

COUNTY OF NORTHUMBERLAND.

THE TOWN AND COUNTRY PLANNING ACT, 1947.

THE COUNTY OF NORTHUMBERLAND (CRAMLINGTON HALL)
TREE PRESERVATION ORDER, 1951.

The Northumberland County Council (in this Order called "the authority") in pursuance of the powers conferred in that behalf by Section 28 of the Town and Country Planning Act, 1947 (hereinafter called "the Act"), hereby make the following Order :—

1. In this Order "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.

2. Subject to the exemptions specified in the Second Schedule to this Order, no person shall, except with the consent of the authority cut down, top, lop, or wilfully destroy or cause or permit the cutting down, topping, lopping, or wilful destruction of any of the trees, the trees contained in the groups of trees or any part of the woodland areas specified in the First Schedule hereto, shown numbered and in the case of the groups of trees coloured red and in the case of the woodland areas coloured green on the map annexed hereto; which map shall 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 paragraph 2 of this Order shall be in writing stating the reasons for making the application,

granted under this Order if application were made for the purpose,
or

- (b) the refusal or condition is in the interests of good forestry ; or
- (c) in the case of a woodland area, it has an outstanding amenity value in relation to the woodland character of the area ; or
- (d) in the case of trees or groups of trees, the trees have an outstanding amenity value ; or
- (e) there is a special amenity served by the trees and woodlands other than amenity in relation to the woodland character of the neighbourhood.

7. (1) Where any part of a woodland area is felled in accordance with consent granted under this Order, the owner of the land on which the woodland is situated shall subject to any directions that may be given by the authority replant that part :

Provided that

- (a) where the Minister considers it expedient to dispense with any such requirements as to replanting he may at any time do so to such extent as he may think fit upon representation being made to him for the purpose by either the authority or the owner.
- (b) where any part of a woodland area is so felled for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, it shall not be necessary to replant that part.

(2) Where consent is granted under this Order to fell any part of a woodland area, the authority may give directions to the owner of the land on which the woodland is situated as to the manner in which that part should be replanted and any such directions may include requirements as to—

- (a) species ;
- (b) planting distances ;

- (c) the erection and maintenance of fencing necessary for protection of the replanted ~~trees~~ ;
- (d) the preparation of ground, draining, removal of brushwood, lop and top ; and
- (e) protective measures against fire.

8. The provisions set out in the Third Schedule to this Order, being the provisions of Part III of the Act as adapted and modified for the purposes of this Order shall apply in relation to any application made to the authority for consent under the Order and to any decision of the authority thereon.

9. Subject to the provisions of this Order, any person who has suffered damage or has incurred expenditure in consequence of any refusal of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim within the time limited for the purpose by this Order, be entitled to recover from the authority compensation in respect of such damage or expenditure.

Provided that no compensation shall be payable in respect of damage suffered or expenditure incurred by reason of such refusal or grant of consent in the case of any trees or groups of trees, or any woodland area, the subject of a certificate in accordance with paragraph 6 of this Order.

10. In assessing compensation payable under the last preceding paragraph, account shall be taken of

- (a) any compensation or contribution which has been paid in respect of the same trees or woodland areas under the terms of this or any other Tree Preservation Order under Section 28 of the Town and Country Planning Act, 1947, or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, and
- (b) any injurious affection to any land of the owner which would result from the felling of the trees or woodlands, the subject of the claim, and regard shall be had to any plan of forestry operations drawn up under paragraph 5 of this Order.

G.6	Group of 19 mixed deciduous ...	... Part of O.S., enclosures Nos. 193 and 197
G.7	Group of 44 mixed deciduous ...	... Part of O.S., enclosure No. 199.
W.1	Plantation of mixed deciduous	... Part of O.S., enclosure No. 193, south west of Cranlington Hall and adjoining the Cranlington to Dudley road.
W.2	Plantation of mixed deciduous	... O.S., enclosure No. 191, adjoining the Cranlington to Dudley road south of W.1.

[Note : O.S. enclosure references are to O.S. 25 inches to 1 mile, Sheet No. 78-13 (Edition of 1922).]

SECOND SCHEDULE.

This Order shall not apply so as to require the consent of the authority

- (1) to the cutting down, topping or lopping of any tree that is dying or dead or has become dangerous.
- (2) to the cutting down, topping or lopping of any tree, group of trees or woodland area ;
- (a) in compliance with an obligation imposed by or under an Act of Parliament ;
- (b) in pursuance of the power conferred on the Postmaster-General by virtue of Section 5 of the Telegraph (Construction) Act, 1908 ;
- (c) in pursuance of the powers conferred by Section 24 of the Regulation of Railways Act, 1868 ;
- (d) for the purpose of preventing or abating a nuisance ;
- (e) in the case of a statutory undertaker where the land on which the tree, group of trees or woodland area is situated, is operational land as defined by the Act and where works on such land cannot otherwise be carried out ; or where the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking.

THIRD SCHEDULE.

Provisions of Part III of the Act as adapted and modified to apply to this Order.

15. (1) The Minister may give directions to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the authority, and any such application shall be so referred accordingly.

(2) Where an application for consent under the Order is referred to the Minister under this section, the provisions of paragraphs 4 to 7 of the Order shall apply in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the authority.

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The decision of the Minister on all applications referred to him under this section shall be final.

16. (1) Where 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, then if the applicant is aggrieved by their decision on the application, or by any such certificate or direction he may, by notice in writing served within 28 days from the receipt of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister.

(2) When an appeal is brought under this section from a decision, certificate or direction of the authority, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may vary any certificate or direction, and may deal with the application as if it has been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.

(3) Unless within two months from the date of receipt of an application

the decision of the Minister under sub-section (1) of this Section.

