

THE METROPOLITAN BOROUGH OF NORTH TYNESIDE

(CAMP TERRACE, NORTH SHIELDS)

TREE PRESERVATION ORDER, 1981

The Council of the Metropolitan Borough of North Tyneside (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 (as amended by Section 10(1) of the Town and Country Amenities Act, 1974), and subject to the provisions of the Forestry Act, 1937, 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; 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 exceptions 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 or 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.

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 be accompanied by a plan specifying the trees to which the application relates, and the operations for the carrying out of which consent is required.

(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 the 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 provision of this Order and Section 175 of the Act, 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 (hectare);
- (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.

On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 3 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 water authority since 31st March, 1974, by any other authority (whose functions are now exercised by a water authority) who at any time prior to 1st April, 1974 exercised the functions in respect of which the byelaw was made, by a drainage board, or by the Greater London Council in the exercise of any of its functions in relation to the maintenance, improvement or construction of watercourses or of drainage works 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 water authority, the drainage board, or the Greater London Council 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 of the Act or under the terms of any Interim Preservation Order made under Section 2 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 addressing the claim to the Authority and leaving it at or sending it by post

to the principal office of the Authority.

(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. The provisions of Section 61 of the Act shall apply to this Order and the Order shall take effect on 14th May, 1981.

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 £100, 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.

14. This Order may be cited as "The Metropolitan Borough of North Tyneside (Camp Terrace, North Shields) Tree Preservation Order, 1981."

GIVEN under the Common Seal of the Council of the Metropolitan Borough of North Tyneside this

FIRST SCHEDULE

The map referred to is to a scale of 1:500 and is based on an enlargement of the 1:1250 O.S. sheets numbered 3469 SE, 3569 SW, 3468 NE, 3568 NW.

The area covered is to the west of Preston Road, extending as far west as Cleveland Terrace, south from Alexandra Road to Spring Terrace and Albion Road.

The area is wholly within the boundaries of the Metropolitan Borough of North Tyneside.

TREES SPECIFIED INDIVIDUALLY

(Encircled in black on the plan)

No. on the plan	Description	Situation
T1 T2 T3 T4 T5 T6 T7	Sycamore Sycamore Sycamore Sycamore Sycamore Sycamore Ash	The following trees are measured from the north-west corner of No. 45, Winton Place. In a north-easterly direction. 50.1m 36.0m 27.7m 23.4m 19.9m 16.2m 11.8m
T8	Beech Ash Ash Birch	In a north-westerly direction. 13.1m 18.0m 23.1m 27.9m
T12 T13 T14	Gean Beech Beech	The following trees are measured from the south-east corner of No. 17, Fenwick Terrace. In a southerly direction 4.2m 10.4m 11.5m
T15 T16 T17	Sycamore Sycamore Sycamore	In a south-westerly direction 15.9m 21.5m 22.8m

No. on the plan	Description	Situation
T18 T19	Gean Elm	The following trees are measured in a southerly direction from the southern corner of No. 9 Alma Place. 13.7m 7.7m
T20 T21	Lime Sycamore	The following trees are measured in a south-westerly direction from the south-eastern corner of No. 45 Alma Place. 10.4m 19.8m
T22	Elm	The following tree is measured in a northerly direction from the north-eastern corner of No. 5 Fenwick Terrace. 4m
T23 T24	Sycamore Lime	The following trees are measured in a westerly direction from the south-eastern corner of No. 17 Spring Terrace. 10.8m 13.3m
T25	Beech	The following trees are measured from the western corner of No. 26 Spring Terrace. In a southerly direction. 17.7m
T26	Sycamore	In a south-westerly direction 7.8m
T27 T28	Sycamore Sycamore	In a north-westerly direction 10.6m 13.5m
T29 T30 T31 T32 T33	Elm Sycamore Sycamore Elm Elm	In a northerly direction 12.2m 12.7m 17m 19.1m 25.5m
T34 T35 T36	Beech Sycamore Sycamore	The following trees are measured from the lower south-east corner of block nos. 14-25 Etal Court. In an easterly direction 25.0m 21.6m 7.0m

