

CIVIC AMENITIES ACT 1967

The following provisions of Part II of the Civic Amenities Act 1967 came into force on 27th August, 1967 and have effect in relation to tree preservation orders:-

Replacement of
trees.

Section 13.- (1) If any tree in respect of which a tree preservation order is for the time being in force, other than a tree to which the order applies as part of a woodland, is removed or destroyed in contravention of the order or is removed or destroyed or dies at a time when its cutting down is authorised only by the provisions of section 29(7) of the Planning Act relating to trees which are dying or dead or have become dangerous, it shall be the duty of the owner of the land, unless on his application the local planning authority dispense with this requirement, to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

(2) In relation to any tree planted pursuant to this section, the relevant tree preservation order shall apply as it applied to the original tree.

(3) The duty imposed by subsection (1) of this section on the owner of any land shall attach to the person who is from time to time the owner of the land and may be enforced as provided by section 14 of this Act and not otherwise.

Default powers
and appeals.

Section 14.- (1) If it appears to the local planning authority that the provisions of section 13 of this Act, or any conditions of a consent given under a tree preservation order which require the replacement of trees, are not complied with in the case of any tree or trees, that authority may, at any time within four years from the date of the alleged failure to comply with the said provisions or conditions, serve on the owner of the land a notice requiring him, within such period as may be specified in the notice, to plant a tree or trees of such size and species as may be so specified.

(2) Subject to the following provisions of this section, a notice under this section shall take effect at the end of such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.

(3) A person on whom a notice under this section is served may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal to the Minister against the notice on the ground-

- (a) that the provisions of the said section 13 or the conditions aforesaid are not applicable or have been complied with;
- (b) that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified therein;
- (c) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry;
- (d) that the place on which the tree or trees are required to be planted is unsuitable for that purpose;

and subsections (2) to (5) of section 46 and section 180 of the Planning Act (procedure and powers of Minister on appeal, and appeals

COUNTY OF NORTHUMBERLAND

TOWN AND COUNTRY PLANNING ACT, 1962

THE COUNTY OF NORTHUMBERLAND

(HOLYWELL DENE NO. 2)

TREE PRESERVATION ORDER, 1967.

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 Section ~~15~~¹⁵ of the Forestry Act, ~~1951~~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.

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 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 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 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 a 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.

14. This Order may be cited as The County of Northumberland (Holywell Dene No. 2) Tree Preservation Order, 1967.

Given under the Common Seal of the County Council of the Administrative County of Northumberland this *third* day of *August* 1967.

FIRST SCHEDULE

Trees specified individually

N O N E

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 consisting of Ash and Sycamore standing in the area numbered A.1 on the map.	The map referred to is at a scale of 1:2500 and is based on the O.S. Northumberland editions of December, 1959 and January, 1960 sheet Nos. NZ.2874 and NZ.3074 and the area covered by the Order lies wholly within the Urban District of Seaton Valley in the County of Northumberland. Lying on the south bank of the Seaton Burn and approximately 500 feet south of Bates Cottages.

Groups of Trees
(Within a broken black line on the map)

No. on the Map	Description	Situation
G.1	Group consisting of fourteen Sycamore and one Ash.	Lying mainly on the south bank of the Seaton Burn and approximately 800 feet in a south easterly direction from the A.190 road between Seghill and Seaton Delaval.

Woodlands
(Within a continuous black line on the map)

No. on the Map	Description	Situation
W.1	Deciduous trees consisting mainly of Beech, Ash, Sycamore, Elm, Oak and Willow.	Lying on both sides of the Seaton Burn and beginning at a point approximately 1,200 feet in a south easterly direction from the A.190 road between Seghill and Seaton Delaval and extending in an easterly direction to the railway line between Seaton Delaval and Whitley Bay.
W.2	Deciduous trees consisting mainly of Ash, Sycamore, Beech and Oak.	Lying on both sides of the Seaton Burn, beginning on the eastern side of the railway line between Seaton Delaval and Whitley Bay and extending in an easterly direction for approximately 1,200 feet.
W.3	Deciduous trees consisting mainly of Ash and Sycamore.	Lying on both sides of the Seaton Burn extending from the south side of Dene Row to the western edge of the A.192 road from Holywell to Earsdon.

