

COUNTY OF NORTHUMBERLANDTOWN AND COUNTRY PLANNING ACTS, 1962 AND 1968THE COUNTY OF NORTHUMBERLAND(CROFT HOUSE, OVINGHAM)TREE PRESERVATION ORDER, 1960

The County Council of the Administrative County of Northumberland (in this Order called "the authority") in pursuance of the powers conferred in that behalf by Section 29 of the Town and Country Planning Act, 1962, 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, 1962;

"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; 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

"the Minister" means the Minister of Housing and Local Government.

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, or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees therein specified, the position of which trees and groups of trees 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.

(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 and any compensation awarded in consequence of such decision; and every such register shall be available for inspection by the public at all reasonable hours.

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) that the trees have an outstanding or special amenity value.

6. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act and of Section 80 of the Town and Country Planning Act, 1968, adapted and modified for the purposes of this Order, shall apply in relation thereto.

7. 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.

8. 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 29 of the Act 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.

9. (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 delivering the claim at the offices of the authority addressed to the Clerk thereof or by sending it by prepaid post so addressed.

(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 Minister, as the case may be, or where an appeal has been made to the Minister against the decision of the authority, from the date of the decision of the Minister on the appeal.

10. Any question of disputed compensation shall be determined in accordance with the provisions of Section 128 of the Act.

11. Any person contravening the provisions of this Order is guilty of an offence under sub-section (1) of Section 62 of the Act and liable on summary conviction to a fine not exceeding fifty pounds; and if in the case of continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued. Under Sections 13, 14 and 15 of the Civic Amenities Act, 1967 if a tree is wilfully cut down or destroyed, or if topping or lopping is carried out in such a way as to be likely to destroy the tree the fine is £250 or twice the

value of the tree whichever is the greater. If a tree other than one which is part of woodland is removed or destroyed in contravention of the Order it is the duty of the owner of the land, unless on his application the authority dispense with the requirement, to plant another tree of appropriate size and species, at the same place as soon as he reasonably can.

12. This Order may be cited as The County of Northumberland (Croft House, Ovingham) Tree Preservation Order, 1970.

Given under the Common Seal of the County Council of the Administrative County of Northumberland this 5th day of January, 1970.

FIRST SCHEDULE

The map referred to is at a scale of 1:250 and is based on the 1:2500 O.S. Northumberland Edition of 1961, Sheet No. N.20863 and the area covered by the Order is the grounds of the property Croft House at Ovingham in the Parish of Ovingham in the Rural District of Hexham in the County of Northumberland.

TREES SPECIFIED INDIVIDUALLY
(Encircled in black on the map)

No. on the map	Description	Situation
T.1	Copper Beech	Approximately 50 ft. south, south eastwards from the south western corner of Croft House.
T.2	Yew	Approximately 29ft. south eastwards from the south western corner of Croft House.
T.3	Irish Yew	Approximately 67ft. due southwards from the westernmost gate set in the inner wall of the northern boundary of the grounds of Croft House.
T.4	Irish Yew	Approximately 76ft. due southwards from the westernmost gate set in the inner wall of the northern boundary of the grounds of Croft House.. The following trees are measured southwards along the western boundary of the grounds of Croft House from the north western corner of the said grounds and are offset eastwards at right angles from the said western boundary
T.5	Irish Yew	Approximately 56ft. southwards and offset 15ft.
T.6	Irish Yew	Approximately 65ft. southwards and offset 15ft.
T.7	Wych Elm	Approximately 105ft. southwards and offset 10ft.
T.8	Sycamore	Approximately 130ft. southwards and offset 4ft.
T.9	Sycamore	Approximately 157ft. southwards and offset 4ft.
T.10	Sycamore	Approximately 183ft. southwards and offset 4ft.
T.11	Wych Elm	Approximately 218ft. southwards and offset 4ft.
T.12	Sycamore	Approximately 295ft. southwards and offset 4ft.
T.13	Sycamore	Approximately 310ft. southwards and offset 3ft.

