

960867
(Prudhoe)

It was reported that amended plans had been received which overcame the objections of Northumberland County Highways.

IT WAS AGREED that the Director of Planning be given delegated authority to grant consent.

960886
(Broomhaugh and Riding)

It was reported that amended plans had been received. The amended design was satisfactory but the proposal did not comply with Policies BE11 and BE12 in the Tynedale District Council Draft Deposit Local Plan because the building had not been advertised for employment use. These policies were due to be reviewed at a future meeting of the Local Plan Working Group and it was recommended that a decision be deferred pending the outcome of this meeting.

THIS WAS AGREED

960887
(Corbridge)

IT WAS AGREED that consideration be deferred pending a site visit.

960902
(Corbridge)

It was reported that an amended plan had been received.

IT WAS AGREED that permission be granted subject to clarification of details.

466.2 **EASTGATE, HEXHAM: TREE PRESERVATION ORDER 1996**

IT WAS RECOMMENDED *Cout of Full Council on 4/2*

that the Order be confirmed without amendment.

466.3. **EAST HOUSE, NEWTON: TREE PRESERVATION ORDER 1996**

IT WAS RECOMMENDED

that the Order be confirmed and that the numbering of the tree be amended to tree number 1.

466.4. **DELEGATED DECISIONS**

IT WAS RECOMMENDED

that the report be accepted.

467. **EXCLUSION OF THE PUBLIC**

IT WAS AGREED that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting during the consideration of the following item on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, paragraph 12.

The following trees are measured in a northerly direction for a distance of 113.0 metres along the boundary fence separating the allotments from the main grounds of the former hospital commencing from the extreme south-western corner of the said grounds.

T11	Sycamore	113.0 metres along the said boundary fence and offset 4.0 metres to the east.
T12	Sycamore	78.0 metres along the said boundary fence and offset 4.0 metres to the east.
T13	Common Yew	60.0 metres along the said boundary fence and offset 10.0 metres to the east.
T14	Sycamore	56.5 metres along the said boundary fence and offset 3.5 metres to the east.
T15	Sycamore	45.2 metres along the said boundary fence and offset 2.8 metres to the east.
T16	Lime	36.5 metres along the said boundary fence and offset 10.5 metres to the east.

The following trees are measured in a northerly direction for a distance of 55.0 metres along a line projected northwards from the western boundary of the garden of 'Dene View Cottage' commencing from the extreme north-western corner of the said garden.

T17	Wellingtonia	24.0 metres along the said projected line and offset 13.0 metres to the west.
T18	Wellingtonia	21.2 metres along the said projected line and offset 5.5 metres to the west.
T19	Wellingtonia	17.5 metres along the said projected line and offset 4.0 metres to the east.
T20	Beech	11.0 metres along the said projected line and offset 13.6 metres to the east.
T21	Copper Beech	30.5 metres along the said projected line and offset 16.2 metres to the east.
T22	Sycamore	33.0 metres along the said projected line and offset 27.0 metres to the east.
T23	Sycamore	41.3 metres along the said projected line and offset 24.8 metres to the east.
T24	Beech	55.0 metres along the said projected line and offset 14.0 metres to the east.

FIRST SCHEDULE

The plan referred to is at a Scale of 1:500 and is based on the 1:2500 Northumberland Edition of 1989 Sheet No. NY9363 and the area to which the Order relates covers the entire former Hexham War Memorial Hospital site situated on the western side of Eastgate, the B6306 Blanchland road, to the south of the Hexham Telephone Exchange, to the north of the Moonfield residential estate and east of a public footpath to the rear of housing on Elvaston Road, and is wholly in the town of Hexham in the District of Tynedale in the County of Northumberland

TREES SPECIFIED INDIVIDUALLY
(encircled in black on the plan)

No. referred to on the plan	Description	Situation
The following trees are measured in a Southerly direction for a distance of 55.0 metres along the western boundary wall of the former hospital site commencing from the extreme north-western corner of the said former hospital site.		
T1	Sycamore	21.7 metres along the said boundary wall and offset 5.0 metres to the east.
T2	Sycamore	23.8 metres along the said boundary wall and offset 5.0 metres to the east.
T3	Lime	32.8 metres along the said boundary wall and offset 4.0 metres to the east.
T4	Lime	49.3 metres along the said boundary wall and offset 4.0 metres to the east.
T5	Lime	55.0 metres along the said boundary wall and offset 4.0 metres to the east.
T6	Beech	17.5 metres along the said boundary wall and offset 40.0 metres to the east.
T7	Irish Yew	22.8 metres along the said boundary wall and offset 49.0 metres to the east.
T8	Irish Yew	27.0 metres along the said boundary wall and offset 48.5 metres to the east.
T9	Sycamore	38.0 metres along the said boundary wall and offset 45.0 metres to the east.
T10	Sycamore	50.5 metres along the said boundary wall and offset 44.5 metres to the east.

