

COUNTY OF NORTHUMBERLAND

TOWN AND COUNTRY PLANNING ACT, 1971

THE COUNTY OF NORTHUMBERLAND

(ABBAY MILL FARM, MITFORD)

TREE PRESERVATION ORDER, 1976

The County Council of Northumberland (in this Order called "the authority") in pursuance of the powers conferred in that behalf by Section 60 of the Town and Country Planning Act, 1971, and subject to the provisions of the Forestry Act, 1967, hereby make 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; 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

"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.

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

7. On imposing any condition requiring the replacement of any tree under Article 4 of this 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 river authority or a drainage board 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 river authority or drainage board 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 has 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 and, if applicable, Section 61 of the Act or having effect as if so made 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 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. This Order may be cited as The County of Northumberland
(Abbey hill farm, *hitford*) Tree Preservation Order, 1976.

GIVEN under the Common Seal of the County Council of
Northumberland this *Nine* day of *January* 1976.

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.

FIRST SCHEDULE

The map referred to is at a scale of 1:2500 and is based on the 1:2500 Northumberland Edition of 1971, sheet Nos. 1885/1886 and the area covered by the Order lies to the south of the River Wansbeck and adjacent to Abbey Mills Farm and is wholly within the Borough of Castle Morpeth in the County of Northumberland.

TREES SPECIFIED INDIVIDUALLY
(enclosed in black on the map)

No. on the map	Description	Situation
T1	Willow	Situated 150 ft. in a northerly direction from the south west corner of field No. 1679 and offset 22 ft. to the east.
	The following trees are measured in a south-easterly direction from the north west boundary of field No. 2965.	
T2	Beech	30' from the said boundary.
T3	Ash	90' from the said boundary.

TREES SPECIFIED BY REFERENCE TO AN AREA
(within a dotted black line on the map)

No. on the map	Description	Situation
A1	The several Ash and Alder trees standing in the area numbered A1 on the map.	Situated immediately to the south west of Abbey Mills Farm.

No. on	Description	Situation
A2	The several Ash and Alder trees standing in the area numbered A2 on the map.	Situated immediately to the so west of Abbey Mills Farm.
A3	The several Beech trees standing in the area numbered A3 on the map.	Situated on the eastern boundary of field No. 1679.
A4	The several Beech trees standing in the area numbered A4 on the map.	Situated on the eastern boundary of field No. 2484.

GROUPS OF TREES

None

WOODLANDS

None

THE COUNTY COUNCIL of NORTHUMBERLAND in exercise of their powers under Section 60(5)(C) of the Town and Country Planning Act, 1971, HEREBY CONFIRM, without modification, the foregoing Order as an unopposed Order.

IN WITNESS whereof the Common Seal of the County Council of Northumberland was hereunto affixed this 25th day of February 1976.

B. Richards

W^e Chairman of the County Council

T. Davy

DEPUTY SOLICITOR

Duly Authorised Officer



J.E.Lodge Dip.TP(Dist)
M.R.T.P.I. A.I.L.A.
County Planning Officer

COUNTY OF NORTHUMBERLAND
ABBREY MILLS FARM, MORPETH
TREE PRESERVATION ORDER 1976

Scale 1:2500
LA/TP0/1404

