

COUNTY OF NORTHUMBERLAND

TOWN AND COUNTRY PLANNING
ACTS, 1962 AND 1968

THE COUNTY OF NORTHUMBERLAND
(HACKWOOD HOUSE, HEXHAM)
TREE PRESERVATION ORDER, 1969

COUNTY OF NORTHUMBERLAND

I HEREBY CERTIFY that this document is a true copy of The County of Northumberland
(Hackwood House, Hexham) Tree Preservation Order, 1969, as made by the County Council on
the 26th day of June, 1969.

Dated this 10th day of July, 1969.

C. D. J. G. G. G.
Clerk of the County Council.

County Hall,
Newcastle upon Tyne,
NE1 1SA.

COUNTY OF NORTHUMBERLAND

TOWN AND COUNTRY PLANNING ACTS, 1962 AND 1968

THE COUNTY OF NORTHUMBERLAND

(HACKWOOD HOUSE, HEXHAM)

TREE PRESERVATION ORDER, 1969

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 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.

(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 Minister 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, 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 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 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 a river authority or 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 river authority or 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 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.

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 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.

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 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.

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

13. Any person contravening the provisions of this Order is guilty of an offence under subsection (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.

14. This Order may be cited as The County of Northumberland
(Hackwood House, Hexham) Tree Preservation Order, 1969.

Given under the Common Seal of the County Council of the
Administrative County of Northumberland this 26th day of
June, 1969.

FIRST SCHEDULE

The map referred to is at a scale of 1:1250 and is based on the 1:2500 O.S. Northumberland Edition of 1963, Sheet No. NY 9363, and the area covered by the Order lies in the vicinity of Hackwood House in the Urban District of Hexham in the County of Northumberland.

TREES SPECIFIED INDIVIDUALLY

(Encircled in black on the Map)

No. on the Map	Description	Situation
		The following trees are situated in field No.8141 being measured in a south easterly direction along the south western boundary of the said field from the north eastern corner of the said field and are offset at right angles from the said boundary north eastwards.
.1	Lime	3 feet south eastwards and offset 27 feet.
T.2	Lime	31 feet south eastwards and offset 3 feet.
T.3	Lime	39½ feet south eastwards and offset 12 feet.
T.4	Holly	54 feet south eastwards and offset 9 feet.
T.5	Gean	66 feet south eastwards and offset 4 feet.
T.6	Poplar	70 feet south eastwards and offset 12 feet.
T.7	Poplar	75 feet south eastwards and offset 4 feet.
T.8	Ash	78 feet south eastwards and offset 8 feet.
T.9	Holly	83 feet south eastwards and offset 6 feet.
T.10	Ash	90 feet south eastwards and offset 4 feet.
T.11	Hawthorn	93 feet south eastwards and on the said boundary.
T.12	Elm	99 feet south eastwards and offset 18 feet.
T.13	Hawthorn	100½ feet south eastwards and on the said boundary.
T.14	Holly	102 feet south eastwards and offset 8 feet.
T.15	Holly	104 feet south eastwards and offset 1 feet.

No. on the Map	Description	Situation
T.16	Maple	116 feet south eastwards and offset 4 feet.
T.17	Ash	115 feet south eastwards and offset 19 feet.
T.18	Hawthorn	123 $\frac{1}{2}$ feet south eastwards and on the said boundary.
T.19	Ash	122 feet south eastwards and offset 19 feet.
T.20	Ash	133 $\frac{1}{2}$ feet south eastwards and offset 20 feet.
T.21	Maple	147 $\frac{1}{2}$ feet south eastwards and offset 8 feet.
T.22	Sycamore	160 feet south eastwards and offset 1 $\frac{1}{2}$ feet.
T.23	Beech	160 $\frac{1}{2}$ feet south eastwards and offset 26 feet.
T.24	Elm	184 feet south eastwards and offset 10 feet.
T.25	Hawthorn	192 $\frac{1}{2}$ feet south eastwards and on the said boundary.
T.26	Elm	200 feet south eastwards and offset 17 feet.
T.27	Lime	204 feet south eastwards and offset 4 feet.
T.28	Lime	221 $\frac{1}{2}$ feet south eastwards and offset 19 feet.
T.29	Lime	225 $\frac{1}{2}$ feet south eastwards and offset 4 feet.
T.30	Beech	245 feet south eastwards and offset 3 feet.
		The following trees are situated on the north eastern boundary of field No.8700 and are measured along the said boundary in a south easterly direction from its junction with the south eastern boundary of field No.8141.
T.31	Holly	203 feet south eastwards from the said junction.
T.32	Ash	293 feet south eastwards from the said junction.
T.33	Holly	326 feet south eastwards from the said junction.
T.34	Elm	367 feet south eastwards from the said junction.