GROUPS OF TREES
(within a broken black line on the plan)

No. referred to on the plan	Description	Situation
G1	The Group consisting of 24 Common Yew, 1 Irish Yew and 3 Holly	Situated to the east of the grounds of 'West Home' and the allotments in the main grounds of the former hospital and extending southwards for a distance of 82.5 metres from a point 25.0 metres north of the front elevation of 'West Home'.
G2	The Group consisting of 20 Common Yew and 1 Sycamore	Situated to the east of the allotments in the extreme south-western corner of the main grounds of the former hospital and extending northwards for a distance of 52.0 metres from the southern boundary of these said former hospital grounds.
G3	The Group consisting of 7 Common Yew, 1 Ash and 1 Holly	Situated north of 'Dene View Cottage' in the extreme south-eastern corner of the main grounds of the former hospital and extending for a distance of 25.0 metres on an east/west axis from the western side of Eastgate, the B6305 Blanchland road.
G4	The Group consisting of 29 Common Yew 4 Holly and 1 Silver Birch	Situated both to the west of Eastgate, the B6306 Blanchland road and the main access drive serving the former hospital and extending for a distance of 76.0 metres from a point situated 16.5 metres from the southern elevation of the former main hospital building.
G5	The Group consisting of 9 Common Yew	Situated between Eastgate, the B6306 Blanchland road and the main access drive serving the former hospital and extending for a distance 40.5 metres from a point situated 5.0 metres from the southern elevation of the former main hospital building.

WOODLANDS
(within a continuous black line on the plan)

NONE

The following trees are measured in a southerly direction for a distance of 35.3 metres along a line projected southwards from the eastern elevation of the former main hospital building commencing from the extreme south-eastern corner of the said hospital building.

T25	Sycamore	35.3 metres along the said projected line and offset 15.0 metres to the east.
T26	Beech	29.5 metres along the said projected line and offset 15.5 metres to the east.
T27	Horse Chestnut	24.5 metres along the said projected line and offset 12.5 metres to the east.
T28	Sycamore	14.5 metres along the said projected line and offset 12.8 metres to the east.
T29	Common Yew	The following tree is measured in an easterly direction for a distance of 13.2 metres along a line projected eastwards from the southern elevation of the former main hospital building commencing from the extreme south-eastern corner of the said hospital building. 13.2 metres along the said projected line and offset 1.0 metre to the north.

TREES SPECIFIED BY REFERENCE TO AN AREA
(Within a dotted black line on the plan)

No. referred to on the plan	Description	Situation
A1	The several Box, Holly, Lawson Cypress and Common Yew standing in the mixed coniferous belt numbered A1 on the plan.	Situated in the north-eastern corner of the grounds of the former hospital between the northern boundary wall and a lawn area to the rear of the main hospital building and extending westwards for a distance of 67.0 metres from a point close to the western edge of Eastgate, the B6306 Blanchland road.

FIRST SCHEDULE
TREES SPECIFIED INDIVIDUALLY*

(encircled in black on the map)

No. on Map.

Description.

Situation.

SEE ATTACHED SCHEDULE

TREES SPECIFIED BY REFERENCES TO AN AREA*

(within a dotted black line on the map)

No. on Map.

Description

Situation.

SEE ATTACHED SCHEDULE

GROUPS OF TREES*

(within a broken black line on the map)

No. on Map.

Description.

Situation.

SEE ATTACHED SCHEDULE

WOODLANDS*

(within a continuous black line on the map)

No. on Map.

Description

Situation.

NONE

* The word "NONE" must be entered where necessary.