No. on the map	Description	Situation
T.14	Sycamore	Situated in the south western corner of the grounds of Croft House approximately 2ft. from both the southern and western boundaries of the said grounds. The following trees are measured southwards along the eastern boundary of the grounds of Croft House from the south-easternmost point of the eastern side of Croft House which adjoins the road which leads to Ovingham from the Trunk Road A.69.
T.15	Lime	Approximately 11ft. southwards and on the said boundary.
T.16	Lime	Approximately 40ft. southwards and offset 2ft. westwards.
T.17	Yew	Approximately 67ft. southwards and offset 4 ft. westwards.
T.18	Elm	Approximately 79ft. southwards and offset 9ft. westwards.
T.19	Sycamore	Approximately 80ft. southwards and offset 9ft. westwards.
T.20	Sweet Chestnut	Approximately 100ft. southwards and on the said boundary.
T.21	Lime	Approximately 116ft. southwards and on the said boundary.
T.22	Beech	Approximately 148ft. southwards and on the said boundary.
T.23	Sweet Chestnut	Approximately 259ft. southwards and on the said boundary.
T.24	Lime	Approximately 274ft. southwards and on the said boundary.
T.25	Wych Elm	Approximately 283ft. southwards and offset 3ft. westwards.
T.26	Wych Elm	Approximately 12ft. westwards along the southern boundary, of the grounds of Croft House from the south-western corner of the garden of the house situated in the south-eastern corner of the said grounds.
T.27	Birch	Situated approximately 35ft. north west of the south western corner of the garden of the house situated in the south-eastern corner of the grounds of Croft House and approximately 32ft. south west of the north-western corner of the said garden. The following trees are situated on the southern boundary of the grounds of Croft House and are all measured westwards along the said boundary from the junction of the western boundary of the garden of the House

No. on the map	Description	Situation
		in the south-eastern corner of the said grounds with the said southern boundary.
T.28	Wych Elm	Approximately 44ft. westwards from the said junction.
T.29	Sycamore	Approximately 75ft. westwards from the said junction.
T.30	Horse Chestnut	Approximately 85ft. westwards from the said junction.
T.31	Sycamore	Approximately 124ft. westwards from the said junction.
T.32	Horse Chestnut	Approximately 84ft. due westwards, measured on a line parallel to the southern boundary of the grounds of Croft House, from the north west corner of the garden of the northernmost of the two houses which are situated in the south-eastern corner of the grounds of Croft House.
T.33	Lime	Approximately 104ft. due westwards, measured on a line parallel to the southern boundary of the grounds of Croft House, from the north west corner of the garden of the northernmost of the two houses which are situated in the south-eastern corner of the grounds of Croft House.
T.34	Sycamore	Situated in the grounds of Croft House and approximately 100ft. northwards along the eastern boundary of the site from the south-eastern corner of the said grounds, and offset 80ft. due westwards from the said eastern boundary.
T.35	Sycamore	Situated in the grounds of Croft House and approximately 7ft. westwards from the western boundary of the two properties situated in the south-eastern corner of the said grounds, measured along the boundary between the said two properties in a line parallel to the southern boundary of the said grounds of Croft House.
T.36	Elm	Situated in the grounds of Croft House and approximately 11ft. due westwards from the western boundary of the garden of the house situated in the south-eastern corner of the said grounds, measured from a point on the said boundary which is four feet south of the north-eastern corner of the said garden.

No. on the map	Description	Situation
T.37	Elm	Situated in the grounds of Croft House, measured approximately 60ft. westwards along the southern boundary of the said grounds from the south-western corner of the garden of the house in the south-eastern corner of the said grounds, and offset northwards at a right angle from the said southern boundary approximately 26ft.
T.38	Elm	Situated in the grounds of Croft House measured approximately 110ft. westwards along the southern boundary of the said grounds from the south-western corner of the garden of the house in the south-eastern corner of the said grounds, and offset northwards at a right angle from the said southern boundary approximately 55ft.
T.39	Elm	Approximately 58ft. northwards along the eastern boundary of the of the grounds of Croft House from the point where the said boundary is joined by the northernmost boundary of the properties situated in the south-eastern corner of the grounds and offset 40ft. due westwards at a right angle from the said eastern boundary. The following trees are measured southwards along the western boundary of the grounds of Croft House from the north-western corner of the said grounds and are offset at right angles due eastwards from the said boundary.
T.40	Gean	Approximately 212ft. southwards and offset 118ft.
T.41	Copper Beech	Approximately 212ft. southwards and offset 55ft.
T.42	Gean	Approximately 109ft. southwards and offset 66ft.
<u>TREES SPECIFIED BY REFERENCE TO AN AREA</u> NONE		
<u>GROUPS OF TREES</u> NONE		
<u>WOODLANDS</u> 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, topping or lopping of a tree exempted from the provisions of this Order by Section 29 (7) of the Act namely a tree which is dying or dead or has become dangerous, or the cutting down, topping or lopping of which is in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance,

