

BASSETLAW DISTRICT COUNCIL

TREE PRESERVATION ORDER 1993

Rampton Hospital Retford in the County of Nottingham

THE BASSETLAW DISTRICT COUNCIL (in this Order called "the authority")

in pursuance of the powers conferred in that behalf by Section 198 and Section 201 of the Town and Country Planning Act 1990 and subject to the provisions of the Forestry Act 1967 hereby makes the following Order:-

1. In this Order -

"the Act" means the Town and Country Planning Act 1990

"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgage in possession; and

"the Secretary of State" means the Secretary of State for the Environment

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule

3. An application for consent made to the authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and

PLAN REFERRED TO



T1 WALNUT
T2 WALNUT
T3 LIME
T4 LIME
T5 CEDAR
T6 CEDAR
T7 MAPLE
T8 WEEPING ASH
T9 OAK
T10 COPPER BEECH
T11 FALSE ACACIA
T12 CEDAR
T13 FIR
T14 OAK
T15 MAPLE
T16 OAK
T17 MAPLE
T18 MAPLE
T19 MAPLE
T20 OAK
T21 MAPLE
T22 MAPLE
T23 MAPLE
T24 SYCAMORE
T25 SYCAMORE
T26 SYCAMORE
T27 SYCAMORE
T28 HORSE CHESTNUT
T29 HORSE CHESTNUT
T30 HORSE CHESTNUT
T31 HORSE CHESTNUT
T32 HORSE CHESTNUT
T33 HORSE CHESTNUT
T34 HORSE CHESTNUT
T35 HORSE CHESTNUT
T36 LIME
T37 SYCAMORE
T38 OAK

G1 4 HORSE CHESTNUT
G2 2 OAKS
G3 2 LIMES, 2 ASH LEAFED MAPLE
G4 8 SUGAR MAPLES
G5 3 COPPER BEECH
G6 4 CEDAR, 1 COPPER BEECH
G7 3 HORSE CHESTNUT, 1 BEECH,
1 WHITEBEAM
G8 19 HORSE CHESTNUT
G9 3 MAPLES
G10 10 HORSE CHESTNUT
G11 18 SYCAMORE, 17 BEECH
G12 20 HORSE CHESTNUT
G13 9 HORSE CHESTNUT
G14 5 HORSE CHESTNUT,
2 COMMON LIME

Title : PROPOSED TPO AT
RAMPTON HOSPITAL
AND
WOODBECK ESTATE.

Grid Ref :