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 a grant scheme under section 1 of the Forestry Act 1979 except a scheme which applies to a forestry dedication covenant.
- (3) the cutting down, uprooting, topping or lopping of a tree
- (a) by or at the request of the Post Office where the land on which the tree is situated is land which has been acquired for the purpose of the Post Office's undertaking and either works on such land cannot otherwise be carried out or the cutting down, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking; or the lopping in pursuance of the power conferred on any operator of a telecommunications code system by virtue of paragraph 19 of Schedule 2 to the Telecommunications Act 1984;
- (b) by or at the request of
 - (i) a statutory undertaker or a holder of a licence under section 6(1) of the Electricity Act 1989 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, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (ii) a licence holder within the meaning of Part I of the Electricity Act 1989, where such tree obstructs the construction by the licence holder of any electric line within the meaning of Part I of the said Act of 1989 or interferes or would interfere with the maintenance or working of any such line;
 - (iii) the National Rivers Authority or an internal drainage board established under the Water Act 1989, where the tree interferes or would interfere with the exercise of any of the functions of such authority or drainage board in relation to the maintenance, improvement or construction of water courses or of drainage works; or a water undertaker or sewerage undertaker appointed under section 11 of the Water Act 1989 in relation to their duties as such undertakers; or
 - (iv) the Secretary of State for Defence, the Secretary of State for Transport, the Civil Aviation Authority, or in relation to any airport managed by a company to which any property, rights or liabilities have been transferred in pursuance of a scheme made under section 1 or 15 of the Airports Act 1986, the person for the time being having the management of the airport, where in the opinion of such Secretary of State, Authority or person the tree obstructs the approach of aircraft to, or their departure from, any airport or hinders the safe and efficient use of aviation or defence technical installations;
- (c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;
- (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

* The word "NONE" must be entered where necessary.

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

5.—Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of 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(2)(a) of the Forestry Act 1967.

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

- (a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or
 - (b) the authority with the approval of the Secretary of State dispense with replanting,
- the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provision of this Order and section 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 (hectare);
- (c) the erection and maintenance of fencing necessary for 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 byelaws made by the National Rivers Authority, an internal drainage board, a water undertaker or a sewerage undertaker (as defined in the Water Act 1989) or any other authority whose functions are now exercised by the above bodies, restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any condition or direction has effect subject to the requirements of the byelaws, 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 any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage:

98. **Procedure for s.97 Orders: opposed cases.**—(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.

(2) Where an authority submit such an Order to the Secretary of State for confirmation, they shall provide the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the statement 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) shall be 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.

(7) Where a notice has been served in accordance with the provisions of subsection (2) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under this section.

99. **Procedure for s.97 Orders: unopposed cases.**—(1) This section applies where—

- (a) the authority have made an Order under section 97 above; and
- (b) the owner and 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 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 be not less than 28 days from the date the advertisement first appears.

(5) The period referred to in subsection 2(b) must be not less than 14 days from the expiration of the period referred to 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 to an Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part VII or Part VIII of the Act.

GIVEN under the Common Seal of the

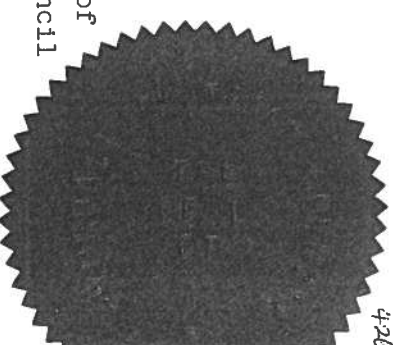
Tynedale District Council

the 20th August

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In the presence of
Chair of the Council

Chief Executive



Dated 20th August 1996

TYNEDALE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER

relating to

TREES AT THE WAR MEMORIAL HOSPITAL SITE.
EASTGATE, HEXHAM, NORTHUMBERLAND.
1996

Insert title of Order THE DISTRICT OF TYNEDALE (EASTGATE, HEXHAM)

TREE PRESERVATION ORDER, 1996

Insert name of local planning authority TYNEDALE DISTRICT COUNCIL

in this Order called “the authority”, in pursuance of the powers conferred in that behalf by sections 198 and 199 [land] 201*] [and] [300] of the Town and Country Planning Act 1990, and subject to the provisions of the Forestry Acts 1967 and 1979, hereby make 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 mortgagee in possession; and
- “the Secretary of State” means the [Secretary of State for the Environment] [Secretary of State for Wales].

