

ADMINISTRATION & PERSONNEL

DEPARTMENTAL MEMORANDUM

OUR REF: BS/BY/TPO.384 YOUR REF:
DATE: 9th August 1995.
TO: D.E.P.S.

*Castle
Morpeth*
Borough Council

Re: The Borough of Castle Morpeth
(32 The Crescent, Darras Hall)
Tree Preservation Order 1995 (amended)

Further to your memo dated 7th August I would advise that I have now confirmed the above Order on 9th August 1995.

As requested I enclose copy of the Order for your informatin.

M.A. JONES
DIRECTOR

BOROUGH OF CASTLE MORPETH

TOWN AND COUNTRY PLANNING ACT 1990

(32 The Crescent Darras Hall)

TREE PRESERVATION ORDER, 1995 (Amended)

The Borough Council of Castle Morpeth in this Order called "the Authority", in pursuance of the powers conferred in that behalf by Sections 198, 199, 201 and 300 of the Town and Country Planning Act 1990, and subject to the provisions of the Forestry Acts 1967 and 1979, hereby make the following Order:-

1. In this Order:-

"the Act"

means the Town & Country Planning Act 1990.

"the 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 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.

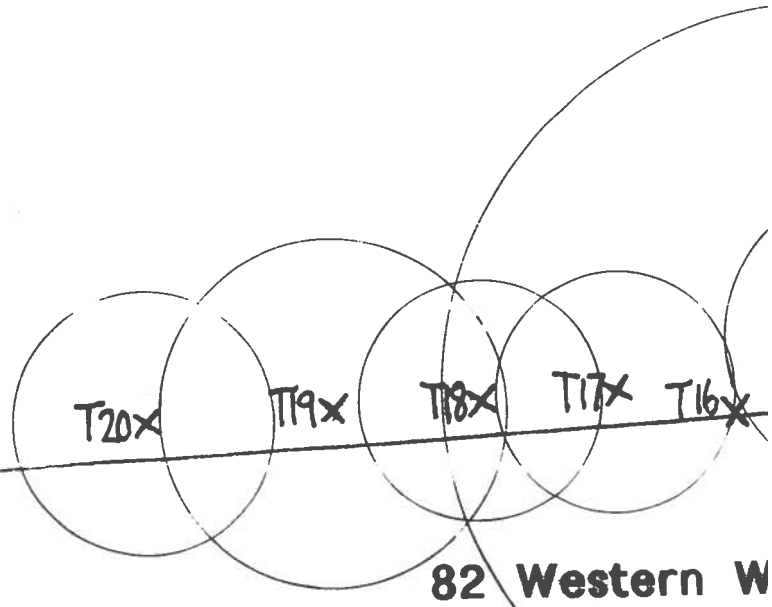
The Crescent

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32



Location Plan Scale 1:10000



First Schedule

The plan referred to is at a scale of 1:200 (with a 1:10000 location inset) and is based on the 1:2500 1987 Northumberland Edition of the Ordinance Survey Sheet Number NZ 1471. The trees covered by the order stand near the eastern and southern boundaries of No.32. The Crescent on the Darras Hall Estate which lies approximately 16 km (10 miles) south west of the town of Morpeth approximately 13 km (8 miles) north west of the City of Newcastle upon Tyne being wholly within the Parish of Ponteland, Borough of Castle Morpeth and County of Northumberland.

Trees Specified Individually (encircled in black on the plan)

The locations of the following trees are measured from the south-eastern corner of the property known as No.32, The Crescent, Darras Hall, that is the junction of that property with No.82, Western Way and the footpath alongside Western Way.

<u>Tree No.</u>	<u>Description</u>	<u>Situation</u>
T1	Weeping Willow (<i>Salix & Chrysocoma</i>)	Approximately 39.m along the eastern boundary from said corner and offset approximately 4.m to the west.
T2	Sycamore (<i>Acer pseudoplatanus</i>)	Approximately 40.m along the eastern boundary from said corner and offset approximately 1.m to the west.
T3	Silver Birch (<i>Betula pendula</i>)	Approximately 38.m along the eastern boundary from said corner and offset approximately 1.m to the west.
T4	Common Beech (<i>Fagus sylvatica</i>)	Approximately 36.m along the eastern boundary from said corner and offset approximately 0.25m to the west.
T5	Silver Birch (<i>Betula pendula</i>)	Approximately 35.m along the eastern boundary from said corner and offset approximately 1.5m to the west.
T6	Sycamore (<i>Acer pseudoplatanus</i>)	Approximately 33.m along the eastern boundary from said corner and offset approximately 1.m to the west.
T7	Silver Birch (<i>Betula pendula</i>)	Approximately 28.m along the eastern boundary from said corner and offset approximately 2.m to the west.

