

By Post
BY POST
24 APR 1974
11-12
No. 1943
FEES £1.00

By Case *O. 211*
COUNTY COUNCIL OF THE COUNTY OF STIRLING

TPO 36

COUNTY OF STIRLING TREE PRESERVATION
ORDER NO. 20 - DRYMEN

20

1972

James D. Kennedy
County Clerk
Stirling

*County Clerk,
Stirling*

COUNTY COUNCIL OF THE COUNTY OF STIRLING

DESPATCH RECEIVED 26 JUL 1974 ACKNOWLEDGED..... FORWARDED.....
--

THE COUNTY OF STIRLING TREE PRESERVATION ORDER
NO. 20 - DRYMEN

112a

County Offices,
Viewforth,
Stirling.

22nd June, 1972.

COUNTY COUNCIL OF THE COUNTY OF STIRLING

TOWN and COUNTRY PLANNING (SCOTLAND) ACT, 1947.
TOWN and COUNTRY PLANNING (TREE PRESERVATION ORDER) (SCOTLAND) REGULATIONS, 1968.
CIVIC AMENITIES ACT, 1967.
THE COUNTY OF STIRLING TREE PRESERVATION ORDER
NUMBER 20 - DRYMEN

The County Council of the County of Stirling (in this Order referred to as "the local planning authority") in exercise of the powers conferred on them by section 26 of the Town and Country Planning (Scotland) Act, 1947 (hereinafter referred to as "the Act") as read with Part II of the Civic Amenities Act, 1967, and of all other powers enabling them in that behalf hereby make the following Order:-

1. Subject to any exemptions in the Second Schedule hereto no person shall, except with the consent of the local planning authority, cut down, top, lop, or wilfully destroy or cause or permit the cutting down, topping, lopping, or wilful destruction of the trees as specified in the First Schedule hereto, the positions of which trees are indicated and numbered on the map enclosed and signed as relative hereto, which map shall be preferred where any discrepancy arises between it and specification in the said First Schedule.

Provided that nothing in this Order shall prohibit the felling or lopping of the tree if such felling or lopping -

- (a) is urgently necessary in the interests of safety, or is necessary for the prevention or abatement of a nuisance so long as notice in writing of the proposed operations is given to the local planning authority as soon as may be after the necessity for the operations arises, or
- (b) is carried out in compliance with any obligation imposed by or under any Act of Parliament, or
- (c) is immediately required for the purpose of carrying out development authorised by a planning permission granted on an application made under Part II of the Town and Country Planning (Scotland) Act, 1947, or deemed to have been so granted for any of the purposes of that Part.

2. The provisions of this Order shall be without prejudice to the provisions of Section 15 of the Forestry Act, 1967 (which provides for a licence or direction under that Act being sufficient authority for felling trees and prohibits the entertainment of certain applications by the local planning authority), and Sections 13 and 14 of the Civic Amenities Act, 1967 (which provide respectively for the replacement of trees and for default powers and appeals).

3. Any application for the consent of the local planning authority under paragraph 1 of this Order shall be in writing and shall specify the tree or trees to which the application relates and the operations for the carrying out of which that consent is desired and shall where necessary for the identification of such tree or trees be accompanied by a map or plan of a size or on a scale sufficient for the purpose.

4. The provisions set out in the Third Schedule to this Order, being provisions of Part II of the Act relating to planning permission and to applications for such permission adapted and modified as shown in the said Schedule, shall apply in relation to any consent under this Order and to applications therefor.

5. 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 such consent subject to conditions, shall, if he makes a claim within the time limit for the purpose 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 of the trees or groups of trees specified in the Fourth Schedule to this Order.

6. In assessing compensation payable under the last preceding paragraph, account shall be taken of -

- (a) Any compensation or contribution which has been paid in respect of the same trees/

..... Member
 Member
 County Clerk

ST 2407

5045 T2

102

Book 2407 Folio 102
 Presented and Recorded on 24th April 1974.
 GENERAL REGISTER OF SCOTLAND.
 COUNTY REGISTER OF SASINES.
 COUNTY OF STIRLING.

trees or woodland areas under the terms of this or any other Tree Preservation Order under Section 26 of the Town and Country Planning (Scotland) Act, 1947, or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) (Scotland) 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 (Scotland) Act, 1932 and

(b) Any injurious affection to any land of the owner which would result from the felling of the trees or woodlands, the subject of the claim.