Scale : 1 2500

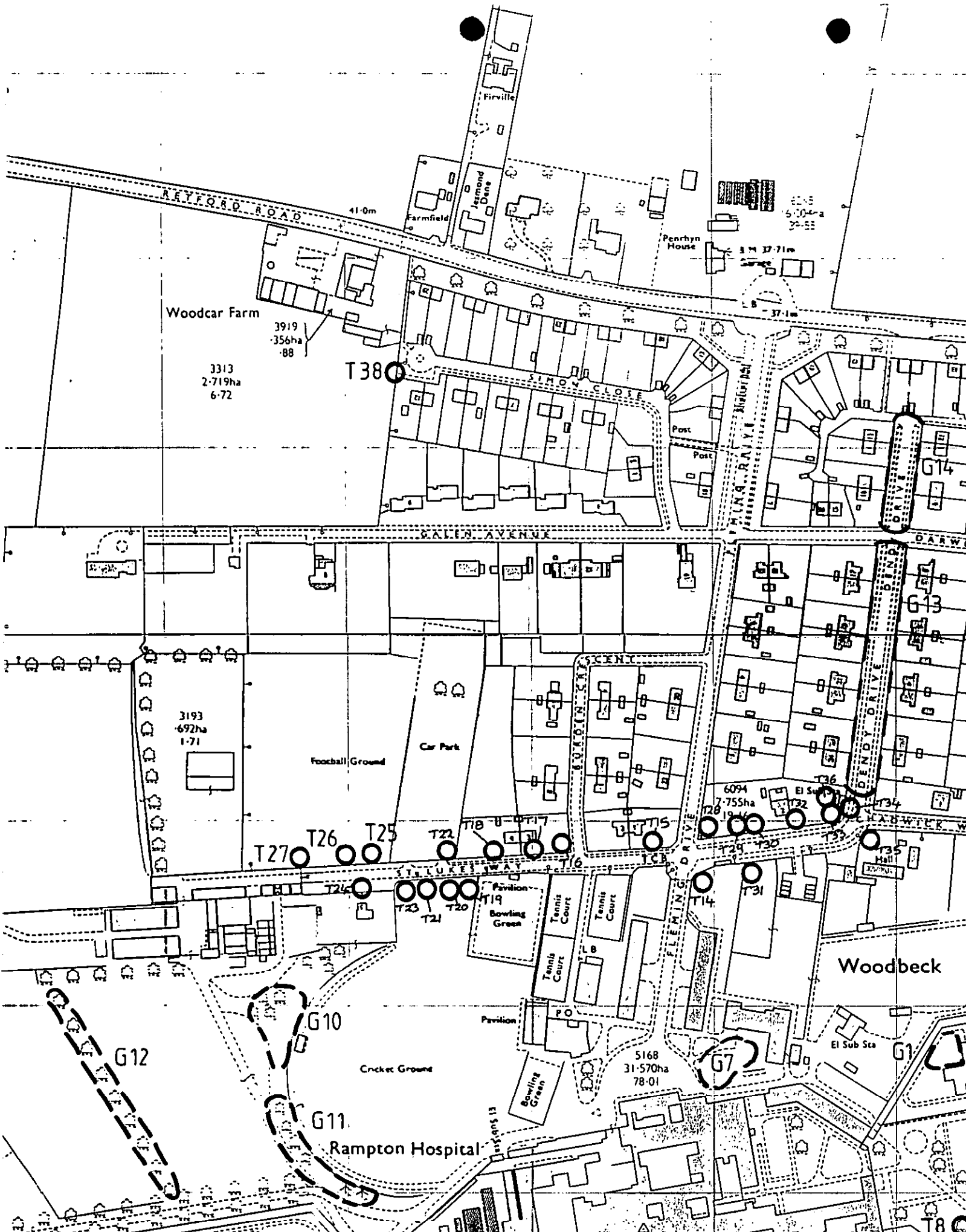
Date : 14 JUL

Drawn No :

Revision :

**Bassetlaw
District Council**

*Development Division,
Queen's Buildings,
Potter Street, Worksop.
Tel. Worksop 475531 Ext.*