T8	Silver Birch (<i>Betula pendula</i>)	Approximately 25.0m along the eastern boundary from said corner and offset approximately 2.0m to the west.
T9	Silver Birch (<i>Betula pendula</i>)	Approximately 22.0m along the eastern boundary from said corner and offset approximately 2.0m to the west.
T10	Sycamore (<i>Acer pseudoplatanus</i>)	Approximately 19.0m along the eastern boundary from said corner and offset approximately 1.5m to the west.
T11	Sycamore (<i>Acer pseudoplatanus</i>)	Approximately 12.0m along the eastern boundary from said corner and offset approximately 1.0m to the west.
T12	Sycamore (<i>Acer pseudoplatanus</i>)	Approximately 6.5m along the eastern boundary from said corner and offset approximately 1.5m to the west.
T13	Sycamore (<i>Acer pseudoplatanus</i>)	Approximately 4.0m along the eastern boundary from said corner and offset approximately 2.0m to the west.
T14	Silver Birch (<i>Betula pendula</i>)	Approximately 0.5m along the eastern boundary from said corner and offset approximately 2.0m to the west.
T15	Horse Chestnut (<i>Aesculus Lippocastanum</i>)	Approximately 6.0 along the southern boundary from said corner and offset approximately 2.0m to the north.
T16	Common Beech (<i>Fagus sylvatica</i>)	Approximately 10.0m along the southern boundary from said corner.
T17	Douglas Fir (<i>Pseudotsuga menziesii</i>)	Approximately 13.0m along the southern boundary from said corner and offset approximately 1.0m to the north.
T18	Douglas Fir (<i>Pseudotsuga menziesii</i>)	Approximately 17.0m along the southern boundary from said corner and offset approximately 1.0m to the north.
T19	Douglas Fir (<i>Pseudotsuga menziesii</i>)	Approximately 21.0m along the southern boundary from said corner and offset approximately 1.0m to the north.

T20

Douglas Fir

Approximately 26.0m along the southern boundary from said corner and offset approximately 1.m to the north.

Trees Specified by Reference to an Area
(indicated on the map by a dotted black line)

NONE

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

NONE

Woodlands
(indicated n the map by a continuous line)

NONE

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 a grant scheme under Section 1 of the Forestry Act 1979 except a scheme which applies to a forestry dedication covenant.
- (3) the cutting down, uprooting, topping or lopping of a tree
 - (a) by or at the request of the Post Office where the land on which tree situated is land which has been acquired for the purpose of the Post Office's undertaking and either works on such land cannot otherwise be carried out of the cutting down, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking; or the lopping in pursuance of the power conferred on any operator of a telecommunications code system by virtue of paragraph 19 of Schedule 2 to the Telecommunications Act 1984;
 - (b) by or at the request of
 - (i) a statutory undertaker or a holder of a licence under Section 6(1) of the Electricity Act 1989 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, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking
 - (ii) a licence holder within the meaning of Part 1 of the Electricity Act 1989, where such tree obstructs the construction by the licence holder of any electric line within the meaning of Part 1 of the said Act of 1989 or interferes or would interfere with the maintenance or working of any such line;
 - (iii) the National Rivers Authority or an internal drainage board established under the Water Act 1989, where the tree interferes or would interfere with the exercise of any of the functions of such authority or drainage board in relation to the maintenance, improvement or construction of water courses or of drainage works or a water undertaker or sewerage undertaker appointed under Section 11 of the Water Act 1989 in relation to their duties as such Undertakers; or

and may deal with the application as if it had been to him in the first instance

(2) Before determining an appeal under Section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(5) The decision of the Secretary of State on such an appeal shall be final

97. Power to revoke or modify the consent under the Order

(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 by Order revoke or modify the consent to such extent as they consider expedient.