7. A claim under this Order for compensation shall be made by serving on the local planning authority a notice in writing stating the grounds of the claim and the amount claimed, within six months of the date of the decision of the local planning 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 local planning authority, of the date of the decision of the Secretary of State on the appeal.

8. Any question of disputed compensation payable in accordance with the terms of this Order shall be determined in accordance with the provisions of Section 105 of the Act.

9. Under the provisions of Section 26 of the Act as read with Section 15(1) of the Civic Amenities Act, 1967, any person who cuts down or wilfully destroys a tree or lops a tree in such a manner as to be likely to destroy it, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £250 or twice the sum which appears to the Court to be the value of the tree, whichever is the greater. Other contraventions of this Order carry with them on summary conviction a maximum fine of £50. In the case of a continuing offence there is an additional fine following on summary conviction, not exceeding £2 for every day on which the contravention is continued.

10. Where any part of a woodland area to which this Order relates specified in the First Schedule hereto is felled in the course of forestry operations permitted by or under this Order the owner or owners of the land shall carry out such replanting as the local planning authority may require under this Order and if any question arises between the authority and the said owner or owners as to whether any such requirement is reasonable having regard to the particular circumstances of the case or to any other material considerations the question shall, on the application of either party, be determined by the Secretary of State whose decision shall be final.

11. Section 16 of the Civic Amenities Act, 1967, shall apply to this Order and accordingly this Order shall take effect provisionally on 27th July, 1972.

Dated this Twenty-seventh Day of July, Nineteen Hundred and Seventy-two.

.....	Member
.....	Member
.....	County Clerk

REGISTER on behalf of the within named County Council of the County of Stirling in the Register of the County of Stirling.

[Signature]
Solicitor, Stirling,
Agent.

COUNTY OFFICES,
VIEWFORTH,
STIRLING.

ST 2407

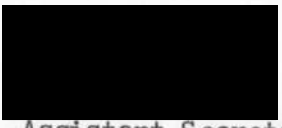
TOAS T2

103

The Secretary of State for Scotland in exercise of the powers conferred on him by Section 58(4) of the Town and Country Planning (Scotland) Act 1972 hereby confirms the foregoing order subject to the following modifications:-

- (1) In the title there shall be deleted the words "Town and Country Planning (Tree Preservation Order) (Scotland) Regulations, 1968".
- (2) In paragraph 1 for the words "to any exemptions", there shall be substituted the words "to the exemptions".
- (3) In paragraph 1 for the words "lopping of the tree", there shall be substituted the words "lopping of any tree".
- (4) In paragraph 5 for the words "the time limit", there shall be substituted the words "the time limited".
- (5) In paragraph 5 there shall be deleted the words "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 of the trees or groups of trees specified in the Fourth Schedule to this Order".
- (6) In paragraph 6(a) for the words "Town and Country Planning (Scotland) Act 1947", there shall be substituted the word "Act".
- (7) In the Third Schedule in section 14(1) there shall be deleted the words "or such longer period as the Secretary of State may allow".
- (8) There shall be deleted the whole of the Fourth Schedule.

Given under the Seal of the Secretary
of State for Scotland this fourth
day of April nineteen seventy four.


Assistant Secretary

ST 2407

104

FIRST SCHEDULE

DESCRIPTION of AREAS

Area No. 1 is part of the farm of Blamavaid, in Parish of Drymen, (I) described in Disposition to James Allan, recorded 20th September, 1932.

Area No. 2 is part of Area of ground, with House Glenalva, Drymen, etc. thereon, bounded on south by the Road from Dumbarton and Drymen to Stirling, described in Disposition to Ellen Allan or Brown, recorded 2nd August, 1966 and conveyed to said Ellen Allan or Brown to extent of 1/4 pro indiviso by Disposition recorded 20th September, 1966.

Area No. 3 is (a) mainly part of the Farm of Blarnavaid (see description for Area No. 1) and (b) to the extent of the portion extending eastwards from the west boundary of Enclosure 4795 on Plan annexed, forms part of the Area of ground with House Glenalva thereon (see description for Area No. 2).