No. on the plan	Description	Situation
T37 T38	Sycamore Elm	In a south-westerly direction 10.5m 20m
T39 T40 T41	Sycamore Sycamore Sycamore	The following trees are measured from the lower south-western corner of block nos. 1-12, Etal Court. In a southerly direction 14.2m 12.6m 7.7m
T42	Sycamore	In a westerly direction 4.05m
T43 T44 T45 T46 T47 T48 T49 T50 T51 T52	Sycamore Sycamore Elm Sycamore Sycamore Beech Lime Beech Poplar Poplar	In a north-westerly direction 6.5m 11.2m 10.8m 17.5m 18.5m 16.9m 20.1m 23.4m 27.1m 30.5m
T53 T54	Lime Sycamore	The following trees are measured in a westerly direction from the upper north-west corner of block nos. 1-12 Etal Court. 22.8m 23.6m
T55	Elm	The following tree is measured in a north-westerly direction from the upper north-west corner of block Nos. 26-40 Etal Court. 13.9m
T56	Sycamore	The following tree is measured in a southerly direction from the western corner of No. 6 Grosvenor Place. 10.9m
T57	Sycamore	The following tree is measured in a south-westerly direction from the south-western corner of No. 39 Grosvenor Place. 3.5m

c. on the plan	Description	Situation
T58	Sycamore	The following tree is measured in an easterly direction from the north-east corner of Ashleigh, Alma Place. 4m
T59 T60	Sycamore Sycamore	The following trees are measured in a northerly direction from the north-western corner of No. 38 Cleveland Road 17.5m 21m
T61 T62 T63 T64		} Omitted prior to confirmation of Order.
T65	Sycamore	The following tree is measured in a northerly direction from the south west corner of No. 13 Cleveland Terrace. 42.4m
T66	Elm	The following tree is measured in a northerly direction from the south-western corner of No. 1, Campville. 5.8m
T67	Sycamore	The following tree is measured in a northerly direction from the north-western corner of No. 1 Campville 4.3m
T68	Ash	The following trees are measured from the north-western corner of No. 3 Campville. In a northerly direction 8.9m
T69	Sycamore	In a north-easterly direction 11.8m
T70	Ash	The following tree is measured in a northerly direction from the north-eastern corner of No. 7 Campville. 10.8m
T71	Ash	The following tree is measured in a northerly direction from the north-east corner of No. 15 Campville. 4m

No. on the plan	Description	Situation
T72	Sycamore	The following tree is measured in a northerly direction from the north-east corner of No. 19 Campville. 5.23m
T73 T74	Sycamore Sycamore	The following trees are measured in a northerly direction from the north-eastern corner of No. 23 Campville 5.8m 17.4m
T75 T76	Sycamore Sycamore	The following trees are measured in a northerly direction from the north-west corner of No. 14 Camp Terrace. 18.1m 17.2m
T77		Omitted prior to confirmation of order.
T78 T79 T80	Elm Elm Elm	The following trees are measured from the north-west corner of the Adult Training Centre, Cleveland Road. In a south-westerly direction. 34.8m 27.4m 25.7m
T81 T82 T83 T84 T85	Ash White poplar Sycamore Sycamore Sycamore	In a north-westerly direction. 20.3m 19.75m 20.0m 19.7m 13.6m
T86	Sycamore	The following tree is measured in a north-easterly direction from the north-east corner of the Adult Training Centre, Cleveland Road. 6.8m
T87	Sycamore	The following trees are measured from the south-east corner of No. 1 Camp Terrace. In an easterly direction. 3.2m
T88	Sycamore	In a southerly direction. 9.5m
T89 T90 T91	Sycamore Sycamore Sycamore	In a south-westerly direction. 16.9m 27.3m 67.0m

No. on the plan	Description	Situation
		The following trees are measured from the south-west corner of No. 4 Camp Terrace.
		In a south-easterly direction
T92	Sycamore	61.7m
T93	Sycamore	27.2m
T94	Willow	38.3m
T95	Beech	11.2m
T96	Sycamore	59.8m
		In a southerly direction
T97	Poplar	10m
T98	Beech	22.5m
T99	Elm	29.3m
T100	Sycamore	57.5m
T101	Elm	51.9m
		In a south-westerly direction
T102	Sycamore	9.8m
T103	Beech	15m
T104	Holly	22.1m
T105	Sycamore	54.3m
		The following trees are measured from the south-east corner of No. 7 Camp Terrace.
		In a southerly direction
T106	Sycamore	7.5m
T107	Elm	13.4m
T108	Elm	23.3m
		In a south-westerly direction
T109	Elm	17m
T110	Elm	19.2m
T111	Sycamore	37.5m
T112	Lime	61.5m
T113	Sycamore	62m

GROUPS OF TREES

(Within a broken line on the plan)

No. on the plan	Description	Situation
G1	Group consisting of 4 beech trees	Situated in the front garden of No. 5 Alma Place, 10m south of the building and extending 13m westwards.
G2	Group consisting of 3 Ash trees	Situated 1m north of No. 35 Perwick Terrace, extending 6.5m northwards and 13m eastwards.
G3	Group consisting of	Situated 47m south of No. 2 Camp Terr

No. on the plan	Description	Situation
G4	Group consisting of 1 Beech and 8 Sycamores	Situated 42.5m to the south of the south-east corner of No. 7 Camp Terrace, extending 17m southwards and 14m westwards.
G5	Group consisting of 1 Ash and 2 Sycamores	Situated 57m south of No. 9 Camp Terrace and extending 4m westwards.