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

3.—An application for consent made to the authority¶ under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

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

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

NOTE: Where appropriate this Order has been updated to reflect statutory amendments which have resulted in the need to show substitutions or repeals of the prescribed form.

* Include only where Order contains a direction under section 201 of the Act.

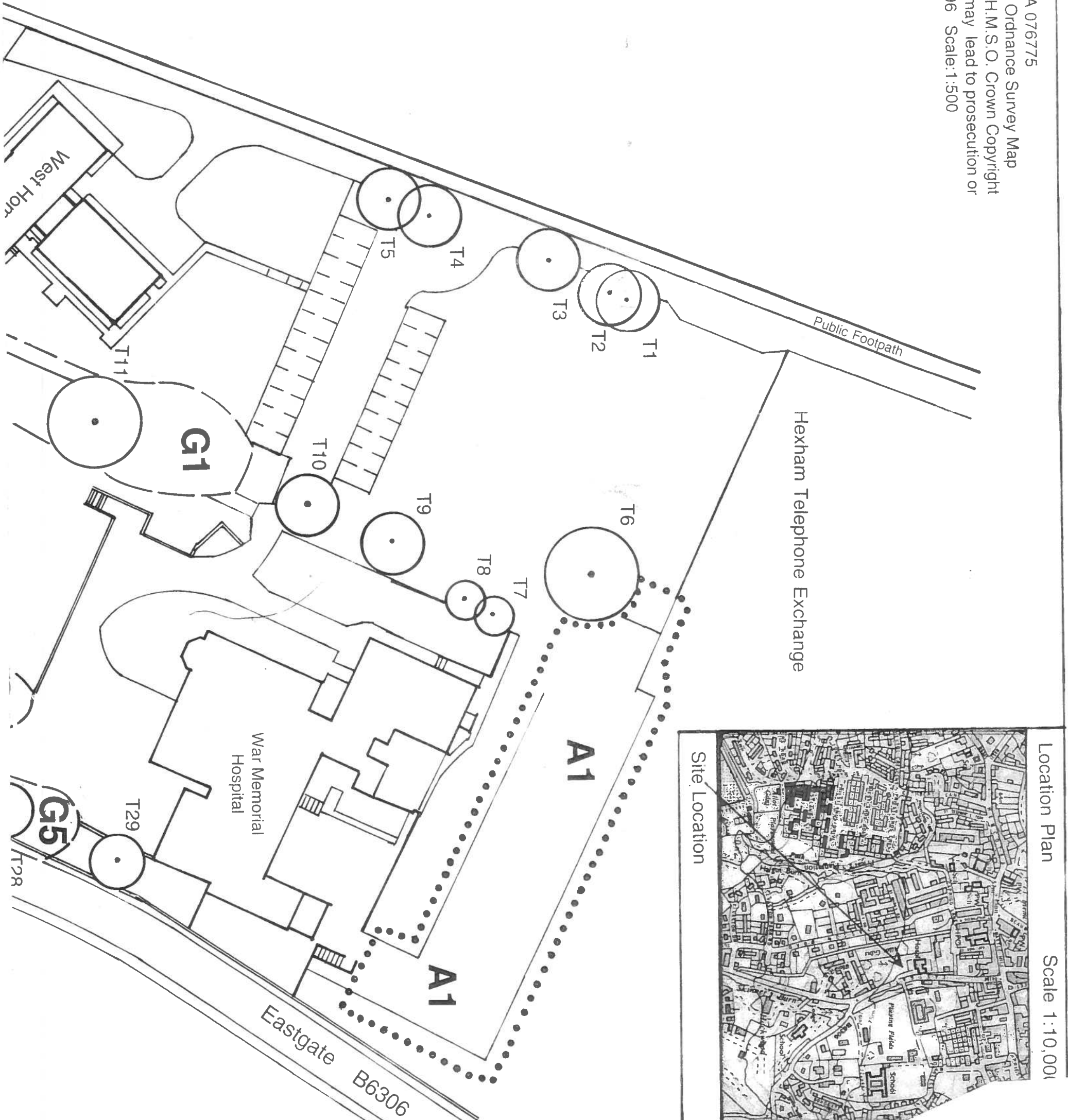
‡ Map to be to a scale of not less than 25 inches to one mile (1:2500), except in the case of large woodlands when the scale shall be 6 inches to one mile (1:10000 or 1:10560).