Area No. 4 as for Area No. 1.

Area No. 5 is part of 301 251/1000 Acres of ground, part of the lands of Shandon, in Parish of Drymen, described in Disposition to Andrew Allan Renfrew and others, recorded 1st December, 1932.

Area No. 6 is (a) mainly part of 27 158/1000 Acres of ground, part of lands and Farms of Ballantone and others, in Parish of Drymen, (I) described in Disposition to Grace Lister Burnett or Martin, recorded 4th September, 1931, and (b) as regards westmost part thereof, part of 32/100 Acre of ground in said Parish described in Disposition to the Post Office recorded 20th February, 1970.

Area No. 7 as for Area No. 1.

Area No. 8 is part of 27 158/1000 Acres (see description for Area No. 6 (a)).

Area No. 9 is the eastmost part of 5 173/1000 Acres of ground part of Town and lands of Drumbeig alias Trimbeig or Triumbeg, in Parish of Drymen, described in Disposition to Douglas Stanley Charles Weedon, recorded 14th October, 1964.

Area No. 10 is part of 6 197/1000 Acres of ground, bounded on northwest by Road from Drymen to Stirling, in Parish of Drymen, (II) described in Disposition to Mary Bethune Gillespie Fergusson or Crowe, recorded 23rd May, 1935.

Area No. 11 as for Area No. 10.

Area No. 12 is 386/1000 Acre of ground, with Millbrae Cottage, 5 Gartness Road, Drymen, etc. thereon, described in Feu Disposition to George Orr, recorded 11th May, 1934.

Area No. 13 is part of Buchanan Arms Hotel and others, in Parish of Drymen, (II) described in Disposition to Grace Lister Burnett or Martin, recorded 4th September, 1931.

Area No. 14 is part of lands and Baronies of Buchanan and Drymen alias Drummond and others, described in Disposition to said Trustees, recorded 10th June, 1965.

Area No. 15 consists of the Church of the Parish of Drymen and offices attached and the Piece of ground whereon said Church and offices are erected, extending to 3050 Square Feet, (I) described in Certificate recorded 30th May, 1928 (and probably of the churchyard ground surrounding the same, for which there is no recorded title).

Area No. 16 is 2 600/1000 Acres of ground bounded on northeast and southeast by Glasgow Road, in Parish of Drymen, described in Disposition to David Abercrombie Donaldson and another recorded 25th May, 1970.

Area No. 17 consists of (1) 1/4 Acre of ground described in Feu Charter to Elizabeth B. McAuslin recorded 24th December, 1935, (2) 1/4 Acre of ground (II) described in Charter of Novodamus and Feu Charter to Maxwell Wright, recorded 18th February, 1947 and (3) 1 Acre 24 Poles of ground described in Feu Contract to which Barbara Murray or Brown was a party, recorded 13th April, 1954, all parts of lands and Estate of Buchanan, in Parish of Drymen.

Area No. 18 consists of 265/1000 Acre of ground, part of lands of Drymen Hill, in Village of Drymen, described in Feu Charter to John Hall, recorded 1st December, 1943.

.....	[Redacted]Member
.....	[Redacted]Member
.....	[Redacted]County Clerk

ST 2407

FOAS T2

105

DESCRIPTION of AREAS (continued)

Area No. 19 is part of $420/1000$ Acre of ground, with Ivy House thereon, bounded on east by The Square, Drymen, (II) described in Disposition to Duncan McEwan, recorded 5th December, 1938.

Area No. 20 is part of $432/1000$ Acre of ground, part of lands and Estate of Buchanan and others, in Parish of Drymen, described in Disposition to Robert Kent Henson and spouse, recorded 14th April, 1951.

Area No. 21 is 25 Poles of ground, part of lands and Estate of Buchanan in Parish of Drymen, described in Feu Charter to Charles Kerr, recorded 19th September, 1961.

Area No. 22 is 24 Poles of ground, part of lands and Estate of Buchanan, in Parish of Drymen, described in Feu Charter to Robert Rennie Caldwell, recorded 10th March, 1961.

Area No. 23 is $24\frac{1}{2}$ Poles of ground, part of lands and Estate of Buchanan, in Parish of Drymen, described in Feu Charter to Mary Ann Hargraves Martin and another, recorded 14th July, 1961.