Supplement-
ary provi-
sions as to
revocation
and
modification.

22. (1) Where any person is affected by an Order under the last foregoing Section, revoking or modifying a consent as confirmed by the Minister, or where any person is affected by a notice served on him under sub-section (2) of the foregoing section when the Order is not confirmed, then, if on a claim made to the authority within two months of the date of the Minister's decision, it is shown that he has incurred expenditure in carrying out work which is rendered abortive by the revocation, or modification, or stay of operations, as the case may be, or has otherwise suffered loss or damage which is directly attributable to the revocation, or modification, or stay of operations, the authority shall pay to that person compensation in respect of that expenditure, loss or damage ;

(2) For the purposes of this section any expenditure incurred on matters preparatory to acting on the consent shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid, no compensation shall be paid under this section in respect of any work carried out before the grant of consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of the depreciation in value of any interest in land) arising out of anything done or omitted to be done before the grant of that consent.

Enforcement
of the
Preservation
Order.

23. (1) If it appears to the authority that any cutting down, topping or lopping or wilful destruction of trees, groups of trees or woodland areas has been carried out after the coming into operation of the Order without the grant of consent required in that behalf under the Order or that any conditions subject to which such consent was granted have not been complied with, or that in respect of any part of a woodland area there has been a failure to replant or to comply with any directions as to replanting given by the authority, then, subject to any direction given by the Minister, the authority may within one year of such cutting down, topping, lopping or wilful destruction, or such failure, or non-compliance as the case may be, if they consider it expedient so to do, in the interest of amenity, serve on the owner of the land on which the trees, groups of trees or woodland areas are situated and, except in the matter of replanting woodland areas, on any person entitled to fell trees, a notice under this section.

(2) Any notice served under this section (hereinafter called an "enforcement notice") shall specify the acts alleged to have been done as aforesaid, or matters in respect of which it is alleged that any such conditions as aforesaid have not been complied with, or in what respect there has been a failure to replant or to comply with any directions as to replanting, as the case may be, and may require such steps as may be specified in the notice to be taken within such period as may be so specified for securing that operations, in so far as still practicable, shall be carried out in such manner as might have been required had the trees, groups of trees or woodland areas to which the notice relates been the subject of an application for grant of consent under this Order, or for securing compliance with the conditions or for securing replanting or compliance with the directions as to replanting, as the case may be; and in particular any such notice may, for the purpose aforesaid, require the immediate discontinuance of any cutting down, topping, lopping or destruction of trees, groups of trees or woodland areas or of any replanting operations.

(3) Subject to the provision of the next following sub-section, an enforcement notice shall take effect forthwith.

Provided that—

- (a) If within the period of 14 days after the service thereof, an application is made to the authority under this Order for consent to cut down, top or lop any trees, groups of trees or to fell any woodland area to which the enforcement notice relates, the notice, except in so far as it may require the discontinuance of cutting down, topping, lopping or destruction of trees, groups of trees or woodland areas, shall be of no effect pending the final determination of the application, and if and to the extent such consent as aforesaid is granted on that application, the notice shall not take effect;
- (b) if within the period of 14 days after the service thereof an appeal is made to the Court under the following provisions of this section by a person on whom the enforcement notice was served, the notice, except in so far as it may require the discontinuance of cutting down, topping, lopping or wilful destruction of trees, groups of trees or woodland areas shall be of no effect pending the final determination or withdrawal of the appeal.

(4) If any person on whom an enforcement notice is served under this section is aggrieved by the notice, he may, at any time within the period mentioned in the last foregoing sub-section appeal against the notice to a court

with such enforcement notice and any sum paid by the owner of any land under the foregoing sub-section in respect of the expenses of the authority in taking steps required to be taken by such notice, shall be deemed to be incurred or paid for the use and at the request of the person entitled to fell trees as aforesaid.

(3) Where by virtue of an enforcement notice, any cutting down, topping, lopping or destruction of trees, groups of trees or woodland areas is required to be discontinued, or any conditions are required to be complied with in respect of any cutting down, topping or lopping, or any replanting is required to be discontinued, or any directions as to replanting are required to be complied with, then if any person without the grant of consent in that behalf under this Order, contravenes or permits the contravention of the notice in respect of the aforesaid matters, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds; and if the contravention is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction, to a fine not exceeding twenty pounds for every day on which he continues to contravene the notice.

THE COMMON SEAL of the
County Council of the Administrative
County of Northumberland was
hereto affixed in the presence of

R. J. H. J.
Chairman of the County Council.

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



(6th December, 1951)

HLG 1936

The Minister of Housing and Local Government in exercise of the powers conferred upon him by subsection (3) of Section 28 of the Town and Country Planning Act, 1947, hereby confirms the above Order, subject to the modifications shown in red therein.

GIVEN under the Official Seal of
the Minister of Housing and
Local Government this *seventh*
day of December, One thousand
nine hundred and fifty-one.



M. D. C. M.

Authorised by the Minister to sign in
that behalf.

THE COUNTY OF NORTHUMBERLAND
(CRAMLINGTON HALL)
TREE PRESERVATION ORDER, 1951.

THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION
ORDER) REGULATIONS, 1950.
NORTHUMBERLAND COUNTY COUNCIL.
SEATON VALLEY URBAN DISTRICT.
CRAMLINGTON HALL.
TREE PRESERVATION ORDER



Scale - twenty five inches to one mile.

Tracing No: P410
Ord Sheet No: 7B.13
Size: 16" x 19"

G ROBSON, FRIBA., A.M.P.I., DIP.T.P.
COUNTY PLANNING OFFICER.

JUNE, 1951

