

5

COUNTY OF NORTHUMBERLAND
TOWN AND COUNTRY PLANNING ACTS 1971-74
THE COUNTY OF NORTHUMBERLAND
(RUDCHESTER MANOR, HEDDON ON THE WALL)
TREE PRESERVATION ORDER 1983.

The County Council of Northumberland (in this Order called "the authority") in pursuance of the powers conferred in that behalf by Section 60 of the Town and Country Planning Act, 1971 (as amended by Section 10(1) of the Town and Country Amenities Act 1974), and subject to the provisions of the Forestry Act, 1967, hereby make the following Order:-

1. In this Order -

"The Act" means the Town and Country Planning Act, 1971;

"owner" means the owner of fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; a 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

"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 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

The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved.

The second part of the report deals with the financial aspects of the work. It gives a detailed account of the income and expenditure for the year, and shows how the funds have been used for the various projects.

The third part of the report deals with the personnel of the organization. It gives a list of the staff and their duties, and also a list of the volunteers who have helped in the work.

The fourth part of the report deals with the future plans of the organization. It gives a list of the projects which are being planned for the next year, and also a list of the funds which are needed for these projects. It also gives a list of the people who are interested in the work, and a list of the organizations which are helping in the work.

The fifth part of the report deals with the general conclusions of the work. It gives a list of the main points which have been learned from the work, and also a list of the suggestions which are being made for the future.

The sixth part of the report deals with the general conclusions of the work. It gives a list of the main points which have been learned from the work, and also a list of the suggestions which are being made for the future.

The seventh part of the report deals with the general conclusions of the work. It gives a list of the main points which have been learned from the work, and also a list of the suggestions which are being made for the future.

The eighth part of the report deals with the general conclusions of the work. It gives a list of the main points which have been learned from the work, and also a list of the suggestions which are being made for the future.

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.

(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 woodlands, that the trees have an outstanding or special amenity value.

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 175 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 this Order or on giving a direction under Article of this Order with respect to the replanting of woodlands, the authority shall, if such condition or direction relates to land in

1. The first part of the report deals with the general situation of the country and the progress of the work during the year.

2. The second part of the report deals with the results of the work during the year and the progress of the work during the year.

3. The third part of the report deals with the results of the work during the year and the progress of the work during the year.

4. The fourth part of the report deals with the results of the work during the year and the progress of the work during the year.

5. The fifth part of the report deals with the results of the work during the year and the progress of the work during the year.

6. The sixth part of the report deals with the results of the work during the year and the progress of the work during the year.

7. The seventh part of the report deals with the results of the work during the year and the progress of the work during the year.

8. The eighth part of the report deals with the results of the work during the year and the progress of the work during the year.

9. The ninth part of the report deals with the results of the work during the year and the progress of the work during the year.

respect of which byelaws made by a water authority since 31 March 1974, by any other authority (whose functions are now exercised by a water authority) who at any time prior to 1 April 1974 exercised the functions in respect of which the byelaw was made or by a drainage board, 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 such condition or direction has effect subject to the requirements of the water authority and the drainage board under those 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:

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 60 and, if applicable, Section 61 of the Act or having effect as if so made or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country 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 at 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, or 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 on the appeal.

12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 179 of the Act.

The first part of the report deals with the general situation of the country. It is a very interesting and informative study of the country's development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's development.

The second part of the report deals with the economic situation of the country. It is a very interesting and informative study of the country's economic development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's economic development.

The third part of the report deals with the social situation of the country. It is a very interesting and informative study of the country's social development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's social development.

The fourth part of the report deals with the political situation of the country. It is a very interesting and informative study of the country's political development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's political development.

13. This Order may be cited as The County of Northumberland
(Rudchester Manor, Heddon on the Wall) Tree Preservation Order, 1983

GIVEN under the Common Seal of the County Council of
Northumberland this *thirteenth* day of *October* 1983.

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully distroying 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 £400 or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding £200 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 other than one to which an Order applies as part of a woodland is removed, uprooted or destroyed in contravention of an Order or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by section 60(6) of the Town and Country Planning Act 1971 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. Except in emergency, not less than 5 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

The plan referred to is at a scale of 1:2500 and is based on the 1:2500 Northumberland Edition of 1963 Sheet Nos. NZ 1067/1167 and the area to which the Order relates is situated on either side of the C.257 Wylam road at Rudchester Manor and Farm near Heddon-on-the-Wall and to the south of the B.6318 Military Road and is wholly within the Borough of Castle Morpeth in the County of Northumberland.

TREES SPECIFIED INDIVIDUALLY (encircled in black on the plan)

NONE

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 Ash, Elm and Sycamore standing in the area numbered A1 on the plan.	Situated to the north-west of Rudchester Manor in the north-eastern corner of Field No.1741 extending 80.0 metres along the eastern boundary and 42.0 metres along the northern boundary.

