

OF SCOTLAND.
OF SASINES.
OF EAST LoTHIAN.
518 Feb 113
Presented and passed on 10th February 1960

THE COUNTY OF EAST LoTHIAN (DIRLETON AVENUE, NORTH BERWICK) TREE PRESERVATION ORDER 1959.

The County Council of the County of East Lothian (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") and of all other powers enabling them in that behalf hereby make the following Order :-

1. 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 any of the trees, groups of trees or woodlands specified in the First Schedule hereto, the positions of which are indicated, numbered and coloured on the map or plan annexed and signed as relative hereto.

Provided that nothing in this Order shall prohibit the felling or lopping of any tree if such felling or lopping 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 if such felling or lopping is carried out in compliance with any obligation imposed by or under any Act of Parliament.

2. The provisions of this Order shall be without prejudice to the provisions of section 13 of the Forestry Act 1951 (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 authority).

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 trees, groups of trees or woodlands 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 trees, groups of trees or woodland areas, 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 Second 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 limited for the purpose by this Order, be entitled to recover from the authority compensation in respect of such damage or expenditure.

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 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.

(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.

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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. Where any part of a woodland area to which this Order relates 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.

Dated this Eleventh day of May 1959.

Tharice

County Clerk.

County Buildings,
Haddington.

Register on behalf of the County Council of the County of East Lothian in the Register of the County of East Lothian.

A. Barkess
Solicitor, Haddington.
Agent.

THE COUNTY OF EAST LoTHIAN (DIRLETON AVENUE, NORTH BERWICK) TREE PRESERVATION ORDER 1959.

FIRST SCHEDULE.

Trees, Groups of Trees and Woodlands to which the Order applies, all situated in or near Dirleton Avenue, North Berwick, in the County of East Lothian.

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
G.1.	Sheltered groups of Poplar, Sycamore, Pine.	Three areas of ground with house known as Amisfield, North Berwick, thereon, in County of East Lothian, being the subjects First, Second and Third described in Disposition by Trustees of Francis Grant-Suttie in favour of Nora Mary Wotherspoon or Ford dated Eleventh and Twelfth and recorded in the Division of the General Register of Sasines for the County of East Lothian (formerly Haddington) Sixteenth, all days of March Nineteen hundred and forty-six.
T.1-18. T.19-25. T.26-29. T.30-31. T.32. T.33.	Elm and Sycamore. Sycamore. Young Chestnut. Scots Pine. Beech. Cypress.	Two pieces of ground extending to 3 roods, and 2 roods, 3 poles, 20 square yards respectively, constituting the property known formerly as Radella, now as Ormesdene, 38 Dirleton Avenue, in Parish of North Berwick and County of East Lothian, being the subjects First and Second described in Charter of Novodamus and Feu Charter by Commissioners for Sir Walter Hamilton Dalrymple in favour of Charles Alexander Stevenson dated Tenth and Eleventh and recorded in said Division of the General Register of Sasines Twenty-fourth, all days of January Nineteen hundred and eleven.
T.34.	Sycamore.	Area of ground with house and others known as Arnhall, Fidra Road, North Berwick, thereon, in County of East Lothian, being the subjects described in Disposition by Anne Eliza Malcolm or Mackenzie and another in favour of Laura Putt or Farquharson dated Seventh and Thirteenth and recorded in said Division of the General Register of Sasines Fifteenth, all days of May Nineteen hundred and eighteen.
T.35-38.	Elm.	1 rood, 15 poles, 2 square yards of ground with house and others known as Thurston Lodge, 36 Dirleton Avenue, North Berwick, thereon, in County of East Lothian, being the subjects described in Disposition by Lena Morrison or Hardie Brown in favour of Margaret Agnes McClelland dated Twenty-seventh April and recorded in said Division of the General Register of Sasines Seventeenth May, both in the year Nineteen hundred and twenty-one.

