

METROPOLITAN BOROUGH OF NORTH TYNESIDE

Inter-Departmental Memorandum

To: See Below

From: The Director of Legal and
Administrative Services

Ref:

Ref: BMN/KH/DEV.54/57

Date: 23rd March, 1990

This matter is being dealt with by:- Mr. B. McNally

The Metropolitan Borough of North Tyneside (Seaton Burn Hall)
Tree Preservation Order 1990

I enclose herewith, for your information, a copy of the above mentioned Tree Preservation Order which I have today served on the appropriate owners/occupiers and in this connection I would inform you that the Order is effective immediately.

Circulated to:-

Assistant Director of Technical Services (Planning and Building Control)
(F.A.O. Mr. M. Howe) ✓
Assistant Director of Technical Services (Building and Design)
(F.A.O. Mr. F. White)
Land Charges Section

METROPOLITAN BOROUGH OF NORTH TYNESIDE		
28 MAR 1990 AFTN		
TO	BY	REPLIED
MRH		

E. D. Nixon

JH

TOWN AND COUNTRY PLANNING ACT, 1971

THE METROPOLITAN BOROUGH OF NORTH TYNESIDE

(SEATON BURN HALL) TREE PRESERVATION ORDER 1990

The Council of the Metropolitan Borough of North Tyneside (in this Order called "the Authority"), in pursuance of the powers conferred in that behalf by Section 60 and Section 61 of the Town and Country Planning Act, 1971 (as amended by Section 10(1) of the Town and Country Amenities Act, 1974), and subject to the provisions of the Forestry Act, 1967, hereby made the following Order:-

1. In this Order:-

"the Act" means the Town and Country Planning Act, 1971;

"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; 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 Secretary of State" means the Secretary of State for the Environment.

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, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage, 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 specifying 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

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 the 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 Secretary of State 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 provision of this Order and Section 175 of the Act, 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 (hectare);
- (c) The erection and maintenance of fencing necessary for protection of the replanting;
- (d) The preparation of ground, draining, removal of bushwood, lop and top; and
- (e) Protective measures against fire.

7. On imposing any condition requiring the replacement of any tree under Article 4 of the 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 water authority since 31st March, 1974, by any other authority (whose functions are now exercised by a water authority) who at any time prior to 1st April, 1974 exercised the functions in respect of which the byelaws was made, by a drainage board, or by the Greater London Council in the exercise of any of its functions in relation to the maintenance, improvement or construction of watercourses or of drainage works 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 water authority, the drainage board, or the Greater London Council 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 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 had 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 60 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 addressing the claim to the Authority and leaving it at or sending it by post to the principal office of the Authority.

(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 Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the Authority, from the date of the decision of the Secretary of State on the appeal.

12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 179 of the Act.

13. The provisions of Section 61 of the Act shall apply to this Order and the Order shall take effect on 22nd March, 1990.

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it, is guilty of an offence and liable on summary conviction to a fine not exceeding £400 or twice the sum which appears to the Court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding £200 on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree other than one to which an Order applies as part of a woodland is removed, uprooted or destroyed in contravention of an Order, or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by Section 60(6) of the Town and Country Planning Act 1971 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application, the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days previous notice of the removal, etc., should be given to the Authority to enable the latter to decide whether or not to dispense with the requirement.

14. This Order may be cited as "The Metropolitan Borough of North Tyneside (Seaton Burn Hall) Tree Preservation Order 1990."

FIRST SCHEDULE

The map referred to is at a scale of 1:1250 and is a magnification of O.S. sheet 2473 (1960) and 2573 (1962).

The area covered by the order consists of land North and South of B1321 between Seaton Burn and Dudley around Seaton Burn Hall.

The area is wholly within the Borough of North Tyneside in the County of Tyne and Wear.