Area No. 24 is part of $5\frac{53}{100}$ Acres of ground to west of Old Gartmore Road, Drymen, described in Blench Disposition to Varney (Scotland) Limited, recorded 16th September, 1971.

Area No. 25 is part of $301\frac{251}{1000}$ Acres of ground, part of lands of Shandon, in Parish of Drymen, described in Disposition to Andrew Allan Renfrew and others, recorded 1st December, 1932.

Area No. 26 is part of lands and Baronies of Buchanan and Drymen alias Drummond and other lands and others, described in Disposition to Trustees under Deed of Trust by the Duke of Montrose, recorded 10th June, 1965.

Area No. 27 is mainly (a) $786/1000$ Acre of ground, with House Highways, Coldrach Farm Road, Drymen, etc. thereon, described in Disposition to Peter Alexander Dobson, recorded 16th December, 1966, and Area of ground bounded on southwest by and extending 14 Feet 9 Inches along Road to Coldrach Farm, Drymen, part of lands and Estate of Buchanan, described in Disposition to Ifan Bleddyn Lloyd Jones and another, recorded 8th July, 1971 and partly (b) to extent of southeast corner thereof, part of ground adjoining Coldrach Lodge, part of subjects described in Disposition to Trustees under Deed of Trust by the Duke of Montrose, recorded 10th June, 1965.

Area No. 28 is 1 Acre, 2 Roods, 19 Poles of ground with House etc. Nether Shandon thereon, part of lands and Estate of Buchanan, in Parish of Drymen, described in Feu Disposition to John Basden Wingate, recorded 2nd December, 1959.

Area No. 29 is 2 Acres of ground, part of lands and Estate of Buchanan, in Parish of Drymen, described in Disposition to Hilda Margery Ward or Blackater, recorded 20th August, 1937.

Area No. 30 is 3 Acres of ground, part of lands and Estate of Buchanan, in Parish of Drymen, described in Feu Charter to John Anderson Service, recorded 12th August, 1937.

Area No. 31 is property known as The Hawthorns, Drymen, and part of subjects described in Disposition by Montrose Estates Limited in voluntary liquidation in favour of Stirling County Council dated 9th and recorded General Register of Sasines for the County of Stirling 19th March, 1964.

Area No. 32 is $1\frac{29}{100}$ Acres of ground, part of lands and Baronies of Buchanan and Drymen alias Drummond and others, partly in Parish of Buchanan and partly in Parish of Drymen, described in Feu Contract to which Robert Gordon Robertson was a party, recorded 12th September, 1961.

Area No. 33 is part of $3\frac{30}{100}$ Acres of ground, part of lands and Baronies of Buchanan and Drymen alias Drummond and others, in Parish of Drymen, described in Disposition to Frances Mayne Ritchie or Gerstenberg, recorded 4th March, 1968.

Area No. 34 is part of $321\frac{844}{1000}$ Acres of ground, part of lands and Baronies of Buchanan and Drymen alias Drummond and others, partly in Parish of Buchanan and partly in Parish of Drymen, described in Feu Disposition to John Connell and spouse, recorded 27th October, 1955.

Area No. 35 consists of (1) part of $1\frac{75}{100}$ Acres of ground, part of lands and Estate of Buchanan, in Parish of Drymen, described in Feu Charter to Mary Gardner Rowan Henderson, recorded 12th February, 1937, and (2) the whole of $3\frac{73}{1000}$ Acres of ground, in said Parish, (II) described in Charter of Novodamus and Feu Disposition to Mary Gardner Rowan Henderson, recorded 29th September, 1950.

.....Member
.....Member
.....County Clerk

ST 2407

106

DESCRIPTION of AREAS (continued)

Area No. 36 consists of (a) part of subjects known as Blairnureich House with ground attached, extending to 2 Roods, 24 Square Poles, 25 Square Yards, 7 Square Feet, described in Disposition to Peter McIntyre and spouse, recorded 25th April, 1934 and the whole of $6\frac{7}{100}$ Poles of ground described in Disposition to Agnes Miller Easdale or Watson, recorded 27th May, 1947, both parts of property and superiority of 2 halves of parts of lands of Drummakell and Drymen, in Parish of Drymen, and (b) part of $1\frac{75}{100}$ Acres (See description for Area No. 35 (1)).