No. on the Map	Description	Situation
		The following trees are measured westwards along the southern boundary of field No.8700 from the junction of the said boundary with the western boundary of field No.0012 and are all offset at right angles northwards from the said southern boundary.
T.35	Ash	5 feet westwards and offset 2 feet.
T.36	Ash	54 feet westwards and offset 2 feet.
T.37	Ash	87 feet westwards and offset 2 feet.
T.38	Ash	135 feet westwards and offset 2 feet.
T.39	Ash	340 feet westwards and offset 2 feet.
T.40	Oak	408 feet westwards and offset 2 feet.
T.41	Oak	476 feet westwards and offset 2 feet.
T.42	Ash	512 feet westwards and offset 2 feet.
T.43	Sycamore	546 feet westwards and offset 33 feet.
T.44	Beech	560 feet westwards and offset 30 feet.
T.45	Oak	612 feet westwards and offset 2 feet.
T.46	Horse Chestnut	719 feet westwards and offset 61 feet.
T.47	Larch	721 feet westwards and offset 75 feet.
T.48	Larch	721 feet westwards and offset 86 feet.
T.49	Oak	736 feet westwards and offset 47 feet.
T.50	Ash	767 feet westwards and offset 1½ feet.
T.51	Ash	797 feet westwards and offset 2 feet.
T.52	Oak	865 feet westwards and offset 2 feet.
T.53	Sycamore	885 feet westwards and offset 2 feet.
T.54	Beech	946 feet westwards and offset 20 feet.
T.55	Beech	946 feet westwards and offset 50 feet.
T.56	Sycamore	951 feet westwards and offset 8 feet.
T.57	Elm	954 feet westwards and offset 13 feet.
T.58	Ash	971 feet westwards and offset 29 feet.
T.59	Beech	982 feet westwards and offset 36 feet.
T.60	Oak	998 feet westwards and offset 17 feet.
T.61	Sycamore	1005 feet westwards and offset 12 feet.

No. on the Map	Description	Situation
		The following trees lying in the north west corner of field No.8700 are measured southwards along the western boundary of the said field from its junction with the south western corner of field No.6934 and are offset at right angles eastwards from the said boundary.
T.62	Beech	90 feet southwards and offset 9 feet.
T.63	Birch	61 feet southwards and offset 14 feet.
T.64	Oak	44 feet southwards and offset 12 feet.
T.65	Holly	8 feet southwards and offset 1½ feet.
		The following trees are measured south eastwards along the north eastern boundary line of field No.8700 and then field No.8141 from the eastern most corner of field No.6934 where it joins the said boundary of field No.8700 and are offset at right angles to the south west.
T.66	Holly	51 feet south eastwards and offset 6 feet.
T.67	Holly	93 feet south eastwards and offset 1 foot.
T.68	Holly	145 feet south eastwards and offset 2 feet.
T.69	Lime	70 feet south eastwards and offset 57 feet.
T.70	Oak	61 feet south eastwards and offset 147 feet.
T.71	Beech	275 feet south west of the point given above and on the eastern boundary of field No.6934.
T.72	Sycamore	213 feet south eastwards and offset 82 feet.
T.73	Redwood	280 feet south eastwards and offset 260 feet.
T.74	Sycamore	395 feet south eastwards and offset 110 feet.
T.75	Oak	560 feet south eastwards and offset 178 feet.