Trees specified individually
(Encircled in black on the map)

No. on map	Description	Situation
		The following trees are located between field no. 8553 and the grounds of Seaton Burn Hall and Lodge
T1	Horse Chestnut	Adjacent NW corner of walled tennis court no. 7649
T2	Lime	10m North of corner of walled tennis court no. 7649
T3	Ash	16m North of corner of walled tennis court no. 7649 on South boundary of field no. 8553
T4	Sycamore	East of and adjacent to T2 and T3
		The following trees are measured along the SW boundary of field no. 8553 from a point offset from the East wall of the exercise paddock no. 7650
T5	Sycamore	92m West of base measuring point
T6	Sycamore	88m West of base measuring point, 5m South of field boundary
T7	Sycamore	74m West of base measuring point
T8	Sycamore	69m West of base measuring point
T9	Sycamore	61m West of base measuring point
T10	Sycamore	43m West of base measuring point
T11	Sycamore	40m West of base measuring point
T12	Ash	30m West of base measuring point
T13	Sycamore	15m West of base measuring point
T14	Ash	6m West of base measuring point
T15	Sycamore	3m West of base measuring point
T16	Sycamore	3m East of base measuring point
T17	Sycamore	7m East of base measuring point
T18	Sycamore	In the South corner of field no. 8553

No. on map	Description	Situation
T19	Oak	On the SW boundary of Seaton Burn Dairy cottage garden
T20	Ash	In West corner of field no. 0446, 20m from access road adjacent Seaton Burn Dairy Farm Cottage
		The following trees are located in the grounds of Seaton Burn Lodge
T21	Beech	At the entrance to the grounds of the lodge, directly South of the Lodge Drive
T22	Sycamore	At the East corner of the Lodge grounds
T23	Oak	Adjacent South side of Lodge Drive, 7m from the entrance
T24	Sycamore	Adjacent to South East wall of Lodge grounds, at a point offset 7m along the drive
T25	Beech	Adjacent South side of Lodge Drive, 12m from the entrance
T26	Beech	Adjacent South side of Lodge Drive, 16m from the entrance
T27	Oak	Midway between Lodge Drive and SE wall of Lodge grounds, at a point offset 17m along the drive
T28	Sycamore	Midway between Lodge Drive and SE wall of Lodge grounds, at a point offset 23m along the drive
T29	Sycamore	Adjacent to SE wall of Lodge grounds, at a point offset 23m along the drive
T30	Sycamore	Adjacent SE wall of Lodge grounds, 5m SW of T29
T31	Beech	5m South of Lodge Drive, at a point offset 30m along the drive
T32	Sycamore	12m South of Lodge Drive, at a point offset 30m along the Drive
T33	Beech	Adjacent to the SE wall of the Lodge grounds and the end of the fence between the Lodge and Hall grounds
T34	Sycamore	4m West of T33, adjacent fence between Lodge and Hall grounds
T35	Oak	13m West of SE wall of Lodge grounds, adjacent fence between Lodge and Hall grounds
T36	Sycamore	Adjacent South side of Lodge Drive, 40m from entrance of drive
T37	Sycamore	Adjacent fence between Lodge and Hall grounds, offset 44m along the Drive from entrance
T38	Sycamore	6m South of Lodge Drive, 49m along the drive

No. on map	Description	Situation
T39	Sycamore	3m South of Lodge Drive, 53m along the drive
T40	Lime	11m South of gate on Lodge Drive, 67m along the drive
T41	Sycamore	9m West of SW corner of walled exercise paddock
T42	Sycamore	Adjacent East wall of walled exercise paddock, 8m from NE corner
T43	Sycamore	5m from East wall of walled exercise paddock
T44	Sycamore	Adjacent SE corner of walled exercise paddock
		The following trees are located in land South and West of the Seaton Burn Hall grounds
T45	Lime	In field no. 8232, 30m West of woodland no. 9430
T46	Willow	Adjacent footbridge across Seaton Burn, South of field no. 8232
T47	Alder	In SW corner of field no. 8232, 14m from fence between 6146 and 8232
T48	Lime	In field no. 6146, 80m from West boundary, 50m from South boundary
		The following trees are in the grounds of Seaton Burn Hall
T49	Sycamore	Adjacent East garden wall of Seaton Burn Hall, in East corner of the garden 15m NE of the SE corner of the garden wall
T50	Yew	5m from East garden wall of Seaton Burn Hall, SW of T49
T51	Cherry	11m NW of SE corner of the garden
T52	Sycamore	11m from South wall of garden at a point 9m offset from the SE corner of the garden
T53	Sycamore	6m from South wall of garden at a point 12m from the SE corner of the garden
T54	Sycamore	Adjacent South garden wall, 20m from SE corner of the garden
T55	Sycamore	Adjacent South garden wall, 23m from SE corner of the garden
T56	Lime	11m from the South garden wall, at a point 21m offset from the SE corner of the garden
T57	Cherry	20m from South boundary of garden at a point 21m offset from the SE corner of the garden
T58	Sycamore	Adjacent fence dividing lodge and house gardens, 25m NW of SE corner of the garden