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T.39-41.	Sycamore.	(First) 1 rood, 34 poles, 14 square yards of ground bounded on the east by Hamilton Road, North Berwick, and on the south by Dirleton Avenue, together with the house known as the Golf Hotel and others thereon, in County of East Lothian, being the subjects First described in Disposition by Argyll Lindsay in favour of Ian Robert Fraser Henry dated Fifth and recorded in said Division of the General Register of Sasines Seventeenth, both days of March Nineteen hundred and thirty-eight, and (Second) 1 rood, 22 poles of ground bounded on the south by Dirleton Avenue aforesaid, being the subjects Second described in the said Disposition in favour of Ian Robert Fraser Henry dated and recorded as aforesaid.
T.42.	Elm.	On ground attached to house consisting of eastmost part of upper or first Flat of building known as St. Baldred's School, 30 Dirleton Avenue, North Berwick, now converted into four houses, and others, in County of East Lothian, being the subjects described in Disposition by George Edward Shackleton in favour of Herbert James Wilson dated Twenty-seventh December Nineteen hundred and forty-nine and recorded in said Division of the General Register of Sasines Sixth January Nineteen hundred and fifty.
T.43-45.	Sycamore.	(First) Areas of ground with the house known as Glenconner, 28 Dirleton Avenue, North Berwick, thereon, in County of East Lothian, being the subjects First, Second and Third described in Disposition by Marguerite Agaranthe Lubbock in favour of Katharine Tennant dated First August and recorded in said Division of the General Register of Sasines Eighteenth September, both in the year Nineteen hundred and thirty, (Second) Area of ground bounded on the south by Dirleton Avenue, North Berwick, in County of East Lothian, being the subjects described in Feu Disposition by Sir Hew Hamilton Dalrymple in favour of Katharine Tennant dated Eighth and recorded in said Division of the General Register of Sasines Thirteenth, both days of November Nineteen hundred and thirty, under exception of part disposed in Disposition by Katharine Tennant or Elliot in favour of Calum McLennan Grant dated Thirteenth July and recorded in said Division of the General Register of Sasines Fourteenth August, both in the year Nineteen hundred and fifty-seven.

No. on MapDescriptionSituation

T.46-47.

Sycamore

3 roods, 23 $\frac{1}{4}$ yards of ground with house known as Frampton, 26 Dirleton Avenue, North Berwick, and others thereon, in County of East Lothian, being the subjects described in Feu Disposition by the Secretary of State for Scotland in favour of the Trustees for the Scottish Youth Hostels Association dated Twenty-sixth June and recorded in said Division of the General Register of Sasines Twenty-seventh July, both in the year Nineteen hundred and fifty.

T.48-55

Sycamore

Ground attached to house 24C Dirleton Avenue, North Berwick, forming east house on ground Flat of building known as The White House, in County of East Lothian, being the subjects described in Disposition by Annie Margaret Nimmo Stuart Gowans Tomczyszyn in favour of Esther Lilian Mary Clarkson dated Twenty-first and recorded in said Division of the General Register of Sasines Twenty-third, both days of August Nineteen hundred and fifty-one.

Ground attached to house 24B Dirleton Avenue, North Berwick, forming west house on ground Flat of building known as The White House, in County of East Lothian, being the subjects described in Disposition by Annie Margaret Nimmo Stuart Gowans Tomczyszyn, with consent, in favour of the Halifax Building Society dated Twelfth and Sixteenth and recorded in said Division of the General Register of Sasines Twenty-first, all days of October Nineteen hundred and fifty-two.

Ground attached to house 24D Dirleton Avenue, North Berwick, forming east house on first Flat above ground Flat of building known as The White House, in County of East Lothian, being the subjects described in Disposition by Annie Margaret Nimmo Stuart Gowans Tomczyszyn in favour of Jean Turner McCartney or Robertson and another dated Twenty-seventh July and recorded in said Division of the General Register of Sasines Seventh August, both in the year Nineteen hundred and fifty-one.

Ground attached to house 24A Dirleton Avenue, North Berwick, forming west house on first Flat with whole of second Flat of building known as The White House, in County of East Lothian, being the subjects described in Disposition by Annie Margaret Nimmo Stuart Gowans Tomczyszyn, with consent, in favour of the Halifax Building Society dated Twenty-second and Twenty-fourth February and recorded in said Division of the General Register of Sasines Thirteenth May, all in the year Nineteen hundred and fifty-four.