Area No. 37 is part of Buchanan Home Farm, in Parish of Drymen, and part of the subjects (4) described in Disposition to the Duchess of Montrose, recorded 10th June, 1965.

Area No. 38 forms part of 3 Acres, 4 Poles, 29 Square Yards of ground bounded on northeast and southeast by Glasgow Road, in the Parish of Drymen, (II) described in Certificate recorded 30th May, 1928.

Area No. on Map	Owner.	Description of Trees
1	Hugh Allan, Blairnavaid Farm, Drymen. The Caledonian Insurance Company, 314 St. Vincent Street, Glasgow, C.3.	Deciduous
2	Mrs. Helen Brown, Glenalva, Drymen.	Deciduous
3	(a) as for Area No. 1 (b) as for Area No. 2	Deciduous
4	As for Area No. 1	Deciduous
5	James Turnbull, Shandon Farm, Drymen.	Deciduous and Evergreen
6	(a) Trustees for Buchanan Arms Hotel, Drymen. (b) The Post Office.	Deciduous
7	As for Area No. 1	Deciduous
8	Trustees for Buchanan Arms Hotel, Drymen.	Deciduous
9	Douglas Stanley Charles Weedon, Fangorn, Buchanan Castle Estate, Drymen.	Deciduous
10	George Bryden Agnew, The Winnock, Drymen.	Deciduous
11	As for Area No. 10	Deciduous
12	David George Stewart, 38 Charles Crescent, Drymen.	Deciduous and Evergreen
13	Trustees for Buchanan Arms Hotel, Drymen.	Deciduous
14	Trustees under Deed of Trust by James Angus Duke of Montrose.	Deciduous and Evergreen
15	The Church of Scotland General Trustees, 121 George Street, Edinburgh, 2.	Deciduous and Evergreen

.....Member
Member
County
 Clerk

ST 2407

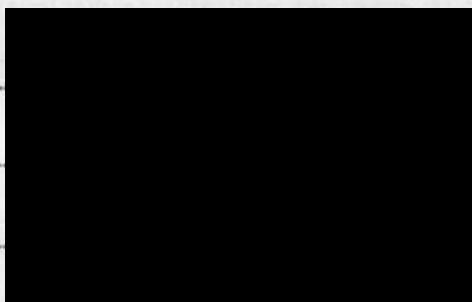
107
 ST 2407

Area No. on Map	Owner	Description of Trees
16	David Abercrombie Donaldson and Maria Donaldson, 15 Cleveden Gardens, Glasgow. (Endrick Hill, Drymen.) Provincial Building Society, 140 West George Street, Glasgow, C.2.	Deciduous
17	Winifred Stoker or Watson, and Robert Mitchell Watson, C.A., Southernwood, Drymen.	Deciduous
18	Helen Margaret Hall, Dorothy Mary Hall, and Agnes Elizabeth Hall, Ormonde, Drymen.	Deciduous
19	Winnock Hotel (Drymen) Limited, 98 West George Street, Glasgow.	Deciduous
20	Brigadier Robert Kent Henson, and Helen Menzies McVean or Henson, East Manse, Drymen.	Deciduous
21	James Allan, 13 Old Gartmore Road, Drymen. Temperance Permanent Building Society, 29 Govan Street, Glasgow, C.1.	Deciduous
22	Robert Rennie Caldwell, 10 Muirpark Way, Drymen.	Deciduous
23	John Charles Dodds, 12 Muirpark Way, Drymen. Provincial Building Society, 140 West George Street, Glasgow, C.2.	Deciduous
24	Varney (Scotland) Limited, Credon House, 22 West Campbell Street, Glasgow, C.2.	Deciduous
25	James Turnbull, Shandon Farm, Drymen.	Deciduous and Evergreen
26	Trustees under Deed of Trust by James Angus Duke of Montrose.	Deciduous
27	(a) Ifan Bleddyn Lloyd Jones, and Ann Ruth Jones, Highways, Coldrach Farm Road, Drymen. (b) As for Area 26.	Deciduous and Evergreen
28	Mary Clarissa Rankin or Weston, and Thomas Stanley Weston, Coldrach, Drymen.	Deciduous and Evergreen

.....
.....
.....