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
 - (a) which is dying or dead or has become dangerous;
 - (b) in compliance with an obligation imposed by or under an Act of Parliament;
 - (c) for the purpose of preventing or abating a nuisance;
 - (d) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908;
 - (e) 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; or
 - (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 functions of such river authority or drainage board in relation to the maintenance, improvement or construction of water courses or of drainage works;
 - (f) 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;
 - (g) 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 Part III of the Act as adapted and modified to apply to this Order.

Reference
of appli-
cations
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.

(2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Minister accordingly.

(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.

(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.

(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 under this section appeal to the Minister.

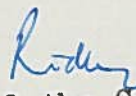
(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Minister may allow.

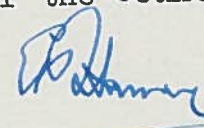
(4) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as it if had been made to him in the first instance.

(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.

(5) Where a Notice has been served in accordance with the provisions of subsection (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under subsection (2) of this section.

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.


Clerk of the County Council.

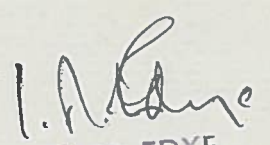


The Minister of Housing and Local Government in exercise of the powers conferred upon him in that behalf hereby confirms the foregoing order subject to the modifications shown in red ink thereon.

In Witness whereof the Official Seal of the Minister of Housing and Local Government is hereunto affixed on 15th November 1967.



a.b.