No. on MapDescriptionSituation

T.56.
T.57-59.

Cherry.
Sycamore.

Area of ground with house known as East Gribton, 22 Dirleton Avenue, thereon, in Parish of North Berwick and County of East Lothian, being the subjects described in Disposition by Mary Christina Renton and others in favour of Horatio John Ross dated Twenty-seventh July and recorded in said Division of the General Register of Sasines Second August, both in the year Nineteen hundred and twenty-three.

T.60-61.

Sycamore.

Subjects known as Nether Abbey, 20 Dirleton Avenue, North Berwick, comprising 3 roods, 29 poles of ground having a frontage on south to road from Dirleton to North Berwick, in County of East Lothian, being the subjects described in Feu Charter by Sir Walter Hamilton Dalrymple in favour of Annie Gillespie Mitchell or Fergusson dated Thirtieth June Eighteen hundred and ninety-one and recorded in said Division of the General Register of Sasines Twenty-first February Eighteen hundred and ninety-three.

T.62-68.

Sycamore.

2 roods, 30 poles of ground (with house known as St. Margarets thereon) bounded on the north-west by the road to Hyndford Villa, on the east by Ware Road, on the south by the road from Dirleton to North Berwick and on the west by subjects now or formerly belonging to Sir Walter Hamilton Dalrymple being part of the lands and farm of North Berwick Abbey, in Parish of North Berwick and County of East Lothian.

T.69.

Sycamore.

1 rood, 33 poles of ground with Strathern Hotel, 13 York Road, North Berwick, thereon, in County of East Lothian, being the subjects described in Disposition by Ann Ross or Patzschky in favour of Samuel Colville and Spouse dated Twentieth March and recorded in said Division of the General Register of Sasines Thirteenth April, both in the year Nineteen hundred and fifty-four.

T.70.

Sycamore.

1 rood, 6 $\frac{3}{4}$ poles of ground with house known as Craigernie, 16 Dirleton Avenue, North Berwick, and others thereon, in County of East Lothian, being the subjects described in Disposition by the Trustees of Kathleen Kiddie in favour of Kathleen Laing Russell or Morton dated Twelfth and recorded in said Division of the General Register of Sasines Fourteenth, both days of June Nineteen hundred and forty-seven.

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T.71-78.	Beech.	Piece of ground with buildings known as Astley House, 14 Dirleton Avenue, North Berwick, thereon, in County of East Lothian, being the subjects described in Disposition by Jessie Anderson in favour of Nora Mary Ford dated Tenth and recorded in said Division of the General Register of Sasines Twelfth, both days of October Nineteen hundred and eleven.
T.79-80.	Sycamore.	Area of ground with villa known as Yarrow Dene, 12 Dirleton Avenue, Berwick, and others thereon, in County of East Lothian, being the subjects described in Disposition by Christina Scott Gourley Todd Aitken or Lyle and Another in favour of Margaret Seymour Ross dated Ninth February and recorded in said Division of the General Register of Sasines Eighteenth May, both in the year Eighteen hundred and ninety-seven.
T.81-86.	Sycamore.	34 poles of ground, with house known formerly as Twinsburgh Villa, now as The Rectory, 10 Dirleton Avenue, North Berwick, thereon, in County of East Lothian, being the subjects described in Feu Charter by Sir Hew Dalrymple, with consent, in favour of Adam Hogg and Spouse, dated Fifteenth May and Fourth July and recorded in said Division of the General Register of Sasines Sixteenth July, all in the year Eighteen hundred and seventy-nine.
T.87.	Rowan.	On ground attached to house and others known as The Chalet, 8 Dirleton Avenue, North Berwick, in County of East Lothian, being the subjects described in Feu Charter by Sir Hew Dalrymple, with consents, in favour of Jane Lyill dated Thirtieth March and recorded in said Division of the General Register of Sasines Twelfth April, both in the year Eighteen hundred and seventy-eight.
T.88-91.	Sycamore.	1 rood, 12½ poles of ground with Church called Saint Baldred thereon, in Parish of North Berwick and County of East Lothian, being the subjects described in Feu Charter by Sir Hew Dalrymple in favour of the Trustees for the Episcopal Church of Saint Baldred dated Twentieth and recorded in the Particular Register of Sasines, etc. for the Constabulary of Haddington and others dated Twenty-seventh, both days of October Eighteen hundred and sixty-two.
T.92.	Tree.	
T.93.	Sycamore.	
T.94.	Tree.	
T.95-96.	Sycamore.	