Woodcar Farm

3313
2.719ha
6-72

T38

SAIN AVENUE

3193
692ha
1-71

Football Ground

Car Park

T27 T26 T25 T22

T18 T17 T16 T15

6094
7.755ha
19-46

Woodbeck

G12

G11

Rampton Hospital

5168
31.570ha
78-01

G7

T8

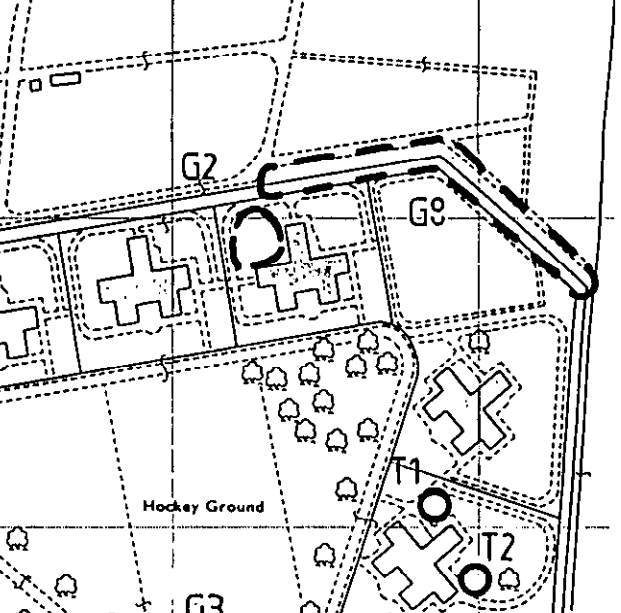
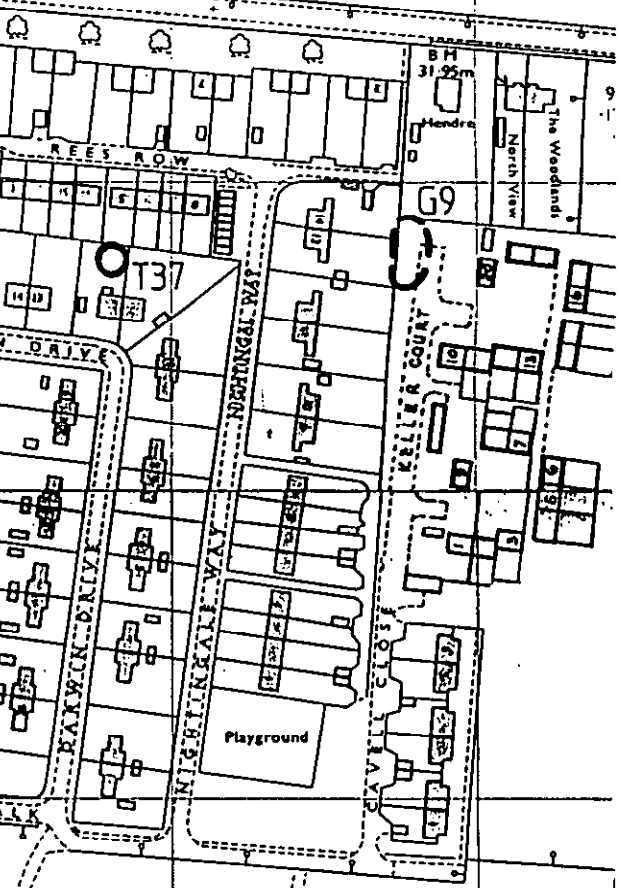
7630
3-587ha
8-86

B330
243ha
60

Track

South View
The Chalet

33.0m



shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required

4. (1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent:

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours

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

(Section 15(5))

5. Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that

they are satisfied -

- (a) that the refusal or condition is in the interests of good forestry;
or
- (b) in the case of trees, other than trees comprised in a group of trees or in a woodland, that the trees have an outstanding or special amenity value; or
- (c) in the case of trees which are comprised in a group of trees or in a woodland, that the group of trees or the woodland, as the case may be, has an outstanding or special amenity value,

but a certificate shall not be given in the case of trees falling within (c) above if the application in respect of them has been referred by the Forestry Commissioners under section 15(1)(b) or 15(1)(a) of the Forestry Act 1967(c).

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

- (a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act; or
- (b) the authority with the approval of the Secretary of State dispense with replanting, the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provisions of this Order and Section 204 of the Act, replant the said land in accordance with the direction

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

- (a) species;
- (b) number of trees per acre;

- (c) the erection and maintenance of fencing necessary for the protection of the replanting;
- (d) the preparation of ground, draining, removal of brushwood, lop and top; and
- (e) protective measures against fire

7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which bye-laws made by the Water Authority since 31st March 1974, by any other authority (whose functions are now exercised by a Water Authority) who at any time prior to 1st April, 1974 exercised the functions in respect of which the bye-law was made by a drainage board or by the Greater London Council in the exercise of any of its function in relation to the maintenance improvement or construction of watercourse or of drainage works, restrict or regulate the planting of trees, notify the applicant or the owner of the land as the case may be of the existence of such bye-laws and that any such conditions or direction has effect subject to the requirements of the Water Authority, the drainage board or the Greater London Council under these bye-laws and the condition or direction shall have effect accordingly

