, 1 Hazel and 1 Cherry	Located near to the Calgarth Park Caravans – Centred on Grid Ref: OS NY 397 002
G58	Group consisting of 10 Sycamore, 1 Beech and 2 Pine	Located on the edge of Parkhill Wood – Centred on Grid Ref: OS NY 396 002
G59	Group consisting of 7 Sycamore and 1 Ash	Located on the edge of Parkhill Wood – Centred on Grid Ref: OS NY 396 002
G60	Group consisting of 14 Sycamore, 10 Beech, 8 Oak, 8 Larch and 5 Ash	Located on the edge of Parkhill Wood – Centred on Grid Ref: OS NY 395 002

G61	Group consisting of 2 Birch, 1 Pine and 1 Rowan	Located within the Pony Meadow Residential Caravans - Centred on Grid Ref: OS NY 394 002
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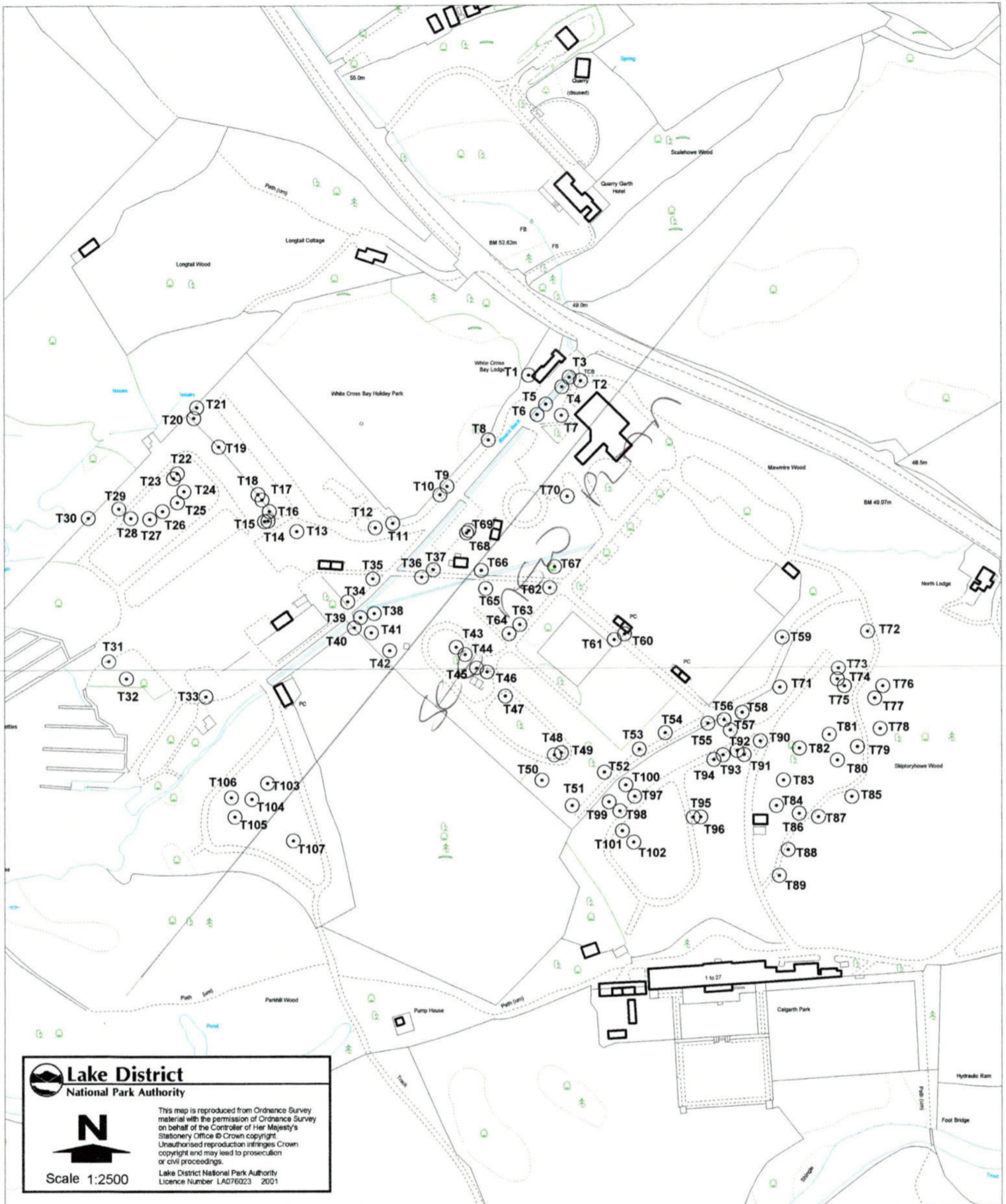
### Woodlands