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T.97.	Sycamore.	Piece of ground, Lots 9 and 24 and part of Lot 10 on Feuing Plan, with the Bradbury Private Hotel, 2 York Road, North Berwick, thereon, in County of East Lothian, being the subjects described in Disposition by William Cree and others in favour of John Campbell dated Seventeenth June and subsequent dates and recorded in the Division of the General Register of Sasines for the County of East Lothian (formerly Haddington) Fifth July, all in the year Nineteen hundred and twelve.
T.100.	Sycamore.	Area of ground with villa and others known as The Moorings thereon, forming part of the farm and lands of North Berwick Abbey, in Parish of North Berwick and County of East Lothian, being the subjects described in Disposition by the Clydesdale and North of Scotland Bank Limited, with consents, in favour of Robert Gillialand Young and Another dated Twenty-first February and Second March and recorded in said Division of the General Register of Sasines Twenty-eighth March, all in the year Nineteen hundred and fifty-five.
T.101-102.	Sycamore.	Piece of ground with villa and others known as Dulnain, 17 Dirleton Avenue, North Berwick, thereon, in County of East Lothian, being the subjects described in Disposition by Catherine Stewart Whitecross, with consent, in favour of Agnes Brown Duncan or Guthrie dated Seventh and Eighth and recorded in said Division of the General Register of Sasines Seventeenth, all days of August Nineteen hundred and twenty-two.
T.103.	Sycamore.	Area of ground with villa and others known as Fourways, 19 Dirleton Avenue, North Berwick, thereon, in County of East Lothian, being the subjects described in Disposition by Mary Jane Lumsden in favour of Alexander Forsyth Crockat Kirk dated Thirteenth and recorded in said Division of the General Register of Sasines Sixteenth, both days of May Nineteen hundred and twenty-one.
T.104.	Sycamore.	23 poles of ground with villa and others known as Westwood, 21 Dirleton Avenue, North Berwick, thereon, on south side of Dirleton Avenue, in County of East Lothian, being the subjects described in Feu Charter by Commissioner for Sir John Dalrymple, with consent, in favour of Peter Farquharson dated Fourth September and subsequent dates and recorded in said Division of the General Register of Sasines Twenty-fourth September, all in the year Eighteen hundred and eighty-eight.

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T.105.	Sycamore.	On ground attached to villa known as Muircote, 23 Dirleton Avenue, North Berwick, in County of East Lothian, being the subjects described in Disposition by Louisa Mary Dodd and Another in favour of John Fowler and Another dated Thirteenth and Fourteenth and recorded in said Division of the General Register of Sasines Twenty-third, all days of May Nineteen hundred and twenty-three.
T.106.	Sycamore.	On ground attached to villa known as Dunavon, 25 Dirleton Avenue, North Berwick, in County of East Lothian, being the subjects described in Disposition by Louisa Mary Dodd and Another in favour of Walter Cross Buchanan dated Thirteenth and recorded in said Division of the General Register of Sasines Twentieth, both days of January Nineteen hundred and nineteen.
T.107-114.	Sycamore.	2 roods, 24 $\frac{1}{2}$ poles of ground with house and others known as Bramerton, 27/29 Dirleton Avenue, North Berwick, thereon, in County of East Lothian, being the subjects described in Disposition by Nora Aileen Stone, with consent, in favour of Robert Davidson and Another dated Fourteenth November and recorded in said Division of the General Register of Sasines Fourth December, all in the year Nineteen hundred and fifty-six.
T.115.	Sycamore.	Piece of ground with villa and others known as Torrisdale, 33 Dirleton Avenue, North Berwick, thereon, in County of East Lothian, described in Disposition by Trustees for Firm of Peter Whitecross and Sons in favour of James Marshall dated Thirty-first May and recorded in said Division of the General Register of Sasines Second June, both in the year Eighteen hundred and ninety-seven.
T.116-117.	Sycamore.	Piece of ground with villa known as Norwood, 35 Dirleton Avenue, North Berwick, thereon, in County of East Lothian, being the subjects described in Disposition by Trustees for Firm of Peter Whitecross and Sons in favour of James Marshall dated Thirty-first May and recorded in said Division of the General Register of Sasines Second June, both in the year Eighteen hundred and ninety-seven.
T.118-123.	Sycamore.	(First) Piece of ground with villa known as St. Catherine's, thereon, on south side of Dirleton Avenue, North Berwick, in County of East Lothian, being the subjects described in Disposition by Trustees for Firm of Peter Whitecross and Sons in favour of Charles Louis Blaikie dated Twenty-third and recorded in said Division