No. on map	Description	Situation
T59	Yew	7m from South boundary of garden at a point 28m offset from the SE corner of the garden
T60	Sycamore	18m from South boundary of garden at a point 31m offset from the SE corner of the garden
T61	Sycamore	25m from South boundary at a point 35m offset from the SE corner of the garden
T62	Sycamore	Adjacent South boundary of garden at a point offset 31m from the SE corner of the garden
T63	Ash	Adjacent South boundary of garden at a point offset 39m from the SE corner of the garden
T64	Horse Chestnut	Adjacent South boundary of garden at a point offset 58m from the SE corner of the garden
T65	Horse Chestnut	Adjacent North boundary wall of Seaton Burn Hall garden at a point offset 47m from the SE corner of the garden
T66	Beech	16m from South boundary of garden at a point offset 51m from the SE corner of the garden
T67	Beech	6m from South boundary of garden at a point offset 54m from the SE corner of the garden
T68	Ash	10m from South boundary of garden, 46m from a point offset from the East facade of Seaton Burn Hall
T69	Beech	Adjacent South boundary of garden, 40m from a point offset from the East facade of Seaton Burn Hall
T70	Cherry	14m from South boundary of garden, 29m from a point offset from the East facade of Seaton Burn Hall
T71	Beech	11m from a point offset from the South facade of the Hall, 15m from a point offset from the East facade of the Hall
T72	Horse Chestnut	17m from a point offset from the South facade of the Hall, 7m from a point offset from the East facade of the Hall
T73	Oak	15m North of North facade of Hall
T74	Beech	9m NNW of T73, 10m WNW of SW corner of walled tennis court
T75	Beech	11m from a point offset 9m from North facade of Hall
T76	Cherry	Adjacent drive leading to South side of house, 25m NW of NW corner of Hall
T77	Elm	Adjacent South side of drive leading to North side of Hall, 25m SE of point where drive divides

No. on map	Description	Situation
T78	Sycamore	Adjacent drive leading to South side of house, 16m SE of point where drive divides The following trees are located between field no. 6758 and Rook Wood, North of the West end of the drive to Seaton Burn Hall
T79	Oak	5m from drive, offset from a point 46m from the bridge at the West end of the drive
T80	Sycamore	5m from drive, offset from a point 39m from the bridge at the W end of the drive
T81	Sycamore	Adjacent the drive at a point 36m from the bridge at the W end of the drive
T82	Oak	Adjacent field no. 6758 at a point 41m from the bridge at the West end of the drive
T83	Beech	Adjacent field no. 6758 at a point 34m from the bridge at the West end of the drive
T84	Sycamore	Adjacent field no. 6758 at a point 25m from from the bridge at the West end of the drive
T85	Sycamore	Adjacent field no. 6758 at a point 18m from the bridge at the West end of the drive
T86	Sycamore	5m South of boundary to field no. 6758 offset from a point 13m from the bridge at the West end of the drive
T87	Sycamore	Adjacent field no. 6758 offset from a point 5m from the bridge at the West end of the drive
T88	Ash	Between field no. 6758 and drive offset from a point 5m from the bridge at the West end of the drive
T89	Ash	Adjacent bridge at the West end of the drive
T90	Lime	East of drive, 8m South of entrance
T91	Lime	East of drive entrance The following trees are located on the West boundary of field no. 6368
T92	Ash	5m North of field entrance
T93	Ash	12m North of field entrance
T94	Ash	31m North of field entrance The following trees are located on the West boundary of field no. 1952, South of East Villa
T95	Poplar	26m South of field entrance
T96	Poplar	37m South of field entrance