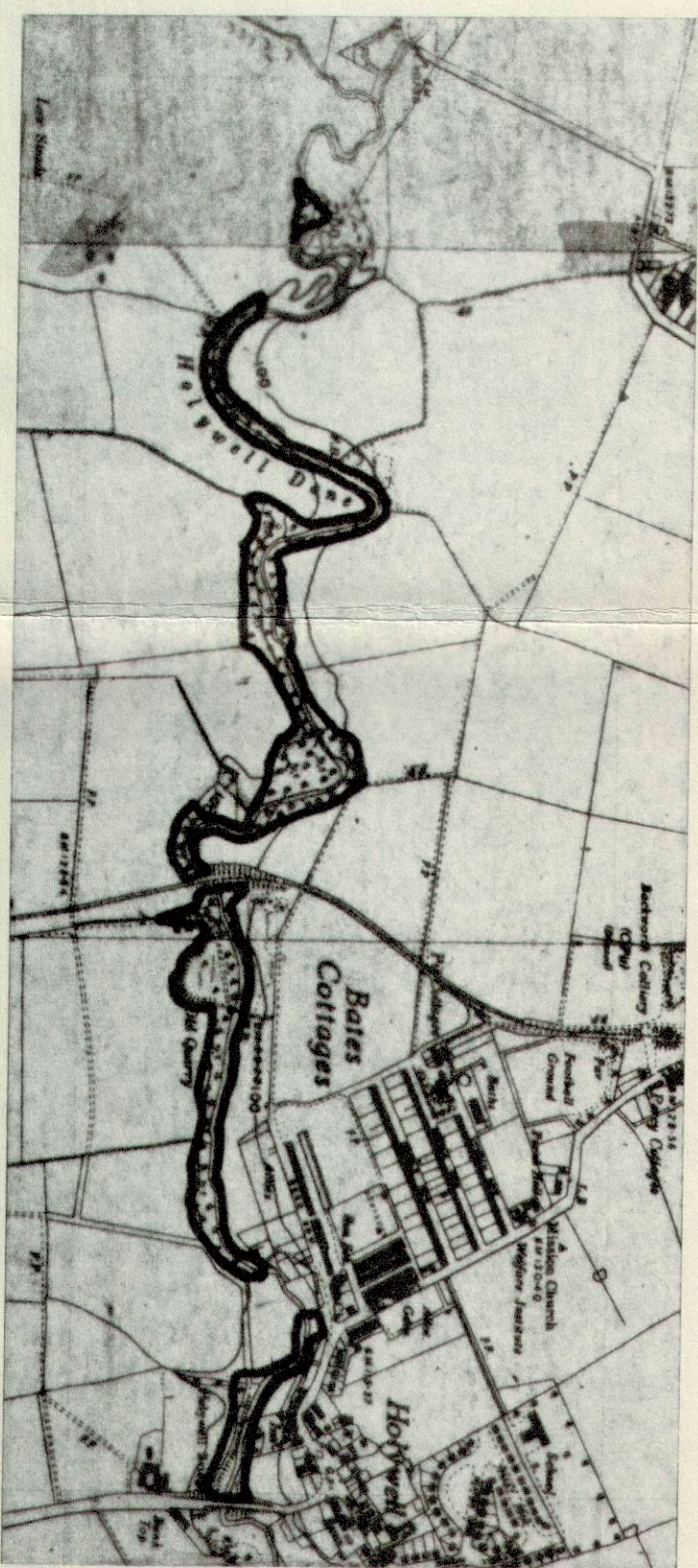

I. M. EDYE
Authorised by the Minister

COUNTY OF NORTHUMBERLAND

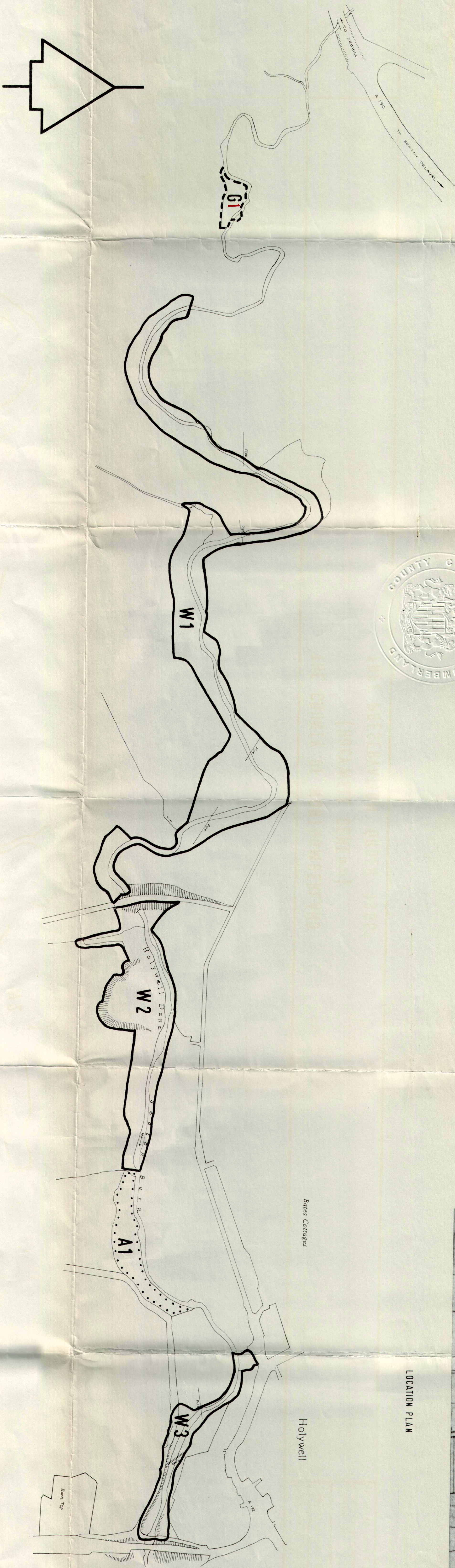
TOWN AND COUNTRY PLANNING,
ACT, 1962

THE
COUNTY OF NORTHUMBERLAND
(HOLYWELL DENE No.2)
TREE PRESERVATION ORDER,
1968

SEATON DELAVAL



LOCATION PLAN



J. B. ROSS F.R.I.C.S.
COUNTY PLANNING OFFICER,
COUNTY HALL,
NEWCASTLE - UPON - TYNE.

THE COUNTY OF NORTHUMBERLAND
(HOLYWELL DENE (No 2))

TREE PRESERVATION ORDER 1966

DATE 1 AUGUST 1966

SCALE 1 : 2500

DRAWN BY J.R.M.

DRAWING NO. LATPO. 579



Northumberland COUNTY COUNCIL	County TPO: 50 Holywell Dene, No. 2 1967	DATE : 09/05/2003 NORTHUMBERLAND MAP SERVICE SCALE 1:7500 Reproduced from based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. NORTHUMBERLAND COUNTY COUNCIL - O.S. License No. LA 076775
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