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T.124.	Sycamore.	of the General Register of Sasines Twenty-eighth, both days of April Eighteen hundred and ninety-seven, and (Second) 16 poles of ground on south side of Dirleton Avenue afore-said described in Feu Charter by Sir Walter Hamilton Dalrymple in favour of Charles Louis Blaikie dated Thirtieth November and Second December and recorded in said Division of the General Register of Sasines Twenty-eighth December, all in the year Eighteen hundred and ninety-seven.
T.125.	Sycamore.	Area of ground with villa known as Aldersyde, 39 Dirleton Avenue, North Berwick, thereon, in County of East Lothian, being the subjects described in Disposition by Alexander Baird, with consent, in favour of Co-operative Permanent Building Society dated Ninth and Twelfth and recorded in said Division of the General Register of Sasines Fourteenth, all days of May Nineteen hundred and thirty-one.
T.126.	Sycamore.	Area of ground with house known as Westerlea, 41 Dirleton Avenue, North Berwick, thereon, in County of East Lothian, being the subjects described in Disposition by the Trustees of James Cochrane in favour of Ludmila Elizabeth de Spiganovicz dated Twentieth and recorded in said Division of the General Register of Sasines Twenty-eighth, both days of April Nineteen hundred and ten.
T.129.	Sycamore.	30 poles, 24 square yards of ground with house known as Ardilea thereon on south side of Dirleton Avenue, North Berwick, in County of East Lothian, being the subjects described in Feu Charter by Commissioners for Sir Walter Hamilton Dalrymple in favour of Trustees for Firm of Peter Whitecross and Sons dated Thirteenth and recorded in said Division of the General Register of Sasines Twenty-second, both days of June Eighteen hundred and ninety-nine.
		847 square yards of ground with house and others known as Law View, 47 Dirleton Avenue, North Berwick, thereon, in County of East Lothian, being the subjects described in Disposition by Bessie Ann Brown Low or Rattray and Another in favour of James Soutter Marshall and Another dated First and recorded in said Division of the General Register of Sasines Seventeenth, both days of May Nineteen hundred and twenty-two.

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T.130.	Sycamore.	848 $\frac{1}{4}$ square yards of ground, bounded on the north by Dirleton Avenue, North Berwick, in County of East Lothian, being the subjects described in Disposition by James Glass in favour of Jessie Mackay Beattie or Luke dated Seventeenth and recorded in said Division of the General Register of Sasines Twenty-third, both days of January Nineteen hundred and one.
T.131. T.132.	Sycamore. Beech.	819 $\frac{1}{4}$ square yards of ground with house and others known as Glentruim, 53 Dirleton Avenue, North Berwick, thereon, in County of East Lothian, being the subjects described in Disposition by James Glass in favour of John Dewar dated Twenty-ninth April and recorded in said Division of the General Register of Sasines Fifteenth May, both in the year Nineteen hundred and one.
T.133.	Sycamore.	Area of ground at South Hamilton Road, North Berwick, forming part of the Lands and Barony of North Berwick in County of East Lothian.
T.134.	Sycamore.	On ground attached to house known as Burn Brae, 55 Dirleton Avenue, North Berwick, in County of East Lothian, being the subjects described in Disposition by George Edward Shackleton in favour of Catherine Mary Kitchen dated Tenth and recorded in said Division of the General Register of Sasines Fourteenth, both days of January Nineteen hundred and forty-seven.
G.2-3. T.135-149. T.150-164.	Sycamore, Pine, Elm. Sycamore. Pine.	(First) 1 acre 20 poles of ground with house sometime known as Smiley Knowes, now as Cotgreen, North Berwick, thereon, in County of East Lothian, being the subjects described in Feu Charter by Peter Herbert Coats in favour of Catherine Evelyn Coats dated Sixteenth and recorded in said Division of the General Register of Sasines Twentieth, both days of January Nineteen hundred and thirty-seven, (Second) 245 square yards of ground in Parish of North Berwick and County of East Lothian, being the subjects described in Feu Charter by Peter Herbert Coats in favour of Peter Coats dated Tenth and recorded in said Division of the General Register of Sasines Seventeenth, both days of August Nineteen hundred and thirty-nine, (Third) 1 acre of ground and (Fourth) 920 decimal or one thousandth parts of an acre of ground, both in said Parish and County, which subjects (Third) and (Fourth) above-mentioned are the subjects First and Second described in Feu Charter by Trustees of Peter Herbert Coats in favour of Malcolm Murray Thorburn dated Twenty-third January and subsequent dates and recorded in said Division of the General Register of Sasines Sixth February, all in the year Nineteen hundred and fifty-three.