No. on map	Description	Situation
		The following trees are located North of Dudley Lane and Green's Houses Farm
T97	Ash	52m North of field entrance No. 9963
T98	Ash	Adjacent T97
T99	Ash	18m North of T98 in hedgerow
T100	Ash	27m North of T98 in hedgerow
T101	Ash	48m North of T98 in hedgerow

GROUPS OF TREES
(Within a broken black line on the Map)

No. on the Map	Description	Situation
		The following groups of trees are located SW of Seaton Burn, Hall grounds
G1	Group consisting 12 No. Oaks, 1 No. Sycamore	Spread along the South boundary of field no. 0446
G2	Group consisting 14 No. Beech 5 No. Oak and 3 No. Ash	Situation in area no. 1435, South of field no. 0446 and West of field no. 3628
G3	Group consisting 20 No. Oaks	Situated East of field no. 0628
G4	Group consisting 7 No. Oaks	Situated between fields no's. 3628 and 1215
G5	Group consisting 13 No. Oaks, 9 No. Sycamore, 4 No. Ash	Situated between field no's. 0628 and 3628
		The following groups of trees are located South and West of Seaton Burn Hall in field no. 6146
G6	Group consisting 30 No. Sycamore, 12 No. Ash, 12 No. Oak, 9 No. Horse Chestnut, 2 No. Elm, 2 No. Beech, 1 No. Alder	In area 5737, part of field no. 6146 in land directly North of Seaton Burn

No. on the Map	Description	Situation
G7	Group consisting 5 No. Sycamore, 1 No. Ash	Adjacent Seaton Burn in the SW corner of field no. 6146
G8	Group consisting 3 No. Lime	30m East of West boundary to field no. 6146, 45m SW of SE corner of Rook Wood
G9	Group consisting 4 No. Horse Chestnut, 1 No. Elm 1 No. Alder	SW of SW corner of Rook Wood in field no. 6146
G10	Group consisting 5 No. Horse Chestnut, 2 No. Lime, 1 No. Oak	West of West boundary of Rook Wood in field no. 6146
G11	Group consisting 5 No. Lime	11m South of a point on the fence adjoining Seaton Burn hall Drive and field no. 6146, 16m East of corner of Rook Wood
G12	Group consisting 4 No. Oak	33m South of Seaton Burn Hall Drive, 60m from edge of garden to East, in field no. 6146
G13	Group consisting 2 No. Oaks, 1 No. Beech	24m from gardens to East, located in field no. 6146
The following groups of trees are located within the grounds of Seaton Burn Hall		
G14	Group consisting 7 No. Beech, 3 No. Ash, 1 No. Oak, 1 No. Sycamore	50m North of Seaton Burn Hall, NW of walled tennis court no. 7649
G15	Group consisting 2 No. Sycamore, 1 No. Ash, 1 No. Beech, 1 No. Oak	North of NW corner of walled tennis court no. 7649 and stables
G16	Group consisting 2 No. Sycamore, 2 No. Oaks, 1 No. Yew	Adjacent West wall of tennis court no. 7649
G17	Group consisting 3 No. Ash	100m NW of Hall, South of drive
G18	Group consisting 18 No. Sycamore, 9 No. Beech, 8 No. Ash, 7 No. Cherry, 4 No. Oak, 2 No. Horse Chestnut, 2 No. Hawthorne	Group within 70m of West facade of Hall, NW, W and SW of Hall
G19	Group consisting 3 No. Ash, 2 No. Holly, 2 No. Hawthorne	Adjacent South boundary to Hall grounds between 20m and 32m of a point offset from East facade of Seaton Burn Hall
G20	Group consisting 2 No. Sycamore, 1 No. Birch, 1 No. Willow	North of Dudley lane, NW of Green's Houses Farm

AREAS OF TREES
(Within dotted black line on Map)

Description	Situation
Beech, Sycamore, Ash, Oak, Lime and Horse Chestnut trees	Land South of field no. 6758 and North of Seaton Burn Hall Drive, 150m long by 40m wide

WOODLANDS
(Within unbroken black line on Map)

Description	Situation
Sycamore, Ash, Elm, Beech, Oak, Larch	Rock Wood. W and S of entrance BurnSeaton Hall Drive

