

COUNTY OF NORTHUMBERLAND.

TOWN AND COUNTRY PLANNING ACT, 1962.

**THE COUNTY OF NORTHUMBERLAND (STATION ROAD NORTH,
FOREST HALL) TREE PRESERVATION ORDER, 1965**

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 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 a statutory operative scheme under the Town and Country Planning Act, 1947 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 (Station Road North, Forest Hall) Tree Preservation Order, 1965.

Given under the Common Seal of the County Council of the Administrative County of Northumberland this *Twenty-sixth* day of *March*
One thousand nine hundred and sixty five.

FIRST SCHEDULE.

Trees specified individually

(Uncoloured and encircled in black on the Map)

No. on Map.	Description.	Situation.
		In the Parish of Longbenton in the Urban District of Longbenton. Along the boundaries as described below of the parcels known as 19 and 19a, Station Road North, Forest Hall. (O.S. sheet No. NZ 2769 N.E. 1960 edition at 1/1250 scale.)
T1	Elm	On the South East corner parcel 19.
T2	Sycamore	80 ft. along the East boundary from the South East corner.

Trees specified by reference to an area

NONE

Groups of Trees

NONE

~~Woodlands~~~~NONE~~

SECOND SCHEDULE.

This Order shall not apply so as to require the consent of the authority.

- (1) to the cutting down, topping or lopping of any tree that is dying or dead or has become dangerous;
- (2) to the cutting down, topping or lopping of any tree—
- (a) in compliance with an obligation imposed by or under an Act of Parliament;
 - (b) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908;
 - (c) in pursuance of the powers conferred by Section 24 of the Regulation of Railways Act, 1868;
 - (d) for the purpose of preventing or abating a nuisance;
 - (e) in the case of 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;
 - (f) by or at the request of 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;
 - (g) 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.

THIRD SCHEDULE.

Provisions of Parts III and VII of the Act as adapted and modified to apply to this Order.

Reference of applications to the Minister.

22. (1) The Minister 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.

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

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

(4) Where an application for consent under the Order is referred to the Minister 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.

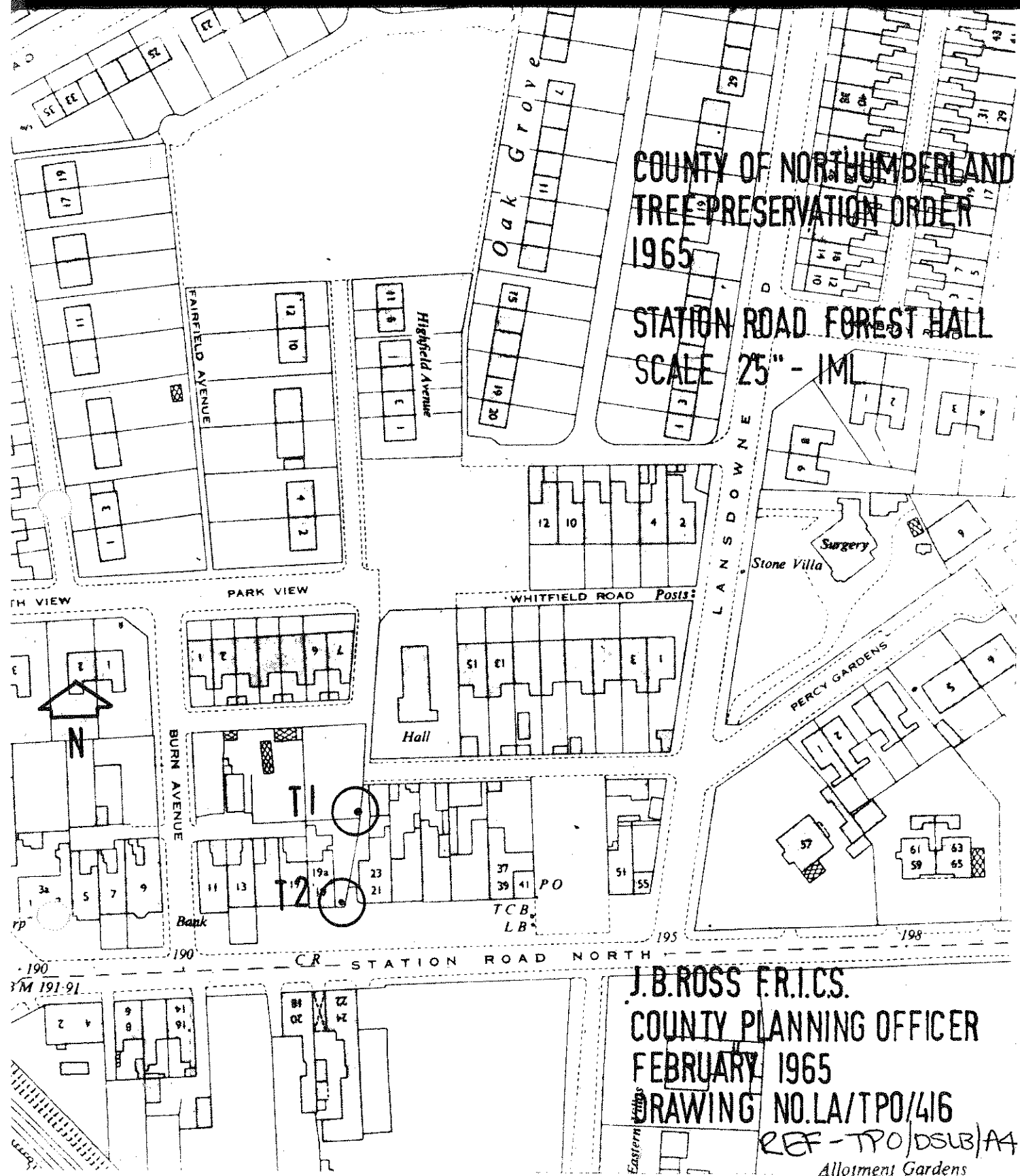
COUNTY OF NORTHUMBERLAND
TREE PRESERVATION ORDER
1965

STATION ROAD FOREST HALL
SCALE 25" - 1 MI



J. B. ROSS F.R.I.C.S.
COUNTY PLANNING OFFICER
FEBRUARY 1965
DRAWING NO. LA/TPO/416
REF - TPO/DSUB/AA/1375
Allotment Gardens

2769-NE



COUNTY OF NORTHUMBERLAND
 TREE PRESERVATION ORDER
 1965
 STATION ROAD FOREST HALL
 SCALE 25" - 1 MI

J.B. ROSS F.R.I.C.S.
 COUNTY PLANNING OFFICER
 FEBRUARY 1965
 DRAWING NO. LA/TPO/416
 REF - TPO/DSUB/A4/137
 Allotment Gardens

2769-NE

under this section, the authority shall furnish the Minister with a statement
 r reason for making the order and shall serve notice on the owner of the
 fected, and on any other person who in their opinion will be affected by the