

*I certify that this is a true copy of an Order made by the County Council on the 27th Day of April 1950*  
*Sd. Warden*  
*Chairman of Northumberland County Council*  
*3rd March 1950.*

COUNTY OF NORTHUMBERLAND.

THE TOWN AND COUNTRY PLANNING ACT, 1947.

THE COUNTY OF NORTHUMBERLAND (BIDDLESTONE HALL)  
TREE PRESERVATION ORDER, 1950.

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, and shall specify the trees, groups of trees or woodland areas to which the application relates, and the operations for the carrying out of which consent is required, and where necessary for the identification of such trees, groups of trees or woodland areas shall be accompanied by a map or plan of a size or on a scale sufficient for the purpose.

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 any 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 area specified in the First Schedule to this Order, the authority shall grant consent in accordance 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.

(2) Where an application for consent under this Order relates to any woodland area specified in the First Schedule to this Order, the Minister of Town and Country Planning (hereinafter called "the Minister") may direct the authority to consult the Forestry Commission before deciding such application.

## FIRST SCHEDULE.

| No. on Plan. | Description of Trees,<br>Groups of Trees, and<br>Woodland Areas. |     |            |     |     | Situation.                                                                                        |
|--------------|------------------------------------------------------------------|-----|------------|-----|-----|---------------------------------------------------------------------------------------------------|
| T.1          | ...                                                              | ... | Chile Pine | ... | ... | Approximately 150 feet east north east of south east corner of Biddlestone Hall.                  |
| T.2          | ...                                                              | ... | Chile Pine | ... | ... | Approximately 220 feet east north east of south east corner of Biddlestone Hall.                  |
| T.3          | ...                                                              | ... | Oak        | ... | ... | Approximately 250 feet east south east of south east corner of Biddlestone Hall.                  |
| T.4          | ...                                                              | ... | Beech      | ... | ... | Approximately 370 feet east south east (approximately) of south east corner of Biddlestone Hall.  |
| T.5          | ...                                                              | ... | Cypress    | ... | ... | Approximately 470 feet east (approximately) of south east corner of Biddlestone Hall.             |
| T.6          | ...                                                              | ... | Oak        | ... | ... | Approximately 210 feet south south east of south east corner of Biddlestone Hall.                 |
| T.7          | ...                                                              | ... | Beech      | ... | ... | Approximately 350 feet south south east (approximately) of south east corner of Biddlestone Hall. |
| T.8          | ...                                                              | ... | Fir        | ... | ... | Approximately 300 feet east south east (approximately) of south east corner of Biddlestone Hall.  |
| T.9          | ...                                                              | ... | Cypress    | ... | ... | Approximately 370 feet south east of south east corner of Biddlestone Hall.                       |
| T.10         | ...                                                              | ... | Fir        | ... | ... | Approximately 490 feet south east of south east corner of Biddlestone Hall.                       |
| T.11         | ...                                                              | ... | Cypress    | ... | ... | Approximately 450 feet east south east of south east corner of Biddlestone Hall.                  |
| T.12         | ...                                                              | ... | Fir        | ... | ... | Approximately 550 feet east south east of south east corner of Biddlestone Hall.                  |
| T.13         | ...                                                              | ... | Beech      | ... | ... | Approximately 600 feet south east of south east corner of Biddlestone Hall.                       |
| T.14         | ...                                                              | ... | Fir        | ... | ... | Approximately 750 feet south east (approximately) of south east corner of Biddlestone Hall.       |
| T.15         | ...                                                              | ... | Fir        | ... | ... | Approximately 700 feet east south east of south east corner of Biddlestone Hall.                  |
| T.16         | ...                                                              | ... | Beech      | ... | ... | Approximately 870 feet east south east of south east corner of Biddlestone Hall.                  |
| T.17         | ...                                                              | ... | Beech      | ... | ... | Approximately 900 feet east south east of south east corner of Biddlestone Hall.                  |
| T.18         | ...                                                              | ... | Sycamore   | ... | ... | Approximately 970 feet west north west of north west corner of burial ground.                     |
| T.19         | ...                                                              | ... | Beech      | ... | ... | 270 feet north west of north west corner of burial ground.                                        |
| T.20         | ...                                                              | ... | Cypress    | ... | ... | Approximately 1,120 feet west of north west corner of burial ground.                              |
| T.21         | ...                                                              | ... | Cypress    | ... | ... | Approximately 950 feet west of north west corner of burial ground.                                |
| T.22         | ...                                                              | ... | Sycamore   | ... | ... | Approximately 600 feet west (approximately) of north west corner of burial ground.                |
| T.23         | ...                                                              | ... | Sycamore   | ... | ... | Approximately 540 feet west of north west corner of burial ground.                                |
| T.24         | ...                                                              | ... | Cypress    | ... | ... | Approximately 350 feet west of north west corner of burial ground.                                |
| T.25         | ...                                                              | ... | Sycamore   | ... | ... | Approximately 1,180 feet west south west of north west corner of burial ground.                   |
| T.26         | ...                                                              | ... | Ash        | ... | ... | Approximately 460 feet west south west of north west corner of burial ground.                     |
| T.27         | ...                                                              | ... | Sycamore   | ... | ... | Approximately 200 feet west south west of north west corner of burial ground.                     |
| T.28         | ...                                                              | ... | Cypress    | ... | ... | Approximately 120 feet west of north west corner of burial ground.                                |

