COUNTY OF NORTHUMBERLAND

TOWN AND COUNTRY PLANNING ACTS, 1962 AND 1968

THE COUNTY OF NORTHUMBERLAND

(WYLAM DENE)

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 Tree Preservation Order, 1969.
(Wylam Dene)

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 1962 Sheets No.1164 and 1165 and the area covered by the Order is situated in the northern part of Wylam 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
		The following trees are situated in field No.5000 and are measured from the northern corner of the said field.
T1	Ash	Situated in the said corner of the said field.
T2	Ash	Approximately 35 feet south west of the said corner and on the north western boundary of the said field.
T3	Ash	Approximately 23 feet south of the said corner.
T4	Elm	Approximately 30 feet south of the said corner.
T5	Elm	Approximately 60 feet south east of the said corner and on the north eastern boundary of the said field.
T6	Oak	Approximately 120 feet south west of the said corner and on the western boundary of the said field.
T7	Elm	Approximately 190 feet south west of the said corner and on the western boundary of the said field.
		The following trees are situated in field No.4992 and are measured from the northern corner of the said field.
T8	Ash	Approximately 26 feet south east of the said corner and on the eastern boundary of the said field.
T9	Ash	Approximately 45 feet south east of the said corner and offset 7 feet south westwards from the eastern boundary of the said field.
T10	Oak	Approximately 119 feet south east of the said corner and offset 23 feet south westwards from the eastern boundary of the said field.
T11	Oak	Approximately 135 feet south east of the said corner and on the eastern boundary of the said field.
T12	Ash	Approximately 60 feet south west of the said corner and on the north western boundary of the said field.

No. on the Map	Description	Situation
T13	Ash	Approximately 167 feet north east of the south western corner of field No.5000 and on the south eastern boundary of the said field.
T14	Ash	Approximately 25 feet south east of the western corner of field No.4992.
T15	Ash	Approximately 268 feet north west of the eastern corner of field No.7100 and on the north eastern boundary of the said field.
		The following trees are situated in field No.7100 and are measured south westwards along the south eastern boundary from the eastern corner of the said field.
T16	Ash	Approximately 82 feet south westwards from the said corner.
T17	Oak	Approximately 140 feet south westward from the said corner.
T18	Oak	Approximately 278 feet south westward from the said corner, and offset 5 feet north westwards from the said boundary.
T19	Oak	Approximately 457 feet south westward from the said corner.
T20	Sycamore	Approximately 126 feet north eastward from the southern corner of the said field and offset 3 feet north westwards from the south eastern boundary of the said field.
T21	Oak	Approximately 72 feet north eastwards from the southern corner of the said field and offset 3 feet north westwards from the south eastern boundary of the said field.
T22	Elm	Approximately 347 feet south eastward from the western corner of field No. 4992 and on the south western boundar of the said field.

TREES SPECIFIED BY REFERENCE TO AN AREA

None

GROUPS OF TREES

(Within a broken line on the map)

No. on the Map	Description	Situation
G1	Group consisting of 2 Ash and 2 Elm trees.	Situated in the northern part of field No.4300.
G2	Group consisting of 2 Elm and 4 Sycamore trees.	Situated approximately 100 feet sout eastwards from the north western corner of field No.4992 and extendir south eastwards for a distance of 70 feet.

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

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 sueh 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.

Reference of applications to the Minister

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

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

G L Wardale

Vice-Chairman of the County Council

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.

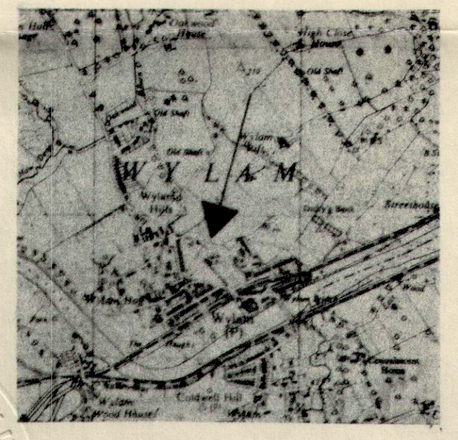
In witness whereof the Common Seal of the County Council of the Administrative County of Northumberland was hereunto affixed this 23rd day of October 1969.

G L Wardale

Vice-Chairman of the County Council

Deputy Clerk of the County Council

T1
T2
T3
T4
T5
T6
T7
G1
4300
Field No. 5000
Field No. 7100
T15
T16
T17
T18
T19
T20
T21
T22
T12
T8
T9
T10
T11
T13
T14
G2
Pond
Field No. 4992
Pond
Engine Dene
Dene Terrace West
Dene Terrace East
Algernon Terrace
The Dene
Jackson Road
Hackworth Gardens
Bell Road



THE COUNTY OF NORTHUMBERLAND.

(WYLAM DENE)

TREE PRESERVATION ORDER, 1967.

DRG. NO.: LA/TPO/801

SCALE: 1/1250

J.B. ROSS F.R.I.C.S., M.T.P.I.

COUNTY PLANNING OFFICER.

COUNTY COUNCIL OF NORTHUMBERLAND