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

(a) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908;

(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; or

(iii) the Minister of Defence for the Royal Air Force, the Minister of Technology or the Board of Trade where in the opinion of such Minister or Board 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 a 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 (a) Part III of the Town and Country Planning Act, 1962, and (b) Section 80 of the Town and Country Planning Act, 1968, as adapted and modified to apply to this Order.

(a) Part III of the Town and Country Planning Act, 1962

Reference
of appli-
cations
to the
Minister

21. (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), enure for the benefit of the land and of all persons for the time being interested therein.

22. (1) The Minister may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.

22. (2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

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

22. (4) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

22. (5) Before determining an application referred to him under this section the Minister shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

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

Appeals
against
decisions.

23. (1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Minister.

23. (2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Minister may allow.

23. (4) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Minister subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

23. (5) Before determining an appeal under this section the Minister shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by a person appointed by the Minister for the purpose.

23. (7) The decision of the Minister on any appeal under this section shall be final.

Appeal in default of decision.

24. Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the 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 Minister in accordance with directions given under Section 22 above;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

Power to revoke or modify the consent under the Order.

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

27. (2) Subject to the provisions of Section 80 of the Town and Country Planning Act, 1968, an order under this section shall not take the effect unless it is confirmed by the Minister; and the Minister may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.

27. (3) Where an authority submit an order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice together with a copy of the aforesaid statement on the owner 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 twenty-eight days from the service thereof any person on whom the notice is served so requires the Minister, before confirming the order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

27. (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.

27. (5) Where a Notice has been served in accordance with the provisions of sub-section (3) 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 Minister under sub-section (2) of this section.

(b) Town and Country Planning Act, 1968

Unopposed
revocation
or
modification
of consent

80. (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under Section 27 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Minister for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

80. (2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Minister that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Minister such Order may take effect by virtue of this section and without being confirmed by the Minister.

80. (3) The authority shall also serve notices to the same effect on the persons mentioned in sub section (1) above.

80. (4) The authority shall send a copy of any advertisements published under sub-section (2) above to the Minister, not more than three days after the publication.

80. (5) If within the period referred to in sub-section (2) (a) above no person claiming to be affected by such Order has given notice to the Minister as aforesaid and the Minister has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in sub-section (2) (b) of this section take effect by virtue of this section and without being confirmed by the Minister as required by section 27(2) of the Town and Country Planning Act 1962.

80. (6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Minister under Part III or Part IV of the Town and Country Planning Act 1962 or under Part II or Part V of the Town and Country Planning Act 1968.