No. on the Map	Description	Situation
		The following trees are situated in the central and south eastern parts of field No.8700, measured south westwards along the south eastern boundary of the said field from the easternmost corner of the said field where it meets field No.0012 and the footpath which runs northwards along the eastern boundary of the said field No.0012 and are offset at right angles north westwards from the said south eastern boundary.
T.76	Holly	253 feet south westwards and offset 32 feet.
T.77	Oak	297 feet south westwards and offset 46 feet.
T.78	Oak	462 feet south westwards and offset 60 feet.
T.79	Oak	502 feet south westwards and offset 320 feet.
T.80	Redwood	647 feet south westwards and offset 310 feet.
T.81	Oak	607 feet south westwards and offset 256 feet.
T.82	Oak	702 feet south westwards and offset 232 feet.
T.83	Oak	715 feet south westwards and offset 214 feet.
T.84	Oak	626 feet south westwards and offset 144 feet.
T.85	Oak	632 feet south westwards and offset 94 feet.
T.86	Beech	753 feet south westwards and offset 146 feet.
T.87	Beech	766 feet south westwards and offset 105 feet.
T.88	Oak	767 feet south westwards and offset 403 feet.
T.89	Elm	796 feet south westwards and offset 360 feet west north westwards.
		The following trees are measured northwards along the western boundary of field No.8700 from the south eastern corner of field No.6934 and are offset at right angles eastwards from the said boundary.
T.90	Elm	92 feet northwards and offset 170 feet

No. on the Map	Description	Situation
T.91	Oak	247 feet northwards and offset 110 feet.
T.92	Yew	40 feet north north eastwards from the north eastern corner of Hackwood House
T.93	Yew	42 feet north north eastwards from the north eastern corner of Hackwood House
T.94	Holly	14 feet eastwards from the north eastern corner of Hackwood house.

GROUPS OF TREES

(Within a broken black line on the Map)

No. on the Map	Description	Situation
G.1	Group consisting of 1 Yew, 1 Sycamore and 3 Beech trees.	Lying approximately 400 feet south of the northernmost corner of field No. 6934 and on the eastern side of the access road to Hackwood House.
G.2	Group consisting of 1 Maple, 1 Yew, 1 Sycamore and 2 Beech trees.	Lying approximately 75 feet north of Hackwood House and on the eastern side of the access road to Hackwood House.
G.3	Group consisting of 2 Yew, 1 Birch and 5 Holly trees.	Lying approximately 25 feet north west of Hackwood House and on the western side of the access road to Hackwood House.
G.4	Group consisting of 1 Beech, 1 Sycamore and 3 Yew trees.	Lying approximately 75 feet north east of Hackwood House.
G.5	Group consisting of 1 Cherry, 1 Ash, 1 Blue Spruce, 1 Yew, 2 Hawthorn, 2 Holly and 2 Cypress trees.	Lying approximately 110 feet due south of Hackwood House.

WOODLANDS

(Within a continuous black line on the map)

No. on the Map	Description	Situation
W.1	Mixed deciduous trees consisting mainly of Horse Chestnut, Lime and Birch trees.	Lying in the northern part of field No.6934 and extending from the northern boundary of the said field to the northern edge of the access road to Hackwood House.

No. on the Map	Decription	Situation
W.2	Mixed conifers and deciduous trees consisting mainly of Pine, Cypress, Yew, Ash, Beech, Sycamore and Holly trees.	Lying in the southern part of field No.6934 and extending from the southern boundary of the access road to Hackwood House to the southern boundary of the said field.

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,

(3) 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,

(4) 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;

(iii) a river authority established under the Water Resources Act, 1963 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 river authority or drainage board in relation to the maintenance, improvement or construction of water courses or of drainage works; or

- (iv) 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

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| Reference of applications to the Minister | <p>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), ensure for the benefit of the land and of all persons for the time being interested therein.</p> <p>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.</p> <p>22. (2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.</p> <p>22. (3) Any application in respect of which a direction under this section has effect shall be referred to the Minister accordingly.</p> <p>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.</p> <p>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.</p> <p>22. (6) The decision of the Minister on any application referred to him under this section shall be final.</p> |
| Appeals against decisions. | <p>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</p> |

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 con-
sent
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 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,

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

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L.S.

G. R. WARDLE

Vice-Chairman of the County Council

R. W. ADCOCK

Deputy Clerk of the County Council

THE COUNTY COUNCIL of the ADMINISTRATIVE COUNTY of NORTHUMBERLAND
in exercise of their powers under Section 81 (2) (c) of the Town
and Country Planning Act, 1968, HEREBY confirm, without modification
the foregoing Order as an unopposed Order.

In witness whereof the Common Seal of the County Council of
the Administrative County of Northumberland was hereunto affixed
this 26th day of September, 1969.

RIDLEY

Chairman of the County Council

L.S.

R. W. ADCOCK

Deputy Clerk of the County Council

COUNTY OF MONTGOMERY

THE COUNTY OF MONTGOMERY

THE COUNTY OF MONTGOMERY

THE COUNTY OF MONTGOMERY