(within a continuous black line on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation</u>
W1	Woodland consisting mainly of mixed conifers and deciduous trees including Sycamore, Ash, Beech, Hazel, Oak, Thorn, Elm, Birch, Cherry and Fir	Located in Mawmire Woods at White Cross Bay Park – Centred on Grid Ref: OS NY 397 005
W2	Woodland consisting mainly of Beech, Oak, Pine, Hazel, Sycamore, Larch, Birch, Ash, Cherry and Yew	Located in Skiptoryhowe Woods at White Cross Bay – Centred on Grid Ref: OS NY 399 003
W3	Mainly deciduous woodland consisting of Sycamore, Oak, Holly, Rowan, Beech, Hazel, Birch, Yew, Spruce and Larch	Located in Parkhill Wood, White Cross Bay Park – Centred on Grid Ref: OS NY 395 002
W4	Mainly deciduous trees including Oak, Beech, Birch, Alder, Willow, Ash and Sycamore	Located to South West of White Cross Bay Park – Centred on Grid Ref: OS NY 393 002

The Lake District National Park Authority (Calgarth, Windermere)  
 Tree Preservation (No:12A,) Order, 2001


MAP 1



Given under the Common seal of the  
 Lake District National Park Authority

This...22nd...day of...November...

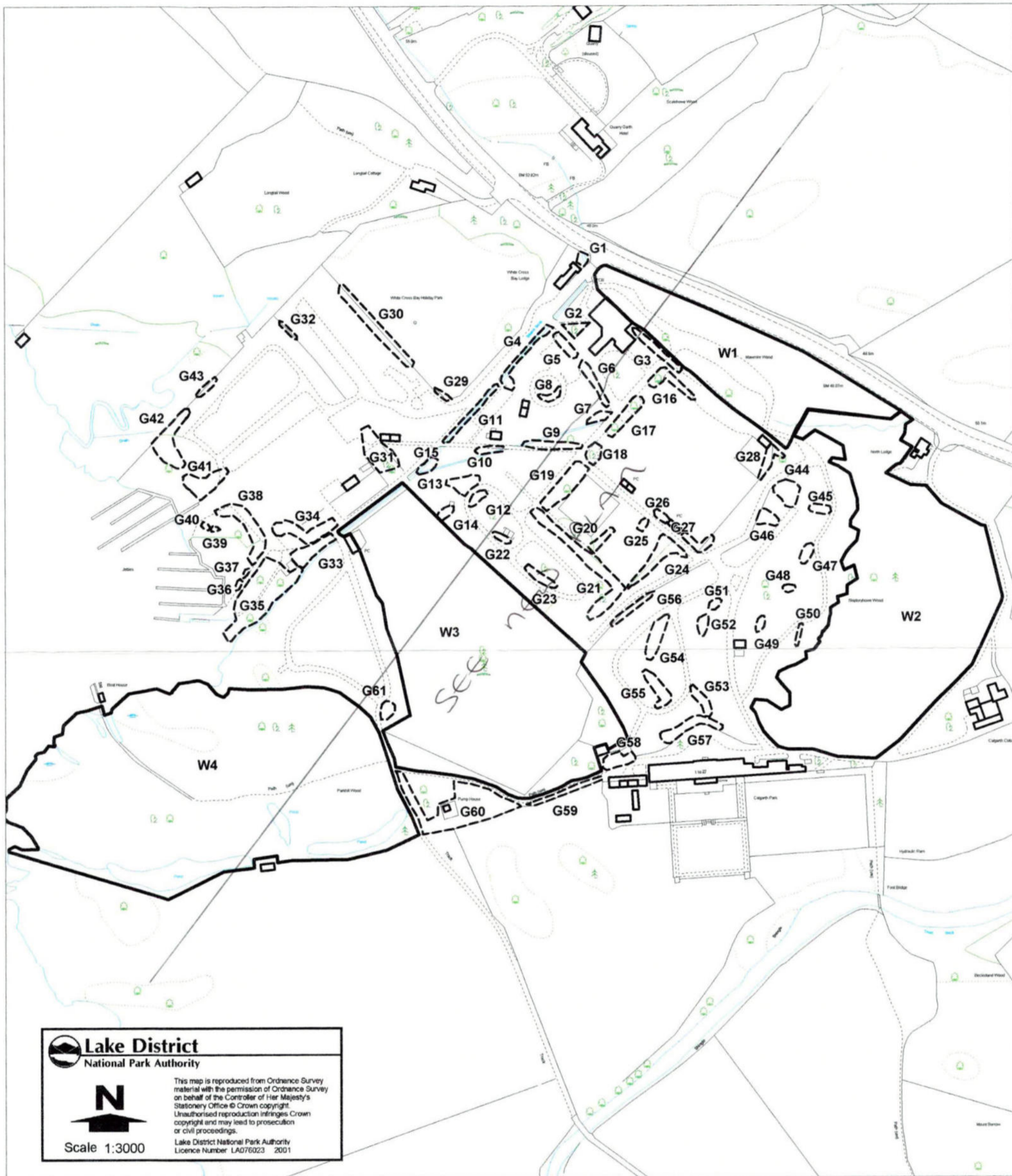
two thousand and ...One.....