Member
Member
County Clerk

Area No. on Map	Owner	Description of Trees
29	Major Douglas Christopher Prior, and Jean Fenella Prior, Mid Shandon, Drymen. Woolwich Equitable Building Society, 16 Gordon Street, Glasgow, C.1.	Deciduous and Evergreen
30	Frances Mayne Ritchie or Gerstenberg, and Vivian Gerstenberg, Caoldarach, Drymen.	Deciduous and Evergreen
31	Stirling County Council	Evergreen
32	Robert Gordon Robertson, Coldrach Gyll, Drymen.	Deciduous and Evergreen
33	As for Area No. 30	Deciduous and Evergreen
34	Alexander McKenzie, Endrick House, Drymen.	Deciduous and Evergreen
35	Dr. Iain Robertson MacLaren, 26 Balmaha Road, Drymen. Leeds Permanent Building Society, 123 St. Vincent Street, Glasgow, C.2.	Deciduous and Evergreen
36	(a) Agnes Miller Easdale or Watson, Blairnurch, Drymen. (b) As for Area No. 35	Deciduous and Evergreen
37	Sir Hugh Fraser, Bart., Dineiddwg House, Mugdock, Milngavie.	One Ash
38	Church of Scotland General Trustees, 121 George Street, Edinburgh, 2.	Deciduous and Evergreen



Member.

Member.

County Clerk.

ST 2407

FOAS T2

109

SECOND SCHEDULE.

Trees exempt from the operation of this Order.

No trees within the areas to which this Order applies are exempted from the operation of this Order.

THIRD SCHEDULE.

Provisions of Part II of the Act relating to planning permission and to applications for such permission applicable with adaptations and modifications to any consent under the Order and to applications therefor.

(The provisions adapted or modified are underlined).

Applications to local planning authorities for consent. 12.(1) Subject to the provisions of this and the next following section, where application is made to the local planning authority for any consent under the order, that authority may grant consent either unconditionally or subject to such conditions as they think fit, or may refuse consent, and in dealing with any such application the local planning authority shall have regard to the provisions of the development plan, so far as material thereto, and to any other material considerations.

12.(5) The local planning authority shall keep.....a register containing information.....with respect to all applications made to the local planning authority for consent under orders made under section 26 of the Act, including information as to the nature of the application, the decision 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.

Reference of applications to the Secretary of State. 13.(1) The Secretary of State may give directions to the local planning authority..... requiring that any application for consent under the order, or all such applications of any class specified in the directions, shall be referred to the Secretary of State instead of being dealt with by the local planning authority, and any such application shall be so referred accordingly.

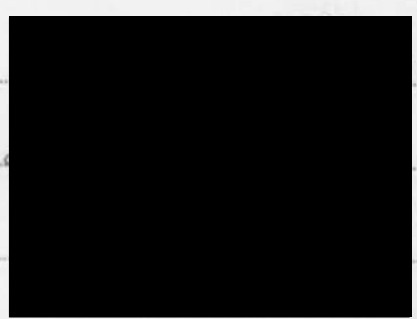
(2) Where an application for consent under the order is referred to the Secretary of State under this section, the provision of sub-section (1).....of the last foregoing section shall apply, subject to any necessary modifications, in relation to the determination of the application by the Secretary of State as they apply in relation to the determination of such an application by the local planning authority.

Provided that before determining any such application the Secretary of State shall, if either the applicant or the local planning authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) The decision of the Secretary of State on any application referred to him under this section shall be final.

Appeals to the Secretary of State. 14.(1) Where application is made to the local planning authority for consent under the Order.....and that consent is refused by that authority, or is granted by them subject to conditions, then if the applicant is aggrieved by their decision, he may, by notice in writing served within twenty-eight days from the receipt of notification of their decision ~~or such longer period as the Secretary of State may allow~~, appeal to the Secretary of State.