8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto

9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage;

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order

10. In assessing compensation payable under the last preceding Article account shall be taken of:

- (a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 198 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and County Planning (Interim Development) Act 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act 1932; and
- (b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim

11. (1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority, such service to be effected by addressing the claim to the authority and leaving it or sending it by post to the Principal Office of the authority

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Secretary of State, as the case may be, where an appeal has been made to the Secretary of State against the decision of the authority, from the date of the decision of the Secretary of State

12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 205 of the Act

13. The provisions of Section 201 of the Act shall apply to this Order and the Order shall take effect on the date hereof

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction

to a fine not exceeding £2,000 or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on conviction or indictment to an unlimited fine and, in determining the amount of any fine to be imposed on a person convicted on indictment, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence. The penalty for any other contravention of this Order is a fine not exceeding £1,000 on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree is removed, uprooted or destroyed in contravention of an Order or except in the case of a tree to which an Order applies as part of a woodland is removed, uprooted or destroyed or dies at a time when its cutting down and uprooting is authorised only by Section 198(6) of the Town and Country Planning Act 1990 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land unless on his application the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. In respect of trees in a woodland it shall be sufficient for the purposes of this duty to replace the trees removed, uprooted or destroyed by planting the same number of

removed, uprooted or destroyed stood or on such other land as may be agreed between the local planning authority and the owner of the land and (in either case) in such places as may be designated by the local planning authority. Except in emergency, not less than five days previous notice of the removal etc. should be given to the authority to enable the latter to decide whether or not to dispense with the requirement

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY
(encircled in black on the map)

| | | | |
|-----|--------------|-----|----------------|
| T1 | Walnut | T20 | Oak |
| T2 | Walnut | T21 | Maple |
| T3 | Lime | T22 | Maple |
| T4 | Lime | T23 | Maple |
| T5 | Cedar | T24 | Sycamore |
| T6 | Cedar | T25 | Sycamore |
| T7 | Maple | T26 | Sycamore |
| T8 | Weeping Ash | T27 | Sycamore |
| T9 | Oak | T28 | Horse Chestnut |
| T10 | Copper Beech | T29 | Horse Chestnut |
| T11 | False Acacia | T30 | Horse Chestnut |
| T12 | Cedar | T31 | Horse Chestnut |
| T13 | Fir | T32 | Horse Chestnut |
| T14 | Oak | T33 | Horse Chestnut |
| T15 | Maple | T34 | Horse Chestnut |
| T16 | Oak | T35 | Horse Chestnut |
| T17 | Maple | T36 | Lime |
| T18 | Maple | T37 | Sycamore |
| T19 | Maple | T38 | Oak |

TREES SPECIFIED BY REFERENCE TO AN AREA
(within a dotted black line on the map)

None

GROUP OF TREES
(within a broken black line on the map)

| | | | |
|----|--|-----|------------------------------------|
| G1 | 4 Horse Chestnut | G8 | 19 Horse Chestnut |
| G2 | 2 Oaks | G9 | 3 Maples |
| G3 | 2 Limes, 2 Ash Leafed Maple | G10 | 10 Horse Chestnut |
| G4 | 8 Sugar Maples | G11 | 18 Sycamore, 17 Beech |
| G5 | 3 Copper Beech | G12 | 20 Horse Chestnut |
| G6 | 4 Cedar, 1 Copper Beech | G13 | 9 Horse Chestnut |
| G7 | 3 Horse Chestnut, 1 Beech, 1 Whitebeam | G14 | 5 Horse Chestnut, 2 Common Lime |

removed, uprooted or destroyed stood or on such other land as may be agreed between the local planning authority and the owner of the land and (in either case) in such places as may be designated by the local planning authority. Except in emergency, not less than five days previous notice of the removal etc. should be given to the authority to enable the latter to decide whether or not to dispense with the requirement

