

COUNTY OF NORTHUMBERLAND
TOWN AND COUNTRY PLANNING ACTS, 1962 AND 1968

THE COUNTY OF NORTHUMBERLAND

(WYLAM HALL)

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
(Wylam Hall) 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 1:500 and is based on 1:2500 O.S. Northumberland Edition of 1962 Sheets No. NZ.1064 and 1164 and the area covered by the Order is in the vicinity of Wylam Hall, Wylam in the Parish 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
T.1	Beech	Lying on the north side of the access road to Wylam Hall and Wylam Cottage and measured 123 feet northwards from the north western corner of the property known as "Ashburn".
T.2	Yew	Lying on the north side of the access road to Wylam Hall and Wylam Cottage and measured 117 feet northwards from the north western corner of the property known as "Ashburn".
		The following trees are situated on the south side of the access road to Wylam Hall and are measured in a north westerly direction from the north western corner of the property known as "Ashburn".
T.3	Oak	42 feet north west from the said point.
T.4	Oak	105 feet north west from the said point.
T.5	Oak	113 feet north west from the said point.
T.6	Beech	127 feet north west from the said point.
T.7	Elm	146 feet north west from the said point.
		The following trees are situated on the north side of the access road to Wylam Hall and are measured in a north westerly direction from the north western corner of the property "Ashburn".
T.8	Oak	165 feet north west from the said point.
T.9	Oak	185 feet north west from the said point.
T.10	Oak	210 feet north west from the said point.
		The following trees are situated between the south eastern boundary of field No. 1576 and the northern side of the access road to Wylam Hall and are measured from the eastern corner of the said field.

No. on the Map	Description	Situation
T.11	Beech	130 feet south-west from the said point.
T.12	Beech	163 feet south-west from the said point.
T.13	Beech	193 feet south-west from the said point.
		The following trees are situated between the south eastern boundary of field No.1576 and the northern side of the access road to Wylam Hall and are measured from the southern corner of the said field.
T.14	Oak	130 feet north-east from the said point.
T.15	Oak	98 feet north-east from the said point.
T.16	Horse Chestnut	13 feet north-east from the said point.
T.17	Oak	231 feet in a north north-westerly direction from the north western corner of the property known as "West Mews".
T.18	Sycamore	18 feet north-east from the north eastern corner of Wylam Hall.
T.19	Sycamore	167 feet north-west of the north western corner of "West Mews".
T.20	Oak	205 feet north-west of the north western corner of "West Mews".
		The following trees are measured in a westerly direction from the south western corner of Wylam Hall and are situated to the north-east of the northern boundary of field No.1556.
T.21	Pine	138 feet west of the said point.
T.22	Elm	110 feet west of the said point.
T.23	Elm	112 feet west of the said point.
T.24	Elm	162 feet north-west of the north western corner of Wylam Lodge and situated on the southern boundary of field No.1556.
T.25	Elm	138 feet north-west of the north western corner of Wylam Lodge and situated on the southern boundary of field No. 1556.

No. on the Map	Description	Situation
T.26	Beech	85 feet north of the north-eastern corner of Wylam Lodge and situated in the south-eastern corner of field No.1556.
T.27	Horse Chestnut	135 feet north north-east of the north eastern corner of Wylam Lodge and situated in the south eastern corner of field No.1556.
T.28	Elm	120 feet north north-east of the north eastern corner of Wylam Lodge and situated slightly to the east of the eastern boundary of field No. 1556

TREES SPECIFIED BY REFERENCE TO AN AREA

(Within a dotted black line on the map)

No. on the Map	Description	Situation
A.1	The several trees of whatever species standing in the area numbered A.1 on the map.	Lying in the south eastern corner of field No.1556 and extending along the southern boundary of the field from the south eastern corner to the eastern edge of the footpath which extends northwards across the field towards Wylam Hall.

GROUPS OF TREES

(Within a broken black line on the map)

No. on the Map	Description	Situation
G.1	Group consisting of 3 Austrian Pine, 1 Poplar and 12 Willow Trees.	Situated in the southern part of field No.1556 and roughly halfway between the western boundary and the footpath which extends northwards across the said field towards Wylam Hall.
G.2	Group consisting of 4 Willow Trees.	The centre of the Group is situated 90 feet north-west of the north western corner of "Ashburn" and to the south of the access road to Wylam Hall.
G.3	Group consisting of 3 Ash, 2 Elm, 1 Sycamore, 2 Yew and 2 Holly Trees.	Situated 60 feet north of "Ashburn" and lying to the south of the access road to Wylam Hall.