(3) The power conferred by this Section may be exercised at any time before the operations for which consent has been given have been completed.

(4) The revocation or modification of consent shall not affect so much of those operations as have been previously carried out.

98. Procedure for S.97 Order: Opposed cases

(1) Except as provided in Section 99, an Order under Section 97 shall not take effect unless it is confirmed by the Secretary of State.

(2) Where an Authority submit such an Order to the Secretary of State for confirmation, they shall provide the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the statement on:-

- (a) the owner of the land affected
- (b) the occupier of the land affected, and
- (c) any other person who in their opinion will be affected by the Order

(3) The Notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) If within that period such a person so requires, before the Secretary of State confirm the Order he shall give such an opportunity both to him and to the local Planning Authority.

(5) The period referred to in subsection (3) shall be 28 days from the service of the Notice.

(6) The Secretary of State may confirm an Order submitted to him under this Section either without modification or subject to such modifications as he considers expedient.

(7) Where a Notice has been served in accordance with the provisions of subsection (2) of this section, no operations of 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 this Section.

99. Procedure for S.97 Order: unopposed cases:-

(1) This Section applies where:-

- (a) the Authority have made an Order under Section 97 above; and
- (b) the owner and occupier of the land and all persons who in the Authority's opinion will be affected by the Order have notified the Authority in writing that they do not object to it.

(2) Where this section applies, instead of submitting the Order to the Secretary of State for confirmation the Authority shall advertise the fact that the Order has been made and the advertisement must specify:-

- (a) the period within which persons affected by the 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 at the expiration of which, if no such notice is given to the Secretary of State, the Order may take effect by virtue of this section without being confirmed by the Secretary of State.

(3) The Authority shall also serve notice to the same effect on the persons mentioned in subsection (1)(b).

(4) The period referred to in subsection 2(a) must be not less than 28 days from the date the advertisement first appears.

(5) The period referred to in subsection 2(b) must not be less than 14 days from the expiration of the period referred to in subsection (2)(a).

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

(7) If:-

- (a) no person claiming to be affected by the Order has given notice to the Secretary of State under Sub-section (2) (a) within the period referred to in that subsection, and
- (b) the Secretary of State has not directed within that period that the Order be submitted to him for confirmation,

the Order shall take effect at the expiry of the period referred to in sub-section 2(b) without being confirmed by the Secretary

of State as required by Section 98 (1)

(8) This Section does not apply to an Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part VII or Part VIII of the Act.

THE COMMON SEAL OF THE MAYOR)
COUNCILLORS & INHABITANTS OF)
THE BOROUGH OF CASTLE MORPETH)
was hereunto affixed in the)
presence of:-)



