COUNTY OF NORTHUMBERLAND

TOWN AND COUNTRY PLANNING ACT, 1962

THE COUNTY OF NORTHUMBERLAND

(TOWNHEAD FARM, HENSHAW),

TREE PRESERVATION ORDER, 1966.

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 13 of the Forestry Act, 1951, 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 Land and Natural Resources.

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 therein specified, the position of which trees and groups of trees 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.

(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, and any compensation awarded in consequence of such decision, 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) that the trees have an outstanding or special amenity value.

6. The provisions set out in the Third Schedule to this Order, being provisions of Parts III and VII of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

7. 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.

8. In assessing compensation payable under the last preceding Article or under Section 118 of the Act as applied by this Order account shall be taken of :-

(a) any compensation or contribution which has been paid 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.

9. (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.

10. Any question of disputed compensation shall be determined in accordance with the provisions of Section 128 of the Act.

11. 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.

12. This Order may be cited as The County of Northumberland (TOWNHEAD FA HENSHAW) Tree Preservation Order, 1966

Given under the Common Seal of the County Council of the Administrative County of Northumberland this 11th day of January 1966

FIRST SCHEDULE

Trees specified individually

uncoloured and ~~(~~Encircled in black on the map)

No. on the map	Description	Situation
		The map referred to is based on the 1:2500 O.S. Northumberland Edition of 1960, sheet 8912 and the area covered by this Order is wholly within the Parish of Henshaw in the Rural District of Haltwhistle in the County of Northumberland.
T.1	Sycamore	Approximately 53 yards in a southerly direction from the northerly point of ~~Henshaw~~ Townhouse Village green.
~~T.2~~	~~Sycamore~~	~~Approximately 95 yards in a north-easterly direction from the junction of the stream flowing in a south-easterly direction past Townhead Farm and a minor road running along the northern boundary of the said farm.~~
~~T.3~~	~~Sycamore~~	~~Approximately 3 yards in a southerly direction from the said T.2.~~
~~T.4~~	~~Sycamore~~	~~Approximately 4 yards in a southerly direction from the said T.3.~~
~~T.5~~	~~Sycamore~~	~~Approximately 3 yards in a southerly direction from the said T.4.~~
~~T.6~~	~~Sycamore~~	~~Approximately 3 yards in a southerly direction from the said T.5.~~
~~T.7~~	~~Sycamore~~	~~Approximately 2 yards in a southerly direction from the said T.6.~~
~~T.8~~	~~Sycamore~~	~~Approximately 3 yards in a southerly direction from the said T.7.~~

Trees specified by reference to an area

N O N E

Groups of Trees

N O N E

Power to revoke or modify the consent under the order

27. (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.

(2) An order under this section shall not take effect unless it is confirmed by the Minister; and the Minister may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an authority submit an order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice on the owner 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 Minister, 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 Minister for the purpose.

(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operatio 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.

(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.

Supplementary provisions as to revocation and modification.

118. (1) Where any person is affected by an order under section 27 of this Act, or by a notice served on him under subsection (3) of the said section in a case where the order is not confirmed then, if, on a claim made to the authority within the time and in the manner prescribed by Article 9 of the Order, it is shown that he -

(a) has incurred expenditure in carrying out work which is rendered abortive by the revocation, or modification, or stay of operations, as the case may be, or

(b) has otherwise sustained loss or damage which is directly attributable to the revocation, modification, or stay of operations,

the authority shall pay to that person compensation in respect of that expenditure, loss or damage.

(2) For the purposes of this section any expenditure incurred on matters preparatory to acting on the consent shall be taken to be included in the expenditure incurred in carrying out that work.

(3) Subject to the last preceding subsection, no compensation shall be paid under this section in respect of any

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(2) For the purposes of this section any expenditure incurred on matters preparatory to acting on the consent shall be taken to be included in the expenditure incurred in carrying out that work.

(3) Subject to the last preceding subsection, no compensation shall be paid under this section in respect of any

work carried out in the period after the making of the Order and before the grant of consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done during that period.

The Common Seal of the County Council of the Administrative County of Northumberland was hereunto affixed in the presence of

Dan Dawson
Vice-Chairman of the County Council.

Clerk of the County Council.

The Minister of Land and Natural Resources in exercise of the powers conferred upon him by section 29(6) of the Town and Country Planning Act 1962 hereby confirms the foregoing order provisionally.

In Witness whereof the Official Seal of the Minister of Land and Natural Resources is hereunto affixed on 28th January 1966.

LNA 778.

Authorised by the Minister

The Minister of Land and Natural Resources 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 Land and Natural Resources is hereunto affixed on twenty-first April 1966.

LNA 979

JEAN HORSHAM
Authorised by the Minister

COUNTY OF NORTHUMBERLAND

TOWN AND COUNTRY PLANNING
ACT, 1962

THE COUNTY OF NORTHUMBERLAND
(TOWNHEAD FARM, HENSHAW)
TREE PRESERVATION ORDER, 1966



DWG: LA TPO 479

SCALE: 1:2500

J. B. ROSS. F.R.I.C.S.
COUNTY PLANNING OFFICER.

THE COUNTY OF NORTHUMBERLAND (TOWNHEAD FARM, HENSHAW) TREE PRESERVATION ORDER, 1966