No. referred
to on the
plan

Description

Situation

A2

The several Ash, Beech, Elm,
Horse Chestnut, Oak, Sweet
Chestnut, Sycamore and Yew
standing in the area A2
numbered on the plan.

Situated to the south
and south-west of
Rudchester Manor and
wholly in Field No.
2134 and extending
for 108.0 metres west-
wards from the C.257
Wylam Road.

GROUPS OF TREES

(within a broken black line on the plan)

NONE

WOODLANDS

(within a continuous black line on the plan)

No. referred
to on the
plan

Description

Situation

W1

Mixed coniferous and broad-
leaved trees consisting of
Ash, Beech, Elm, Oak,
Silver Birch, Sycamore,
Scots Pine and Corsican Pine
standing in the woodland
numbered W1 on the plan

Situated in Field
No.3331 excluding
the easternmost
section and extend-
ing in a southerly
direction for a
distance of 169.0
metres along the C.257
Wylam Road being
bounded to the north
and east by Field
Nos.3348 and 4735 and
to the south by Field
Nos.2100 and 2824.

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 on 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, or a drainage board constituted or treated as having been constituted under the Land Drainage Act, 1930 where the tree interferes or would interfere with the exercise of any of the functions of such water authority or drainage 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 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.

THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act, 1971 as adapted and modified to apply to this Order.

33. (1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides), ensure for the benefit of the land and of all persons for the time being interested therein.

Power to 45. (1) If it appears to the authority that it is expedient
 revoke or to revoke or modify any consent under the Order granted on an
 modify application made under Article 3 of the Order, the authority
 the may by order revoke or modify the consent to such extent as
 consent they consider expedient.
 under the
 Order.

45. (3) Where an authority propose to make an Order under this section the authority shall prepare a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected and on any other person who in their opinion will be affected by the Order and if within the period of 28 days from the service thereof any person on whom the notice is served objects in writing to the authority the authority shall before making the Order consider the said objection and may afford to that person the opportunity of appearing before and being heard by a person appointed by the authority.

45. (4) The power conferred by this section to revoke or modify a 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 those operations as had been previously carried out.

...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...

...the ... of ...
...the ... of ...
...the ... of ...

THE COMMON SEAL of THE COUNTY
COUNCIL OF NORTHUMBERLAND was
hereunto affixed in the
presence of:-

J C F Swithbank

Vice - Chairman of the County Council

TS Denny

Duly Authorised Officer



The County Council of Northumberland in exercise of their powers under the Town and Country Planning Acts 1971-1974 hereby confirm without modification the foregoing Order as an unopposed Order.

IN WITNESS whereof the Common Seal of the County Council of Northumberland was hereunto affixed the 29th day of November 1983.

THE COMMON SEAL of THE COUNTY
COUNCIL OF NORTHUMBERLAND was
hereunto affixed in the
presence of:-