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 or other grant scheme under Section 4 of the Forestry Act, 1967 except a scheme which applies to a forestry dedication covenant;

(3) the cutting down, uprooting, topping or lopping of a tree:-

- (a) in pursuance of the power conferred on the Post Office by virtue of Section 5 of the Telegraph (Construction) Act, 1908 and Section 21 of the Post Office Act, 1969, or by or at the request of the Post Office where the land on which the tree is situated in operational land as defined by the Post Office Operational Land Regulations 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;

(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 water authority established under the Water Act, 1973, a drainage board constituted or treated as having been constituted under the Land Drainage Act, 1930, or the Greater London Council, where the tree interferes or would interfere with the exercise of any of the functions of such water authority, drainage board, or Council in relation to the maintenance, improvement or construction of watercourses or of drainage works; or

- (iv) the Secretary of State for Defence, the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe, efficient use of aviation or defence technical installations;
- (c) where immediately required for the purpose of carrying out development authorised by the 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 Part III of the Town and Country Planning Act, 1971 as adapted and modified to apply to this Order.

33. (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), ensure for the benefit of the land and of all persons for the time being interested therein.

Reference of applications to the Secretary of State.

35. (1) The Secretary of State 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.

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

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

35. (4) Where an application for consent under the Order is referred to the Secretary of State 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.

35. (5) Before determining an application referred to him under this section the Secretary of State 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 Secretary of State for the purpose.

35 (6) The decision of the Secretary of State on any application referred to him under this section shall be final.

Appeals
against
decisions.

36. (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 Secretary of State.

36. (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 Secretary of State may allow.

36. (3) Where an appeal is brought under this section from a decision, certificate or direction of the Authority, the Secretary of State, 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 if it had been made to him in the first instance.

36. (4) Before determining an appeal under this section, the Secretary of State 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 Secretary of State for the purpose.

36. (6) The decision of the Secretary of State on any appeal under this section shall be final.

Appeal in
default of
decision

37. Where an application for consent under the Order is made to the Authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the Authority, the Authority either:-

- (a) give notice to the applicant of their decision on the application or
- (b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 35 above;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the Authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

Power to 45. (1) If it appears to the Authority that it is expedient to revoke or modify the consent under the Order.

45. (1) If it appears to the Authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the Authority may be Order revoke or modify the consent to such extent as they consider expedient.

45. (2) Subject to the provisions of sections 46 and 61 of the Act an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

45. (3) Where an Authority submit an Order to the Secretary of State for his confirmation under this section, the Authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person, and to the Authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

45. (4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed:-

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

45. (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 Secretary of State under subsection (2) of this section.

Un-opposed 46. (1) The following provisions shall have effect where the local revocation planning authority have made an Order (hereinafter called "such or modifi- cation of consent.

46. (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him and the owner and the occupier of the land and all persons who in the Authority's opinion will be affected by such Order have notified the Authority in writing that they do not object to such Order.

46. (2) The Authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person

appointed by the Secretary of State for the purpose; and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

46. (3) The Authority shall also serve notices to the same effect on persons mentioned in subsection (1) above.

46. (4) The Authority shall send a copy of any advertisement published under subsection (2) above to the Secretary of State, not more than three days after the publication.

46. (5) If within the period referred to in subsection (2)(a) above no person claiming to be effected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in subsection (2)(b) of this section take effect by virtue of this section and without being confirmed by the Secretary of State as required by section 45 of the Act.

46. (6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part IV or Part V of the Act.

THE COMMON SEAL of the NORTH)
TYNESIDE BOROUGH COUNCIL was) (Signed)
hereunto affixed this 22nd)
day of March, 1990) E M Bennett
in the presence of:-)

Mayor (Signed)