WOODLANDS

(Within a continuous black line on the map)

No. on the Map	Description	Situation
W.1	Mixed conifers and deciduous trees consisting mainly of Elm, Beech, Sycamore, Oak, Larch, Holly, Thuya and Pine trees.	Situated immediately to the west of Wylam Hall and extending from the road which runs in a westerly direction south of Wylam Hall to the southern part of field No.0575 north of Wylam Hall.
W.2	Mixed hardwoods consisting mainly of Sycamore, Elm, Oak and Beech trees.	Situated to the north of "West Mews" and extending westwards to the eastern boundary of field No.1556.

(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

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

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



Edward
Vice-Chairman of the County Council

R. H. H. H.
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.

Edward
Vice-Chairman of the County Council

R. H. H. H.
Deputy Clerk of the County Council

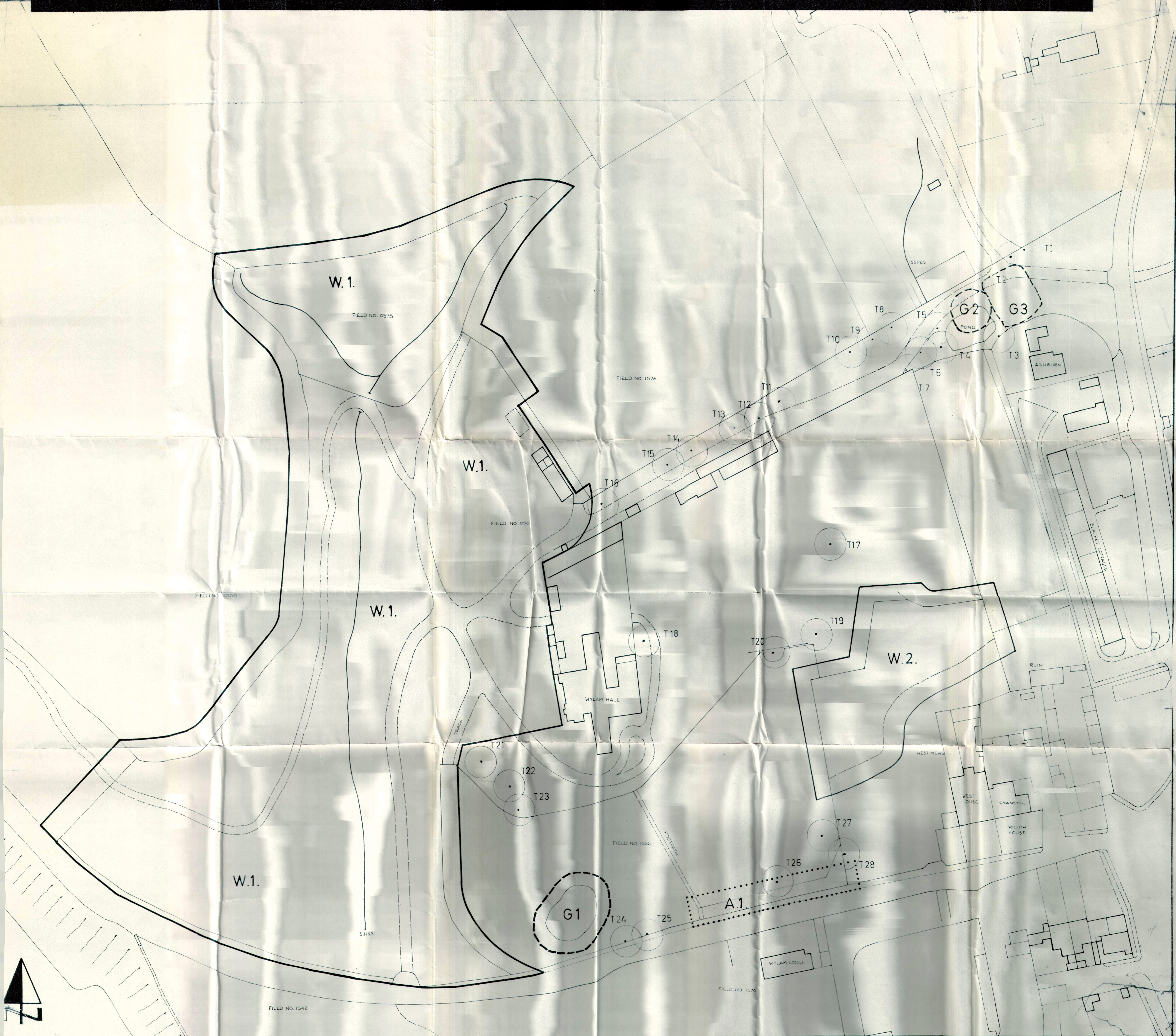


THE COUNTY OF HENRICO

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THE COUNTY OF NORTHUMBERLAND.
WYLAM HALL.
TREE PRESERVATION ORDER, 1968.
DRG. NO.: LA/TPO/842 SCALE: 1/500



THE COUNTY OF NORTHUMBERLAND.
WYLAM HALL.
TREE PRESERVATION ORDER, 1968.
DRG. NO. LA/TPO/ 842 SCALE: 1/500