.....Authorised Signatory



The Lake District National Park Authority (Calgarth, Windermere)  
 Tree Preservation (No:12A,) Order, 2001

MAP 2



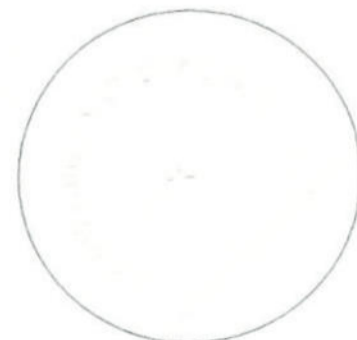
Given under the Common seal of the  
 Lake District National Park Authority

This...22nd...day of...November...

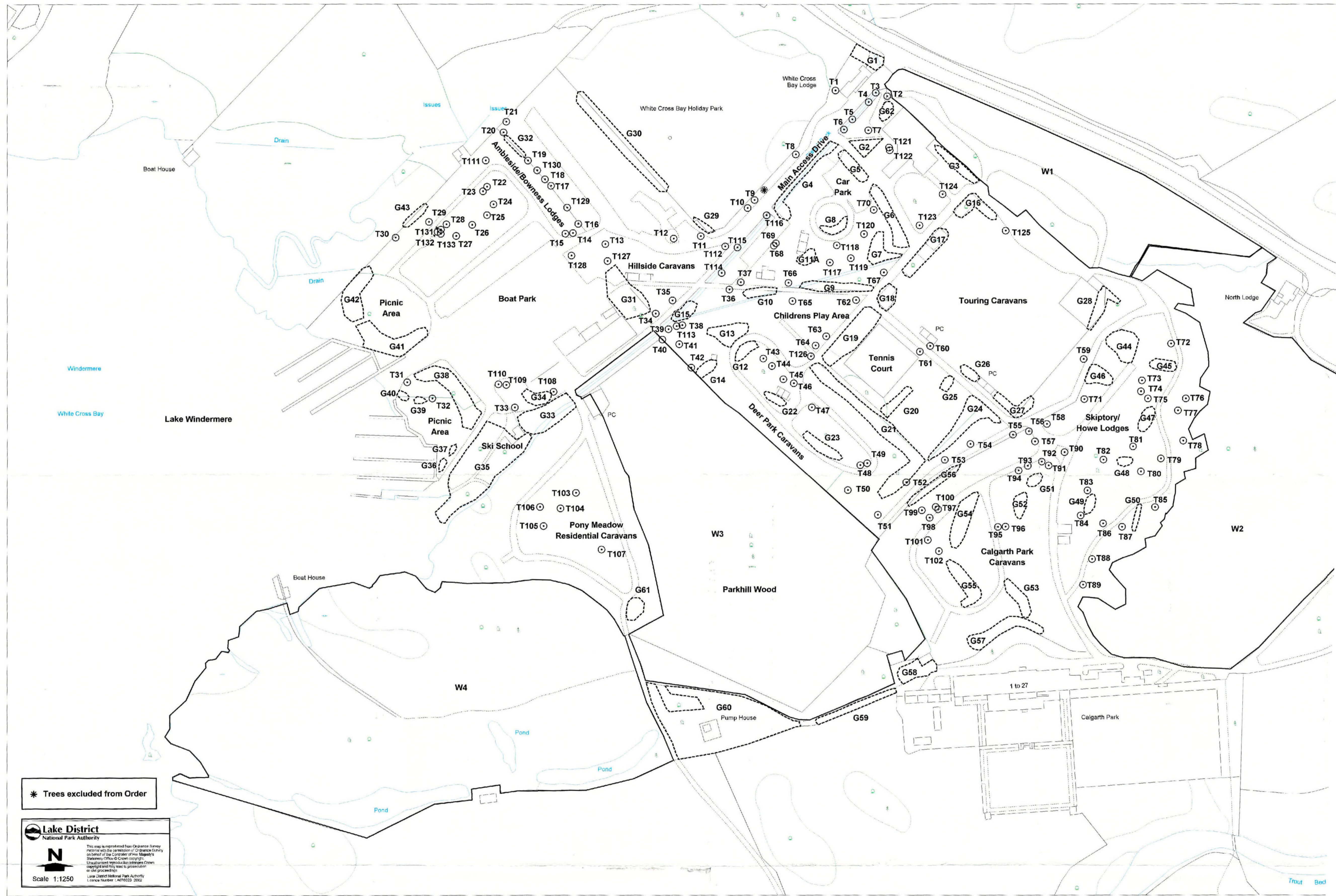
two thousand and ...One.....



.....Authorised Signatory



The Lake District National Park Authority (White Cross Bay, Windermere) Tree Preservation (No:12A,) Order, 2001, (Modified Order 2002)



\* Trees excluded from Order

**Lake District**  
National Park Authority

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Scale 1:1250  
Lake District National Park Authority  
Licence Number: LADP023 2002

Given under the Common seal of the Lake District National Park Authority

This... day of... two thousand and... Authorised Signatory

SCHEDULE 2

Article 7

PART I

Provisions of the Town and Country Planning Act 1990  
applied with adaptations or modifications

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1) –</p> <p>(i) omit –</p> <p>“, in such manner as may be prescribed by a development order,”,</p> <p>“such” in the second place where it appears, and</p> <p>“as may be so prescribed”; and</p> <p>(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2) –</p> <p>(i) after “contain” insert “, as regards each such order”; and</p> <p>(ii) for paragraphs (a) and (b) substitute –</p> <p>“(a) details of every application under the order and of the Authority’s decision (if any) in relation to each such application, and</p> <p>(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.”.</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
<p>Section 70 (determination of applications: general considerations)</p>	<p>(a) In subsection (1) –</p> <p>(i) substitute –</p> <p>“Subject to subsections (1A) and (1B), where” for “Where”;</p> <p>“the Authority” for “a local planning authority”;</p> <p>“consent under a tree preservation order” for “planning permission” where those words first appear; and</p> <p>“consent under the order” for “planning permission” in both of the other places where those words appear;</p> <p>(ii) after “think fit”, insert –</p> <p>“(including conditions limiting the duration of the consent or requiring the replacement of trees)”; and</p> <p>(iii) omit “subject to sections 91 and 92,”.</p> <p>(b) After subsection (1) insert –</p> <p>“(1A) Where an application relates to an area of woodland, the Authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the Authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).”.</p> <p>(c) Omit subsections (2) and (3).</p>