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TREES SPECIFIED BY REFERENCE TO AN AREA
(within a dotted black line on the map)

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GROUP OF TREES
(within a broken black line on the map)

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WOODLANDS

(within a continuous black line on the map)

None

SECOND SCHEDULE

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

(1) the cutting down of any tree on land which is subject to a forestry dedication covenant where

(a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;

(b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed

(2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme or other grant scheme under Section 4 of the Forestry Act 1967 except a scheme which applies to a forestry dedication covenant

(3) the cutting down, uprooting, topping or lopping of a tree

(a) in pursuance of the power conferred on the Post Office by virtue of Section 5 of the Telegraph (Construction) Act 1908; and Section 21 of the Post Office Act 1969 or by or at the request of the Post Office where the land in which the tree is situated is operational land as defined by the Post Office Operational Land Regulations and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking

(b) by or at the request of

- (i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (ii) an electricity board within the meaning of the Electricity Act 1947; where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line;
 - (iii) a water authority established under the Water Act 1973, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, the Conservators of the River Thames, or the Lee Conservancy Catchment Board, where the tree interferes or would interfere with the exercise of any of the functions of such water authority, drainage board, Conservators of the River Thames or Lee Conservancy Catchment Board in relation to the maintenance improvement or construction of water courses or of drainage works; or
 - (iv) the Secretary of State for Defence, the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;
- (c) where immediately required for the purposes of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;

- (d) which is a fruit tree cultivated for fruit cultivation growing or standing on land comprised in an orchard or garden

THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1990 as adapted and modified to apply to this Order

75. (1) Without prejudice to the provisions of this Part as to the duration, revocation or modification of consents, any consent under the order including any direction as to replanting given by the authority, shall (except insofar as the permission otherwise provides) enure for the benefit of the land and of all persons for the time being interested in it.

77. (1) The Secretary of State may give directions requiring applications for consent under the order to be referred to him instead of being dealt with by local planning authorities.

Reference of applications to Secretary of State.

(2) A direction under this section -

(a) may be given either to a particular local planning authority or to local planning authorities generally; and

(b) may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

(4) Subject to subsection (5), where an application for consent is referred to the Secretary of State under this section, sections 65(2) and (9), 66, 67, 70, 71(1) and (2), 72(1) and (5) and 73 shall apply, with any necessary modifications, as they apply to such an application which falls to be determined by the local planning authority.

(5) Before determining an application referred to him under this section, the Secretary of State shall, if either the applicant or the local planning authority 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.

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

78. (1) Where a local planning authority -

- (a) refuse an application for consent under the 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 or grant it subject to conditions; or
- (c) refuse an application for any approval of that authority required under the consent or grant it subject to conditions,

Right to appeal
against
decisions and
failure to take
such decisions.

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

(2) A person who has made such an application may also appeal to the Secretary of State if the local planning authority have neither -

- (a) given notice to the applicant of their decision on the application; nor
- (b) given notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 77,

within such period as may be prescribed by the consent or

upon in writing between the applicant and the authority.

(3) Any appeal under this section shall be made by notice served within such time and in such manner as may be prescribed.

(4) The time prescribed for the service of such a notice must not be less than -

(a) 28 days from the date of notification of the decision; or

(b) in the case of an appeal under subsection (2), 28 days from the end of the period prescribed as mentioned in subsection (2) or, as the case may be, the extended period mentioned in that subsection.

(5) For the purposes of the application of sections 79(1), 253(2)(c), 266(1)(b) and 288(10)(b) in relation to an appeal under subsection (2), it shall be assumed that the authority decided to refuse the application in question.

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 local planning 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 local planning authority so wish, give each of them an opportunity of appearing before and being heard by a person

Determination of appeals

(3) Subject to subsection (2), the provisions of sections 66, 67, 70, 71(2), 72(1) and (5) and Part I of Schedule 5 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 planning permission which falls to be determined by the local planning authority.