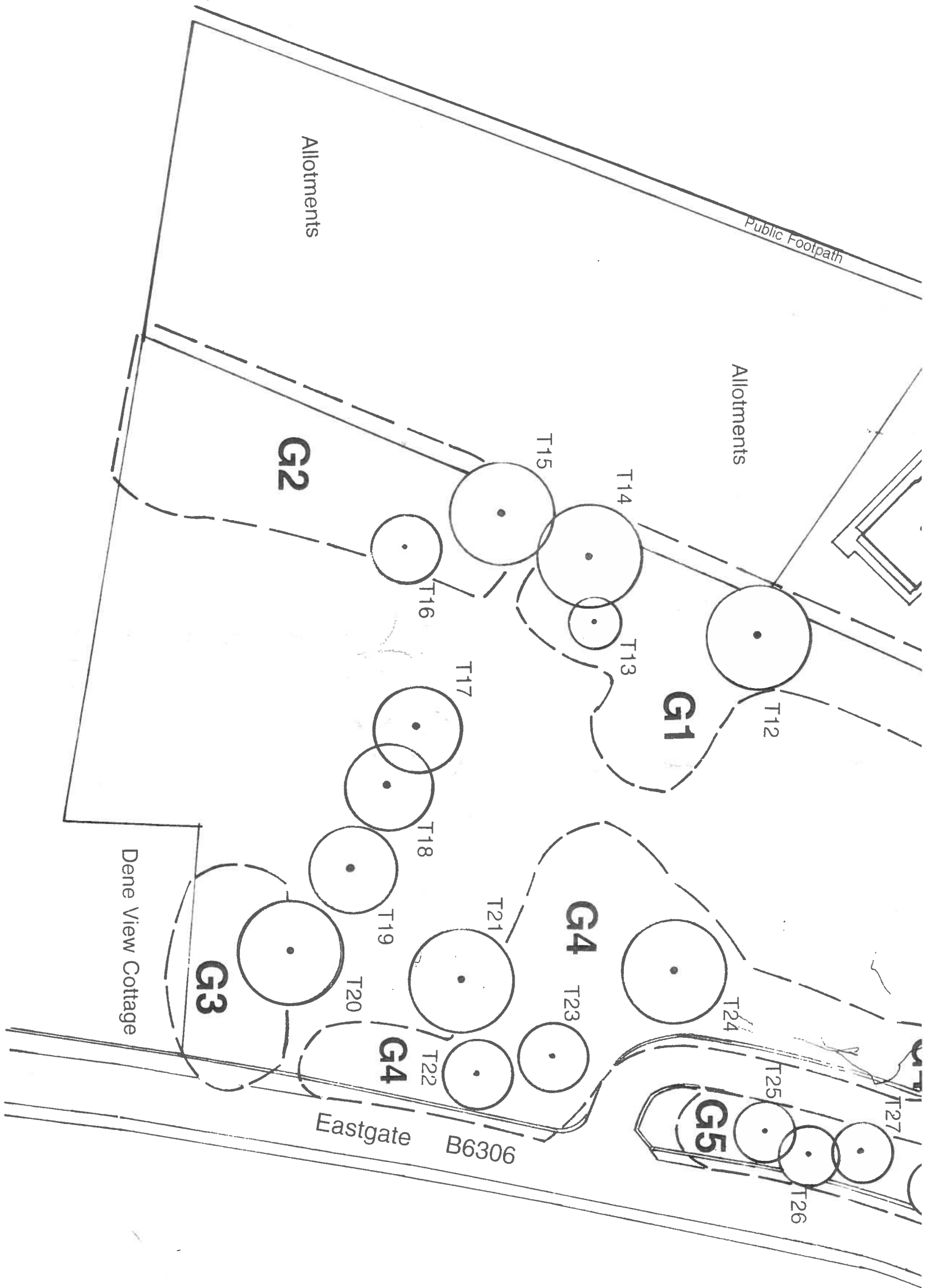
¶ NOTE: If it is proposed to fell any of the trees included in this Order and the felling requires a licence under the Forestry Act 1967, an application should be made in the first place to the Forestry Commission.

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**THE DISTRICT OF TYNEDALE
(EASTGATE, HEXHAM)
TREE PRESERVATION ORDER 1996**

Scale 1:500

Dwg No.