<p>Section 75 (effect of planning permission)</p>	<p>(a) In subsection (1) substitute –</p> <ul style="list-style-type: none"><li>(i) “Any” for the words from “Without” to “any”;</li><li>(ii) “consent under a tree preservation order” for “planning permission to develop land”;</li><li>(iii) “the consent” for “the permission”; and</li><li>(iv) “the land to which the order relates” for “the land”.</li></ul> <p>(b) Omit subsections (2) and (3).</p>
<p>Section 78 (right to appeal against planning decisions and failure to take such decisions)</p>	<p>(a) In subsection (1) substitute –</p> <ul style="list-style-type: none"><li>(i) “the Authority” for “a local planning authority”;</li><li>(ii) “consent under a tree preservation order” for “planning permission” in the first place where those words appear;</li><li>(iii) “consent under such an order” for “planning permission” in the second place where those words appear;</li><li>(iv) for paragraph (c) substitute –</li></ul> <p>“(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that Authority required by such a direction; or</p> <p>(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the Authority.”</p> <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for “served within such time and in such manner as may be prescribed by a development order.” substitute –</p> <p>“in writing addressed to the Secretary of State,</p>

<p>Section 78 (right to appeal against planning decisions and failure to take such decisions) (continued)</p>	<p>specifying the grounds on which the appeal is made; and such notice shall be served –</p> <p>(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the Authority's decision or direction or within such longer period as the Secretary of State may allow;</p> <p>(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the Authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.”.</p> <p>(d) For subsection (4), substitute –</p> <p>“(4) The appellant shall serve on the Authority a copy of the notice mentioned in subsection (3).”.</p> <p>(e) For subsection (5), substitute –</p> <p>“(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the Authority decided to refuse the application in question.”.</p>
<p>Section 79 (determination of appeals)(a)</p> <p>(a) Section 79 was amended by the Planning and Compensation Act</p>	<p>(a) In subsections (1) and (2), substitute “the Authority” for “the local planning authority”.</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute –</p> <p>(i) “section 70(1), (1A) and (1B)” for “sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission”; and</p> <p>(iii) “the Authority.” for “the local planning authority and a development order may apply, with or without</p>

<p>1991 (c.34), section 18 and Schedule 7, paragraph 19.</p> <p>Section 79 (determination of appeals)(a) (continued)</p> <p>(a) Section 79 was amended by the Planning and Compensation Act 1991 (c.34), section 18 and Schedule 7, paragraph 19.</p>	<p>modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71.”.</p> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>
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PART II

PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,  
AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

**Section 69**

- (1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the Authority.
- (2) The register shall contain, as regards each such order
  - (a) details of every application under the order and of the Authority's decision (if any) in relation to each such application, and
  - (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....

- (5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

### Section 70

- (1) Subject to subsections (1A) and (1B), where an application is made to the Authority for consent under a tree preservation order -
  - (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
  - (b) they may refuse consent under the order.
- (1A) Where an application relates to an area of woodland, the Authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.
- (1B) Where the Authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

**Section 75**

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

.....

**Section 78**

- (1) Where the Authority –
- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
  - (b) refuse an application for any consent, agreement or approval of that Authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
  - (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that Authority required by such a direction; or
  - (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the Authority,

the applicant may by notice appeal to the Secretary of State.

.....

- (3) Any appeal under this section shall be made by notice in writing addressed

to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served –

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the Authority's decision or direction or within such longer period as the Secretary of State may allow;
  - (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the Authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.
- (4) The appellant shall serve on the Authority a copy of the notice mentioned in subsection (3).
- (5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the Authority decided to refuse the application in question.

## Section 79

- (1) On an appeal under section 78 the Secretary of State may –
- (a) allow or dismiss the appeal, or
  - (b) reverse or vary any part of the decision of the Authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

- (2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the Authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

- (4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the Authority.
- (5) The decision of the Secretary of State on such an appeal shall be final.

.....

- (7) Schedule 6 applies to appeals under section 78.

**DATED 22 NOVEMBER 2001**

**LAKE DISTRICT NATIONAL PARK  
AUTHORITY**

**TOWN AND COUNTRY PLANNING ACT  
1990**

**THE LAKE DISTRICT NATIONAL PARK  
AUTHORITY (CALGARTH, WINDERMERE)  
TREE PRESERVATION (NO. 12A) ORDER  
2001**

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