

COUNTY OF NORTHUMBERLAND

TOWN AND COUNTRY PLANNING ACT, 1962

THE COUNTY OF NORTHUMBERLAND

(STOBHILL, MORPETH)

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 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.~~ *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 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 ~~the immediate vicinity thereof~~) as the authority may think fit,

Provided that on imposing any condition requiring the replacement of any tree, the authority shall if such condition relates to land in respect of which byelaws made by a river ~~board~~ ^{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 has effect subject to the requirements of the river ~~board~~ ^{authority} or drainage board under those byelaws, and the condition shall have effect accordingly.

5. Where the authority refuse consent under this Order to 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 Part III 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 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.

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 (Stobhill, Morpeth) Tree Preservation Order, 1967.

Given under the Common Seal of the County Council of the Administrative County of Northumberland this 19th day of January 1967.

FIRST SCHEDULE

Trees specified individually
(Encircled in black on the map)

No. on the Map	Description	Situation
		The map referred to is at a scale of 1:500 and is based on the 1:2500 O.S. Northumberland Edition of 1959 sheet numbers NZ.2084 and NZ.2184, and the area covered by the Order lies generally to the west of the main Newcastle-Edinburgh railway line in the region of Stobhill Farm, and is partly within the parish of Hepscoth in the Rural District of Morpeth and partly in the Municipal Borough of Morpeth. All offsets and insets are taken at right angles. All trees situated in the Borough of Morpeth.
T.1	Ash	On the north-western boundary of Field No.4944, 172 ft. north-east from the junction of the said boundary with the base of the embankment of the Newcastle/Edinburgh railway line.
T.2	Sycamore	In field No. 4944, 108 ft. along the north-west boundary of the said field in a north-easterly direction from its junction with the base of the embankment to the said railway line and inset 36 ft.
		The following trees are situated on the eastern boundary of Field No.4944 alongside the road to Stobhill Farm, measuring in a southerly direction from the junction of the said road with the boundary between Field Nos. 4944 and 5156.
T.3	Laburnum	Approximately 58 ft. south of the said junction.
T.4	Laburnum	Approximately 85 ft. south of the said junction.
T.5	Laburnum	Approximately 117 ft. south of the said junction.
T.6	Laburnum	Approximately 144 ft. south of the said junction.
T.7	Gean	Approximately 172 ft. south of the said junction.
T.8	Laburnum	Approximately 199 ft. south of the said junction.
T.9	Laburnum	Approximately 228 ft. south of the said junction.
T.10	Laburnum	Approximately 257 ft. south of the said junction.
T.11	Laburnum	Approximately 286 ft. south of the said junction.

No. on the map	Description	Situation
T.12	Sycamore	Approximately 340 ft. south of the said junction and offset 23 ft. to the east.
T.13	Sycamore	In field No.4944 measuring from the junction of the north-west boundary of the said field with the base of the embankment to the Newcastle/Edinburgh railway line, 170 ft. in a southerly direction along the railway and inset 104 ft. north-east. The following trees are situated in the vicinity of Stobhill Farm measuring from the junction of the north-west corner of the main building of the said farm with the southern end of the farm track.
T.14	Austrian Pine	Approximately 18 ft. northward along the track and offset 11 ft. in an easterly direction.
T.15	Austrian Pine	Approximately 8 ft. northward, offset 11 ft. in an easterly direction.
T.16	Sycamore	In field number 4944 measuring from the junction of the north-west boundary of the said field with the base of the embankment to the Newcastle/Edinburgh railway, 403 ft. in a southerly direction along the said embankment base and inset 94 ft. north east. The following trees are situated in field number 4529 measured along the railway in a southerly direction from the junction on the west side of the base of the railway embankment with the footpath to Stobhill Farm.
T.17	Ash	Approximately 99 ft. in a southerly direction offset 15 ft. to the south west.
T.18	Ash	Approximately 115 ft. in a southerly direction offset 7 ft. to the south west.
T.19	Elm	Approximately 147 ft. in a southerly direction offset 6 ft. to the East. The following trees in field No.4221 measuring from the junction of field Nos.4221, 4529 and 3122 southward along the boundary between field Nos.4529 and 4221
T.20	Ash	Approximately 21 ft. southward offset 68 ft. south-west.
T.21	Willow	Approximately 54 ft. southward offset 4 ft. south-west.
T.22	Willow	Approximately 72 ft. southward offset 4 ft. south-west.
T.23	Hawthorn	On the boundary between field Nos. 3122 and 4221, 60 ft. south east from the north west corner of field No. 4221.