Ellen W Mitchell

Chairman of the County Council

T. E. Darcy

Duly Authorised Officer

THE
COUNTY OF
HAMILTON
AND
THE
CITY OF
HAMILTON



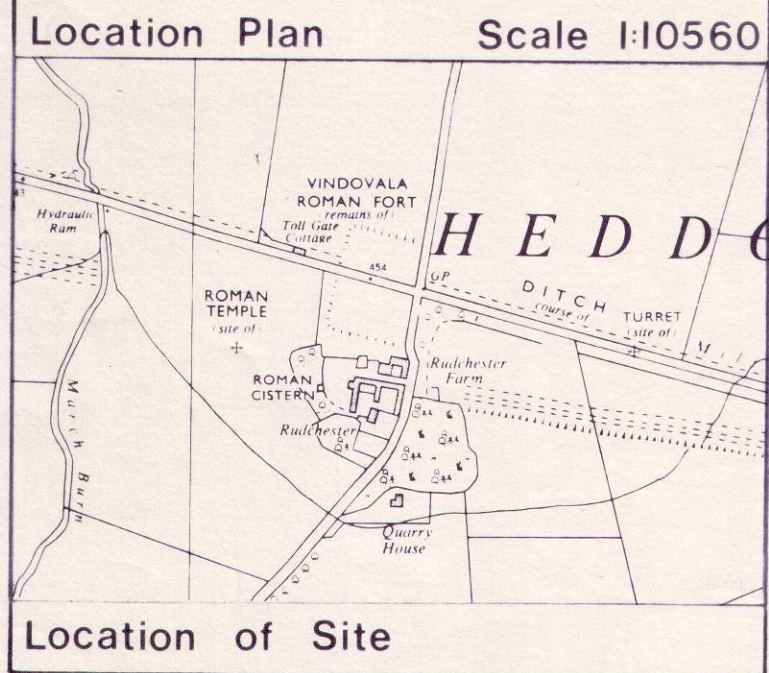
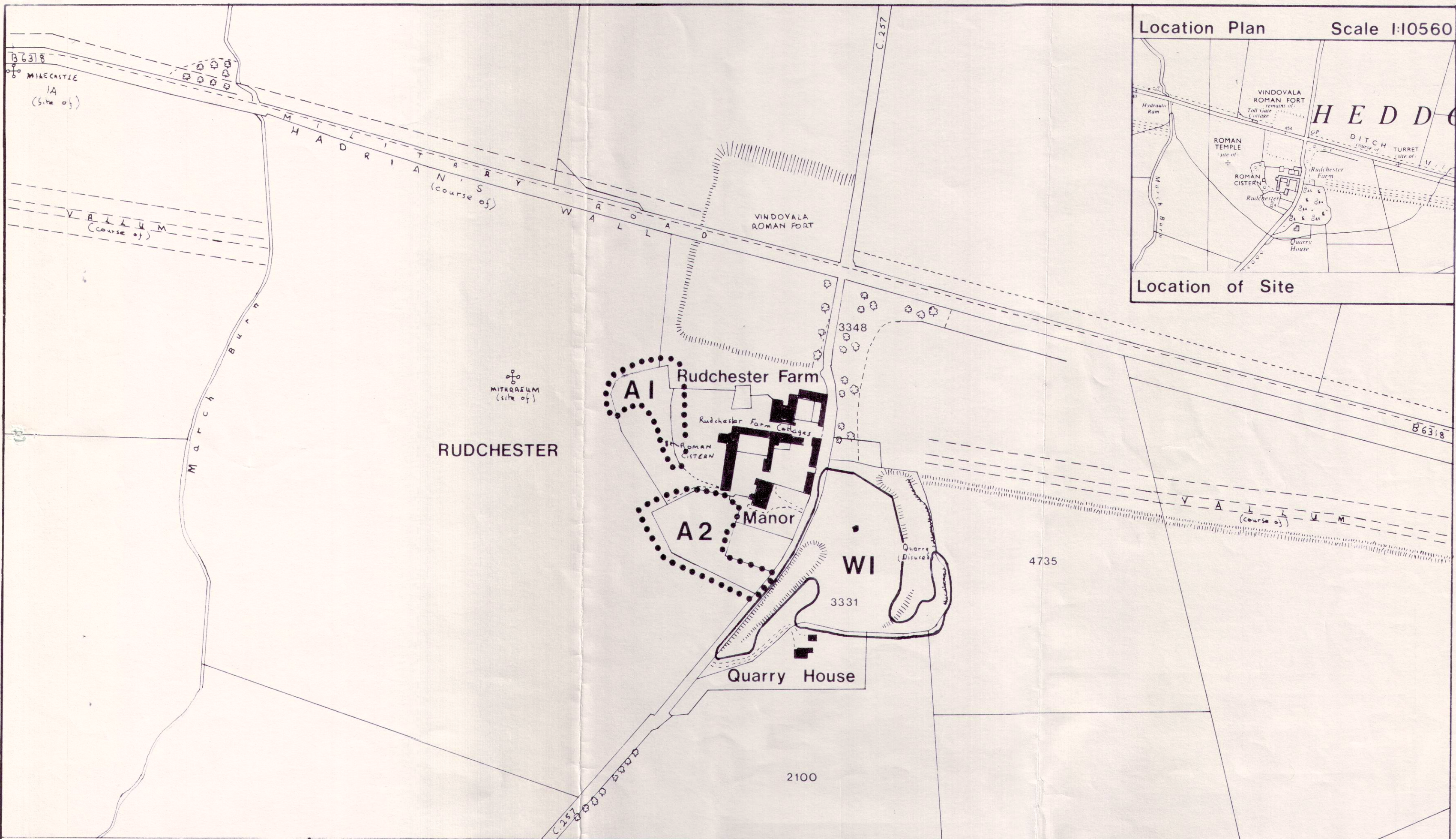
COUNTY OF NORTHUMBERLAND

TOWN AND COUNTRY PLANNING ACTS, 1971-4

THE COUNTY OF NORTHUMBERLAND

RUDCHESTER MANOR, HEDDON ON THE WALL

TREE PRESERVATION ORDER, 1983



NORTHUMBERLAND
County Council

J.E. Lodge Dip.T.P.(Dist), M.R.T.P.I., A.L.I.
County Planning Officer

COUNTY OF NORTHUMBERLAND
(RUDCHESTER MANOR, HEDDON - ON - THE - WALL)
TREE PRESERVATION ORDER 1983

Scale 1:2500

Drg. No. LA-TPO 1969