A J Dunn

Deputy Director of Legal and Administrative Services

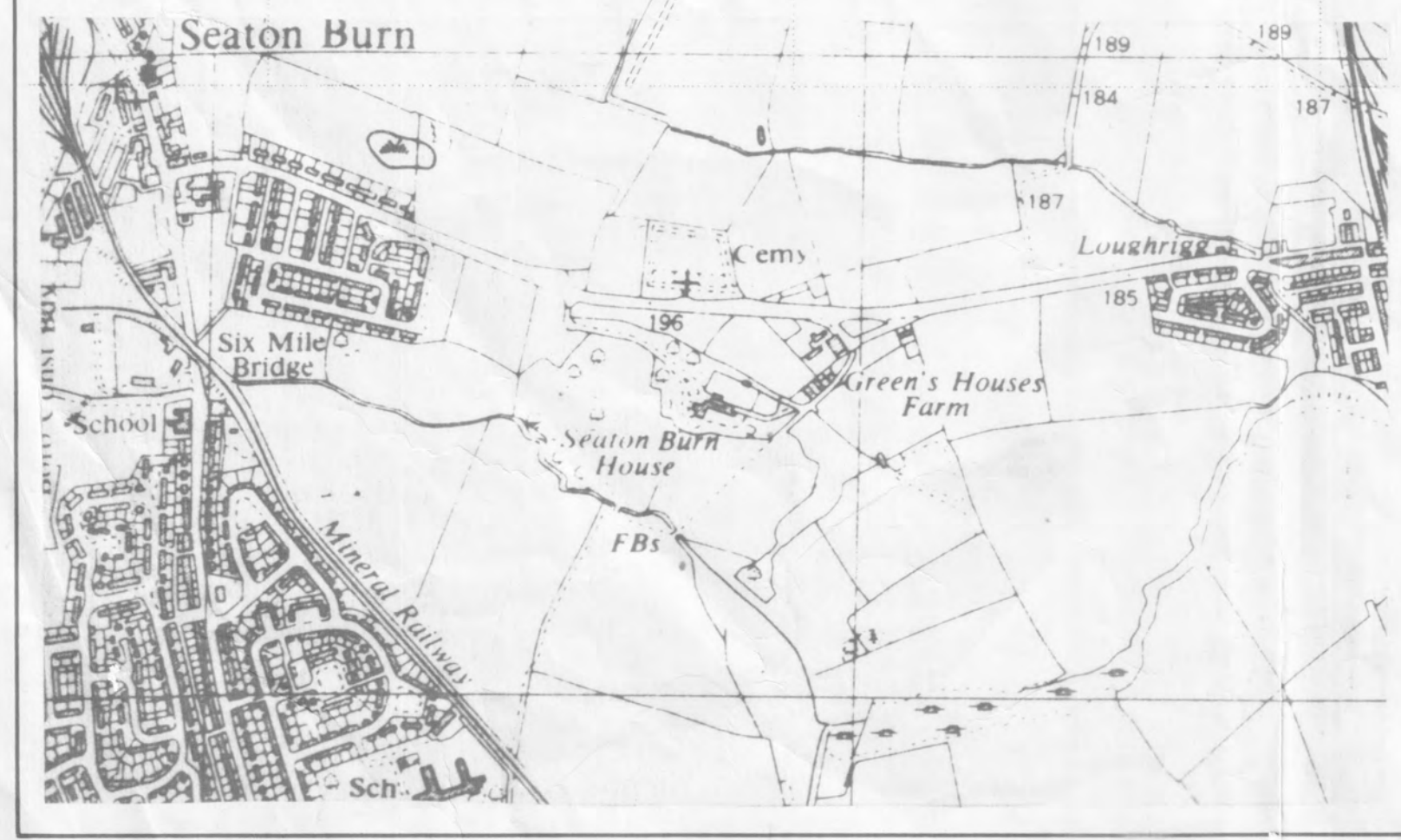
DATED 22nd March, 1990

METROPOLITAN BOROUGH OF NORTH TYNESIDE

THE METROPOLITAN BOROUGH OF NORTH TYNESIDE

(SEATON BURN HALL)
TREE PRESERVATION ORDER 1990

E.D. Nixon
Director of Legal and Administrative Services
14 Northumberland Square,
North Shields.
NE30 1PZ



NORTH TYNESIDE
Council

J M Grinsell MA (Cantab) RIBA
Director of Technical Services

Drawn NJ
Checked
Scale 1:1250 1:10,000
Date Dec 89

SEATON BURN HALL
TREE PRESERVATION ORDER

Drawing	Revision
TPO/A1/1377-27	

Base Negative Used