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



Ridgway
Chairman of the County Council

W. J. ...
Clerk of the County Council

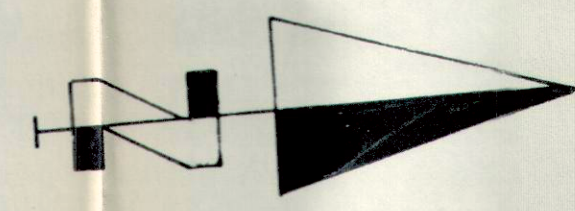
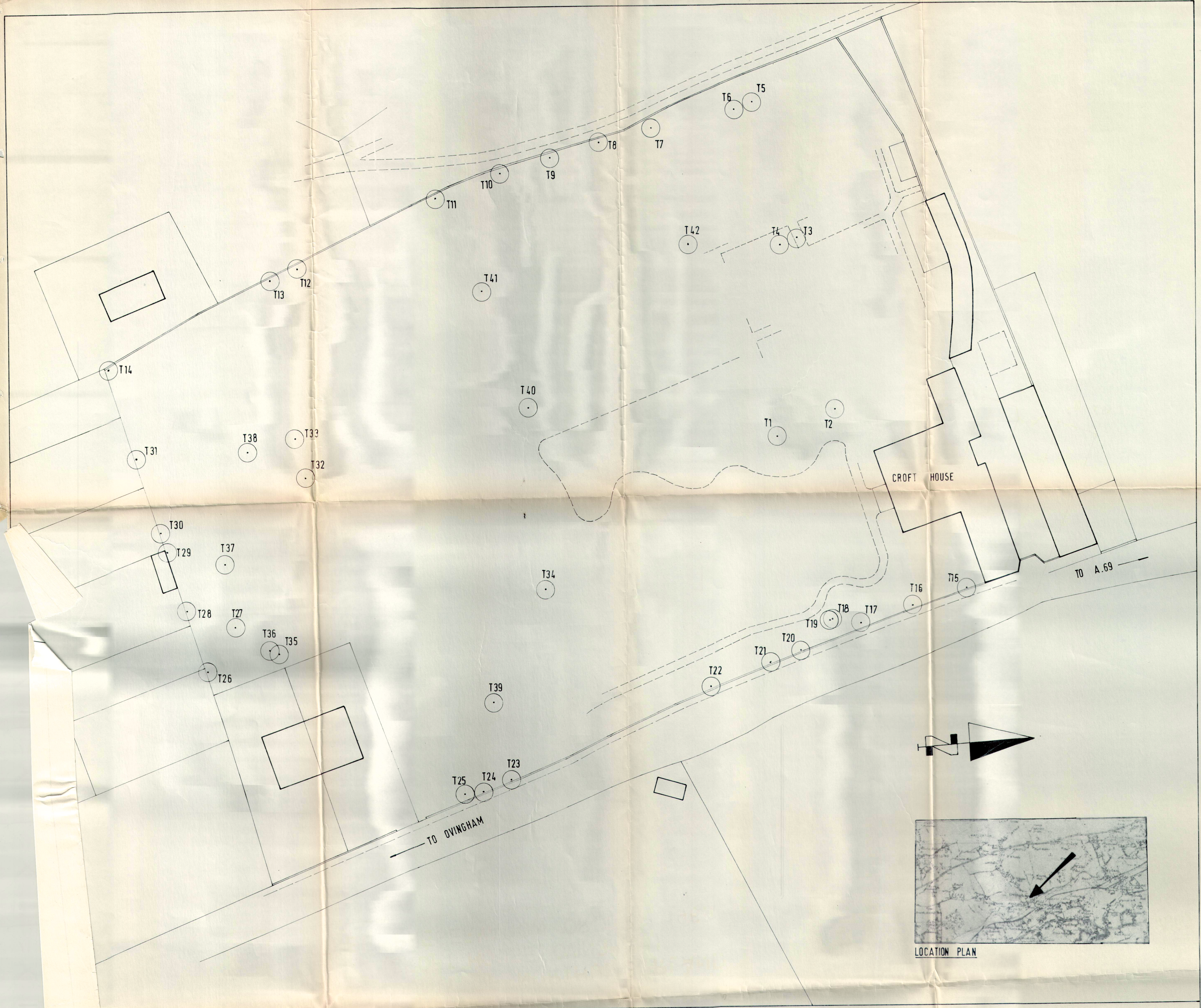
6. The ...
25th August, 1961

COUNTY OF NORTHUMBERLAND

TOWN AND COUNTRY PLANNING
ACTS, 1962 AND 1968

THE COUNTY OF NORTHUMBERLAND
(CROFT HOUSE, Ovingham)

TREE PRESERVATION ORDER, 1970



LOCATION PLAN

THE COUNTY OF NORTHUMBERLAND.
 (CROFT HOUSE, OVINGHAM).
 TREE PRESERVATION ORDER, 1969.

drg.no.:la/tpo/967

scale: 1/250