| No. on Plan. | Description of Trees,<br>Groups of Trees, and<br>Woodland Areas.                  | Situation.                                                                           |
|--------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| G.1 ...      | Group of 5 trees consisting of<br>2 Beech, 1 Sweet Chestnut,<br>1 Fir, 1 Sycamore | Approximately 350 feet east north east of<br>south east corner of Biddlestone Hall.  |
| G.2 ...      | Group of 4 trees consisting of<br>1 Oak, 1 Beech, 1 Elm,<br>1 Sycamore            | Approximately 550 feet east of south east<br>corner of Biddlestone Hall.             |
| G.3 ...      | Group of 4 trees consisting of<br>1 Beech, 1 Sycamore, 2 Pine                     | Approximately 800 feet east south east of<br>south east corner of Biddlestone Hall.  |
| G.4 ...      | Group of 3 trees consisting of<br>1 Chile Pine, 2 Oak                             | Approximately 150 feet south south west of<br>south east corner of Biddlestone Hall. |
| G.5 ...      | Group of 4 trees consisting of<br>1 Oak, 1 Beech, 1 Cypress,<br>1 Fir             | Approximately 300 feet south of south east<br>corner of Biddlestone Hall.            |
| G.6 ...      | Group of 2 trees consisting of<br>1 Ash, 1 Sycamore                               | Approximately 700 feet south east of south<br>east corner of Biddlestone Hall.       |
| W.1 ...      | Plantation of mixed deciduous<br>and coniferous                                   | East of Biddlestone Hall Park and known<br>as Garden Wood.                           |
| W.2 ...      | Plantation of mixed deciduous<br>and coniferous                                   | South and west of Biddlestone Hall Park<br>and known as Park Wood.                   |
| W.3 ...      | Plantation of mixed deciduous<br>and coniferous                                   | North of Biddlestone Hall Park and known<br>as Back Wood.                            |

## 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 trees, 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.

(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 of summary jurisdiction for the petty sessional division or place within which the land to which the notice relates is situated; and on any such appeal the court—

- (a) if satisfied that consent was granted under this Order for the cutting down, topping or lopping or destruction of the trees, groups of trees or woodland areas to which the notice relates, or that no such consent was required in respect thereof, or that the conditions subject to which consent was granted have been complied with or that there had not been a failure to replant, or to comply with any directions as to replanting, as the case may be, shall quash the notice to which the appeal relates.
- (b) if not so satisfied, but satisfied that the requirements of the notice exceed what is necessary for compliance with the conditions attached to the consent, or what is necessary to comply with directions in regard to replanting, or what might have been required had application for consent to the cutting down, topping, lopping or destruction been made in respect of the trees, groups of trees or woodland areas to which the notice relates, shall vary the notice accordingly;
- (c) in any other case shall dismiss the appeal.

(5) Any person aggrieved by a decision of a court of summary jurisdiction under the last foregoing sub-section may appeal against that decision to a court of quarter sessions.

(24) (1) If within the period specified in an enforcement notice, or within such extended period as the authority may allow, any steps required by the notice to be taken (other than discontinuance of cutting down, topping, lopping or wilful destruction of any trees, groups of trees or woodland areas) have not been taken, the authority may enter on the land on which the trees, groups of trees or woodland areas are situated and take those steps, and may recover as a simple contract debt in any court of competent jurisdiction from the person who is then the owner of the land, or except where the notice relates to replanting of woodland areas, the person who is entitled to fell the trees, any expenses reasonably incurred by them in that behalf, and if that person having been entitled to appeal to the court under the last foregoing section, failed to make such an appeal, he shall not be entitled in proceedings under this sub-section to dispute the validity of the action taken by the authority upon any ground which could have been raised by such an appeal.

Supplement-  
ary provi-  
sions as to  
enforcement.

(2) Where a person other than the owner of any land is entitled to fell trees to which an enforcement notice under the last foregoing section relates, any expenses incurred by the owner of such land for the purpose of complying 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  
hereunto affixed in the presence of

L.S.

RIDLEY

*Chairman of the County Council.*

E.P. HARVEY

*Clerk of the County Council.*

COUNTY OF NORTHUMBERLAND.

THE TOWN AND COUNTRY  
PLANNING ACT, 1947.

THE COUNTY OF NORTHUMBERLAND  
(BIDDLESTONE HALL)

TREE PRESERVATION ORDER, 1950.

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

Chairman of the County Council.

TOWN & COUNTY PLANNING ACT, 1947.  
COUNTY OF NORTHUMBERLAND.  
BIDDLESTONE HALL.  
TREE PRESERVATION ORDER, 1950.



Scale: Twenty-five inches to one mile.