SECOND 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).

Section 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.
- (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 a decision: and every such Register shall be available for inspection by the public at all reasonable hours.

Section 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..... appeal to the Secretary of State.....
- (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 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 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.

The Secretary of State in exercise of the power conferred on him by the proviso to subsection (5) of section 26 of the Town and Country Planning (Scotland) Act, 1947, hereby confirms provisionally the foregoing Order.

Given under the Seal of the Secretary
of State for Scotland this seventh
day of July, 1959.

J.F. Kelly
Assistant Secretary.

The Secretary of State in exercise of the power conferred on him by subsection (4) of section 26 of the Town and Country Planning (Scotland) Act, 1947, hereby confirms the foregoing Order, subject to the following modifications:-

- (1) in Clause 1 after "under any Act of Parliament" insert "or is immediately required for the purpose of carrying out development authorised by a planning permission granted on an application made under Part 11 of the Town and Country Planning (Scotland) Act, 1947, or deemed to have been so granted for any of the purposes of that Part" and
- (2) in Clause 14(1) of the Second Schedule after "within twenty-eight days from the receipt of notification of their decision" insert "or such longer period as the Secretary of State may allow", and
- (3) in the First Schedule the following amendments shall be made to the species of trees:-

Tree No. 35	- for "elm" substitute "lime";
Trees Nos. 36-38	- for "elm" substitute "sycamore";
Tree No. 42	- for "elm" substitute "robinia";
Tree No. 44	- for "sycamore" substitute "chestnut";
Tree No. 70	- for "sycamore" substitute "cherry";
Trees Nos. 71-78	- add cherry, lilac, prunus and rowan;
Tree No. 140	- for "sycamore" substitute "ash", and

- (4) Trees Nos. 90 and 94 shall be deleted from the Order, and
- (5) in the First Schedule under "T.43-45" for "dated thirteenth July" substitute "dated thirtieth July" and

(6) under "T.79-80" after "12 Dirleton Avenue" insert "North".