(4) The decision of the Secretary of State on such an appeal shall be final.

(5) If, before or during the determination of such an appeal in respect of an application for consent, the Secretary of State forms the opinion that, having regard to the provisions of sections 70 and consent -

(a) could not have been granted by the local planning authority; or

(b) could not have been granted otherwise than subject to the conditions imposed,

he may decline to determine the appeal or to proceed with the determination.

(7) Schedule 6 applies to appeals under section 78, including appeals under that section as applied by or under any other provision of this Act.

97. (1) If it appears to the local planning authority that it is expedient to revoke or modify any consent granted on an application made under this Part, the authority may by order revoke or modify the consent to such extent as they consider expedient.

Power to revoke or modify planning permission.

(2) In exercising their functions under subsection (1) the authority shall have regard to any other material considerations.

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

98. (1) Except as provided in section 99, an order under section 97 shall not take effect unless it is confirmed by the Secretary of State.

Procedure for
s.97 orders:
opposed cases.

(2) Where a local planning authority submit such an order to the Secretary of State for confirmation, they shall serve notice on -

- (a) the owner of the land affected,
- (b) the occupier of the land affected, and
- (c) any other person who in their opinion will be affected by the order.

(3) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) If within that period such a person so requires, before the Secretary of State confirms the order he shall give such an opportunity both to him and to the local planning authority.

(5) The period referred to in subsection (3) must not be less than 28 days from the service of the notice.

(6) The Secretary of State may confirm an order submitted to him under this section either without modification or subject to such modifications as he considers expedient.

99. (1) This section applies where -

- (a) the local planning authority have made an order under section 97; and

Procedure for
s. 97 orders:
unopposed cases.

(b) the owner and the occupier of the land and all persons who in the authority's opinion will be affected by the order have notified the authority in writing that they do not object to it.

(2) Where this section applies, instead of submitting the order to the Secretary of State for confirmation the authority shall advertise in the prescribed manner the fact that the order has been made, and the advertisement must specify -

- (a) the period within which persons affected by the order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and
- (b) the period at the expiration of which, if no such notice is given to the Secretary of State, the order may take effect by virtue of this section without being confirmed by the Secretary of State.

(3) The authority shall also serve notice to the same effect on the persons mentioned in subsection (1)(b).

(4) The period referred to in subsection (2)(a) must not be less than 28 days from the date the advertisement first appears.

(5) The period referred to in subsection 2(b) must not be less than 14 days from the expiration of the period referred on in subsection (2)(a).

(6) The authority shall send a copy of any advertisement published under subsection (2) to the Secretary of State not more than three days after the publication

(7) If -

- (a) no person claiming to be affected by the order has given notice to the Secretary of State under subsection (2)(a) within the period referred to in that subsection, and
- (b) the Secretary of State has not directed within that period that the order be submitted to him for confirmation,

the order shall take effect at the expiry of the period referred to in subsection (2)(b), without being confirmed by the Secretary of State as required by section 98(1).

(8) This section does not apply -

- (a) to an order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under this Part or Part VII, or
- (b) to an order modifying any conditions to which a consent is subject by virtue of section 91 or 92.

DATED this 27th day of September 1993

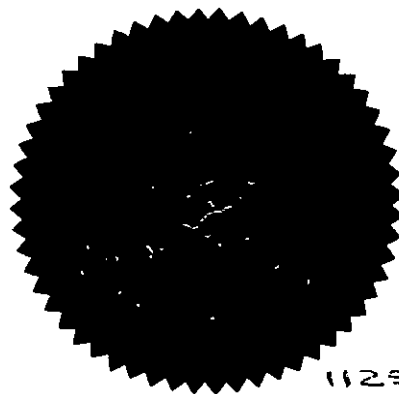
THE COMMON SEAL of the Bassetlaw)
District Council was hereunto)
affixed in the presence of:-)

Blahon J. Lean

Chairman

M. Haverland

Chief Executive.



11253