X



..... Member

..... Member

..... County Clerk

ST 2407

110

(2) Where an appeal is brought under this section from a decision of the local planning authority, the Secretary of State may allow or dismiss the appeal or may reverse or vary any part of the decision of the local planning authority, whether or not the appeal relates to that part, and deal with the application as if it had been made to him in the first instance and the provisions of the last foregoing section shall apply, subject to any necessary modifications, in relation to the determination of an application by the Secretary of State on appeal under this section as they apply in relation to the determination by the Secretary of State of an application referred to him under that section:

Provided that where the Secretary of State proposes to reverse or vary any part of the decision of the local planning authority to which the appeal does not relate, he shall give notice of his intention to the local planning authority and to the applicant and shall afford to them an opportunity to make representations in regard thereto:

(3) Unless within two months from the date of the receipt of an application for consent under the order, or within such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority, the local planning authority shall either -

- (a) give notice to the applicant of their decision on the applicationor
- (b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given by him under the last foregoing section,

the provisions of subsection (1) of this section shall apply in relation to the application as if the consent to which it relates had been refused by the local planning authority, and as if notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

Revocation and modification of consent under the Order

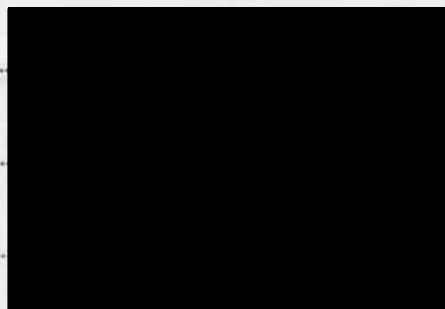
19. (1) Subject to the provisions of this section, if it appears to the local planning authority that it is expedient, having regard to the development plan and to any other material considerations, that any consent granted on an application made in that behalf should be revoked or modified, they may by order revoke or modify the consent to such extent as appears to them to be expedient as aforesaid.

Provided that no such order shall take effect unless it is confirmed by the Secretary of State, and the Secretary of State may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where the local planning authority submit an order to the Secretary of State for his confirmation under this section, that authority shall serve notice on the owners, lessees and occupiers of the land affected and on any other person who in their opinion will be affected by the order; and if within such period as may be prescribed in that behalf in the notice (not being less than fourteen days from the service thereof) any person on whom the notice is served so requires, the Secretary of State shall, before confirming the order, afford to him, and to the local planning authority; an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

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

Provided that the revocation or modification of consent....shall not affect so much of these operations as has been carried out before the date on which the order was confirmed as aforesaid.



..... Member

..... Member

..... County Clerk

Supplementary provisions as to revocation and modification of consent 20. (1) Where consent is revoked or modified by an order made under the last foregoing section, then if, on a claim made to the local planning authority in writing within the period of six months from the date of the confirmation of the order by the Secretary of State, it is shown that any person interested in the land concerned has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification, or has otherwise sustained loss or damage which is directly attributable to the revocation or modification, that authority shall pay to that person compensation in respect of that expenditure, loss or damage;

(2) For the purposes of this section any expenditure incurred in the preparation of plans for the purposes of any work or upon other similar matter preparatory thereto 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 before the grant of the 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 an interest in land) arising out of anything done or omitted to be done before the grant of that consent.

Temporary provisions pending approval of plans 33. Where, under the foregoing provisions of this Part of this Act, the local planning authority are required to have regard to the provisions of the development plan in relation to the exercise of any of their functions, then in relation to the exercise of these functions during any period before such a plan has become operative with respect to the district of that authority, the authority shall have regard to any directions which may be given to them by the Secretary of State as to the provisions to be included in such a plan, and subject to any such directions shall have regard to the provisions which in their opinion will be required to be so included for securing the proper planning of the said district.

FOURTH SCHEDULE.

Trees, Groups of Trees excepted from payment of compensation.

The tree to which the order applies is excepted from payment of compensation.



.....Member

.....Member

.....County Clerk

County Offices,
Viewforth,
STIRLING.

ST 2407



112^d

7045 T2

COUNTY COUNCIL OF THE COUNTY OF STIRLING

THE COUNTY OF STIRLING TREE PRESERVATION ORDER
NO. 20 - DRYMEN

STATEMENT OF REASONS FOR MAKING THE ORDER

To preserve and maintain the wooded character of the village by preventing indiscriminate felling in gardens, at road sides and in other important situations. By adopting this course of action the Planning Authority hope to preserve the appearance and charm of this area.

JAMES D. KENNEDY
County Clerk.

COUNTY OFFICES,
VIEWFORTH,
STIRLING.

112C

X