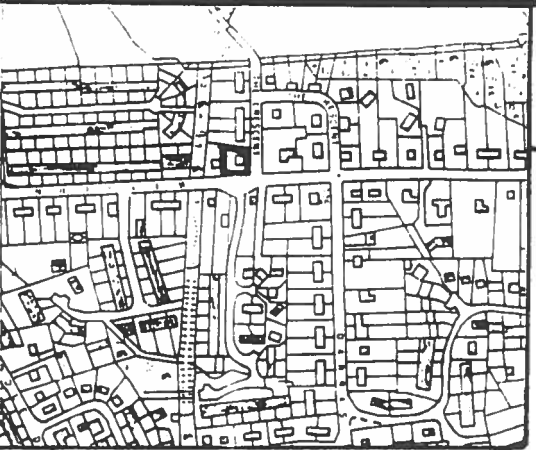
MAYOR

CHIEF EXECUTIVE

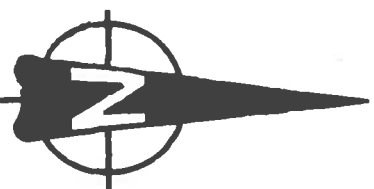
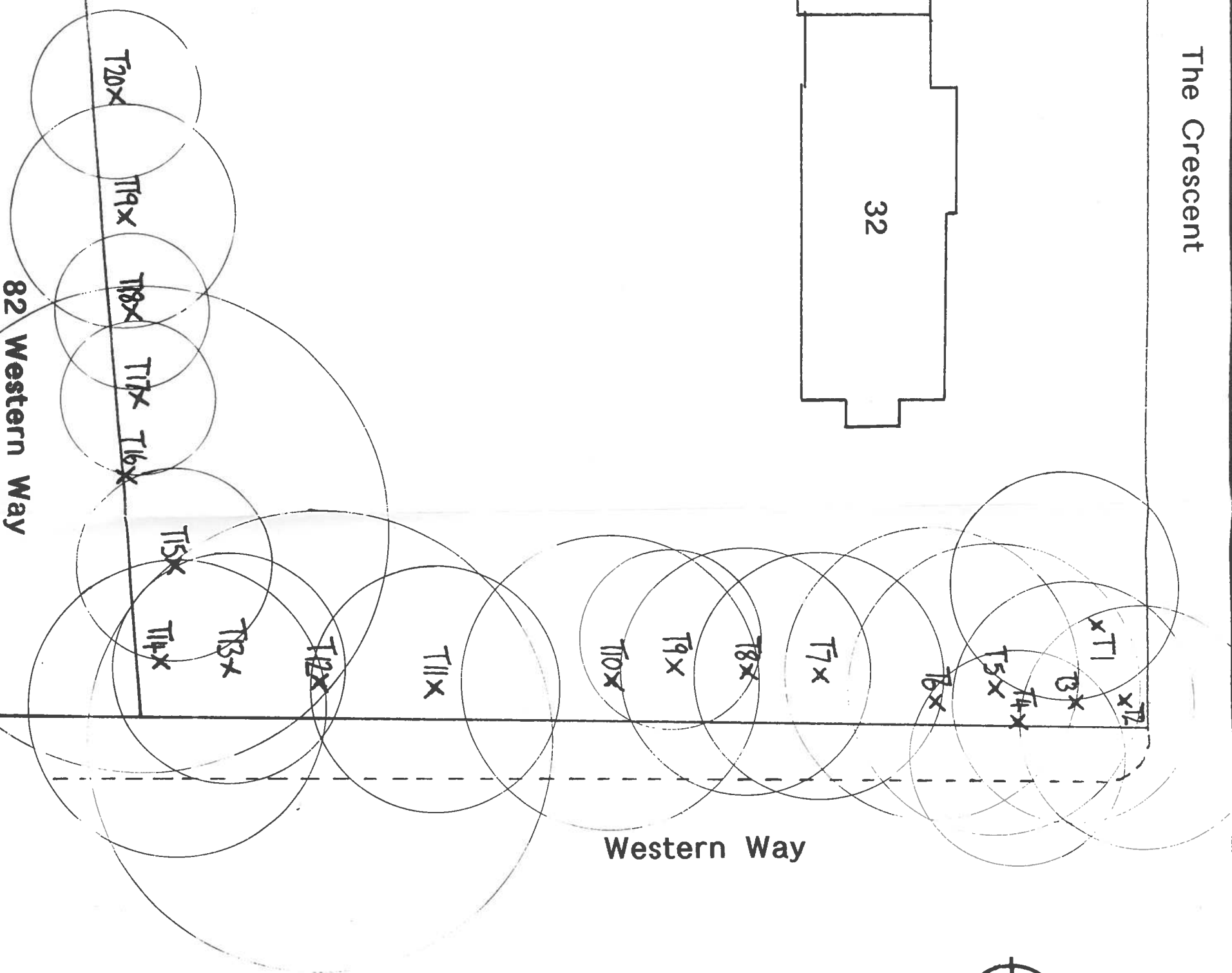
The Crescent

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Location Plan Scale 1:10000



Castle Morpeth
Borough Council

J A Woodcock BA, MRTPI
Director of Environmental
and Planning Services
The Kylins
Morpeth
Northumberland
NE61 2EQ

Title

BOROUGH OF CASTLE
MORPETH

(32, The Crescent, Darras Hall)

TREE PRESERVATION ORDER

1995

O.S. Ref NZ143713

Scale 1:200

Date MAY 1995

Drawing No. CM/TPO/5/95