No. on the Map	Description	Situation
T.24	Willow	All trees situated in the Parish of Hepscott in the Rural District of Morpeth. On the south bank of the Catchburn 22 ft. along the burn in a westerly direction from the junction of the said burn with the western boundary of field number 4221 and offset 6 ft. east from the burn.
T.25	Willow	As above measuring 139 ft. in a westerly direction from the said junction and offset 3 ft. south from the said burn. All trees situated in the Borough of Morpeth. On the northern bank of the Catchburn measuring along the said burn in a westerly direction, from the junction of the said burn with the western boundary of field No.4221.
T.26	Ash	Approximately 200 ft. west of the said junction and offset 5 ft. north from Catchburn
T.27	Sycamore	Approximately 235 ft. west of the said junction and offset 7 ft. north from Catchburn
T.28	Ash	Approximately 267 ft. west of the said junction and offset 5 ft. north from Catchburn
T.29	Ash	Approximately 276 ft. west of the said junction and offset 5 ft. north from Catchburn
T.30	Sycamore	Approximately 343 ft. west of the said junction and offset 6 ft. north west from Catchburn.

Trees specified by reference to an Area
(Within a dotted black line on the map)

No. on the Map	Description	Situation
A.1	^{several} The Elm, Horse Chestnut, Beech, Pine, Sycamore, Spruce, Birch, Poplar and Ash trees standing in the area numbered A.1 on the map.	Lying on both sides of the Catchburn to the south and west of Stobhill Farm extending to the Newcastle/Edinburgh railway on the west and the footbridge across the Catchburn at the eastern boundary of field No.5827 on the east and partly within the Parish of Hepscott in the Rural District of Morpeth and partly in the Borough of Morpeth.
A.2	^{several} The Oak, Pine, Ash, Horse Chestnut, and Sycamore trees standing in the area numbered A.2 on the map.	The area of trees in the north eastern corner of field No.5156 extending to the northern and eastern boundaries of the said field, in the Borough of Morpeth.

No. on the Map	Description	Situation
A.3	^{several} The Willow and Sycamore trees standing in the area numbered A.3 on the map.	In the southern part of field No.4221, bounded to the east by the base of the embankment to the Newcastle/Edinburgh railway in the said Parish of Hepscott in the Rural District of Morpeth.

Groups of Trees

(Within a broken line on the map)

No. on the Map	Description	Situation
G.1	Group consisting of 5 Sycamore, 1 Oak, 1 Ash, 2 Elm, 4 Horse Chestnut.	All groups situated in the said Borough of Morpeth. In the north-east corner of field No. 6434 extending to the eastern boundary of the said field and to within 33 ft. from the northern boundary of the said field.
G.2	Group consisting of 2 Horse Chestnut and 1 Sycamore.	Due east of the main building of Stobhill Farm on the eastern boundary of Field No.6434.
G.3	Group consisting of 3 Sycamore and 1 Horse Chestnut.	Lies to the south east of the main building of Stobhill Farm, in Field No. 6434 adjoining the eastern side of the farm track through the grounds of the said farm.

Woodlands

N O N E

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.

(b) give notice to him that the application has been referred to the Minister in accordance with directions given under section 22 of this Act;

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
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.

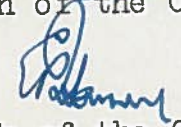
(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

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

(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.