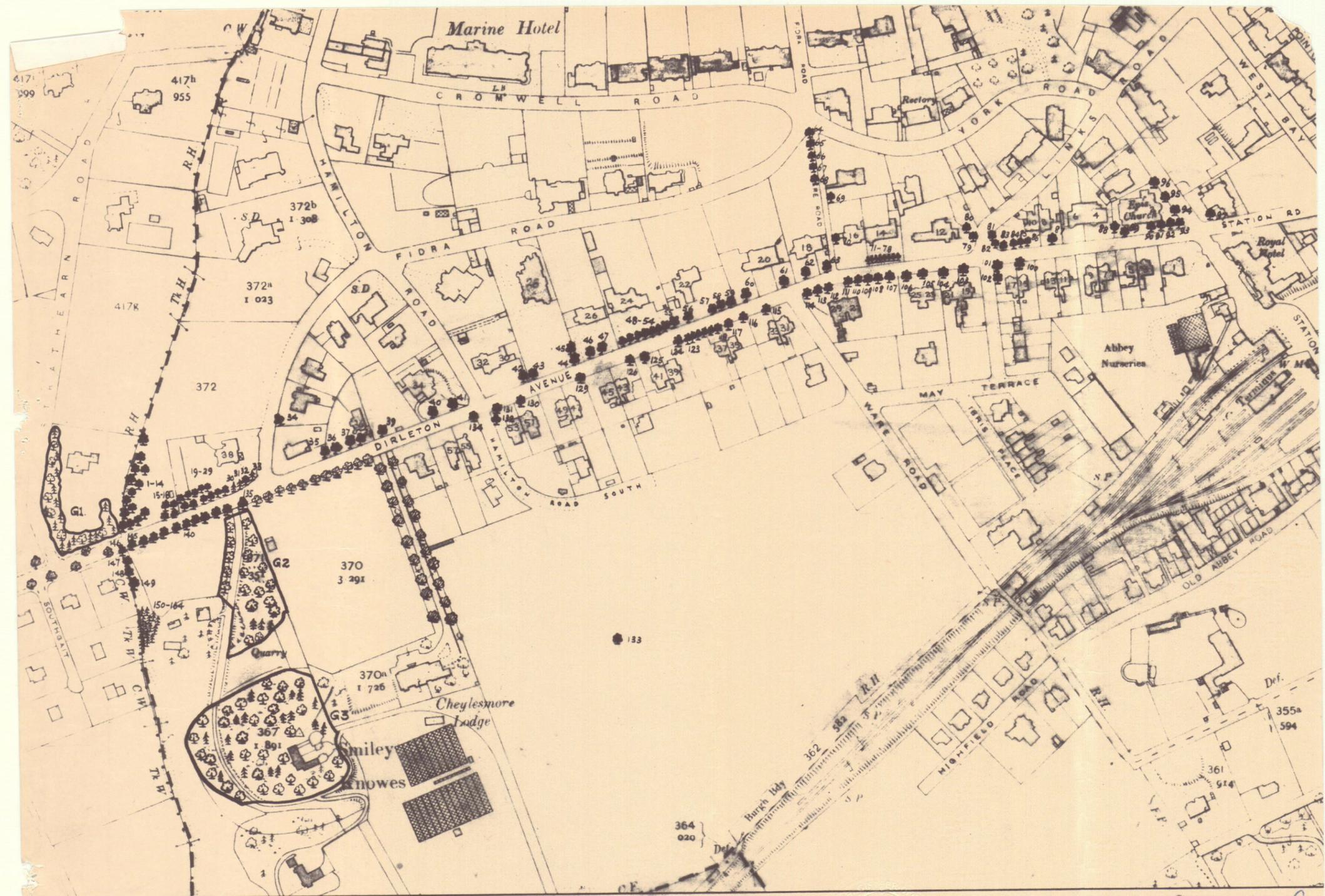
Given under the Seal of the Secretary
of State for Scotland this third day
of February, 1960.



Assistant Secretary.

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TREE PRESERVATION ORDER : NORTH BERWICK : DIRLETON AVENUE

-  TREES SUBJECT TO THIS ORDER
-  GROUPS OF TREES SUBJECT TO THIS ORDER
-  OTHER TREES PROTECTED BY THE LOCAL AUTHORITY

REGISTERS OF SCOTLAND
 GENERAL REGISTER OF SASINES
 Duplicate of this Plan 1956
 received 10 February 1960
 James Hunter School KEEPER

SCALE 1:2500 EXTRACT FROM O.S. SHEET EAST LOTHIAN 2:11 FEET. 1500

567
 11 / 5 / 59 EAST LOTHIAN COUNTY COUNCIL
 COUNTY PLANNING DEPARTMENT. 127

E. Loth
116

Dr.

BY POST
10 FEB 1960
10-10-30

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Free Press Order No 17

East Lothian Co. Council

LEGSER	FOLIO
X	H-HO8A
21 MAR 1960	
LINE No.	3

Durilton Avenue

Stamp
Extracting

County Clerk,
Haddington

Extract Registered

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