TREES SPECIFIED WITH REFERENCE

TO AN AREA

None

WOODLAND

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 the approved woodlands scheme or other grant scheme under Section 4 of the Forestry Act, 1967 except a scheme which applies to a forestry dedication covenant;

(3) the cutting down, uprooting, topping or lopping of a tree:-

- (a) in pursuance of the power conferred on the Post Office by virtue of Section 5 of the Telegraph (Construction) Act, 1908 and Section 21 of the Post Office Act, 1969, or by or at the request of the Post Office where the land on which the tree is situated is operational land as defined by the Post Office Operational Land Regulations 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;

(b) 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, 1922 or interferes or would interfere with the maintenance or working of any such line;
- (iii) a water authority established under the Water Act, 1973, a drainage board constituted or treated as having been constituted under the Land Drainage Act, 1930, or the Greater London Council, where the tree interferes or would interfere with the exercise of any of the functions of such water

authority, drainage board, or Council in relation to the maintenance, improvement or construction of watercourses or of drainage works; or

- (iv) the Secretary of State for Defence, the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe, efficient use of aviation or defence technical installations;
- (e) where immediately required for the purpose of carrying out development authorised by the 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;
- (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act, 1971 as adapted and modified to apply to this Order.

33. (1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the Authority on the granting of such consent, shall (except in so far as the consent otherwise provides), ensure for the benefit of the land and of all persons for the time being interested therein.

35. (1) The Secretary of State 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.

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

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

35. (4) Where an application for consent under the Order is referred to the Secretary of State 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.

35. (5) Before determining an application referred to him under

Power to
revoke or
modify the
consent
under the
Order.

45. (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.

45. (2) Subject to the provisions of sections 46 and 61 of the Act an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

45. (3) Where an Authority submit an Order to the Secretary of State for his confirmation under this section, the Authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier 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 Secretary of State, 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 Secretary of State for the purpose.

45. (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.

45. (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 Secretary of State under subsection (2) of this section.

Unopposed
revocation
or modifi-
cation of
consent.

46. (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him and the owner and the occupier of the land and all persons who in the Authority's opinion will be affected by such Order have notified the Authority in writing that they do not object to such Order.

46. (2) The Authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such 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 (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

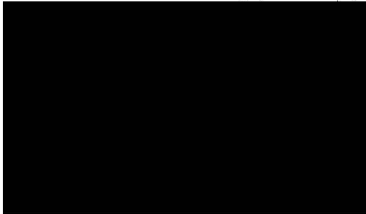
46. (3) The Authority shall also serve notices to the same effect on persons mentioned in subsection (1) above.

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

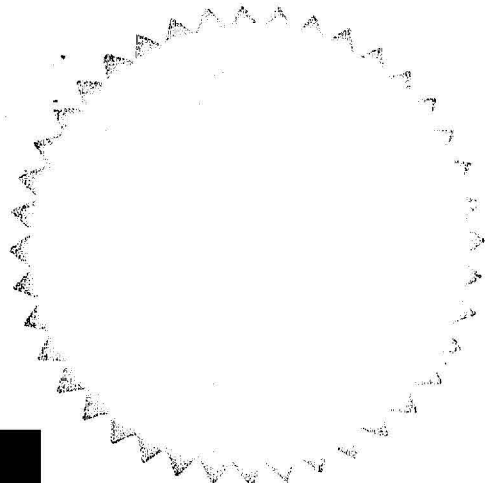
46. (5) If within the period referred to in subsection (2)(a) above no person claiming to be effected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in subsection (2)(b) of this section take effect by virtue of this section and without being confirmed by the Secretary of State as required by section 45 of the Act.

46. (6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part IV or Part V of the Act.

THE COMMON SEAL of the NORTH)
WYRESIDE BOROUGH COUNCIL was)
hereunto affixed this Thirteenth)
day of May, 1981)
in the presence of :-)



Secretary/Chief Legal Adviser



THE COUNCIL OF THE METROPOLITAN BOROUGH OF NORTH TYNESIDE in
exercise of the powers under Section 80(5) of the Town and
Country Planning Act 1971 as amended hereby confirm with
modifications (as shown in red) the foregoing Order

IN WITNESS whereof -

THE COMMON SEAL of the NORTH)
TYNESIDE BOROUGH COUNCIL was)
hereunto affixed this 28th)
day of October, 1981 in the)
presence of:-)

Signed R.J. Oliver

L.S.

Mayor

Signed F.S. Watson

Secretary and Chief
Legal Adviser

DATED Thirteenth day of May, 1981

METROPOLITAN BOROUGH OF NORTH TYNESIDE

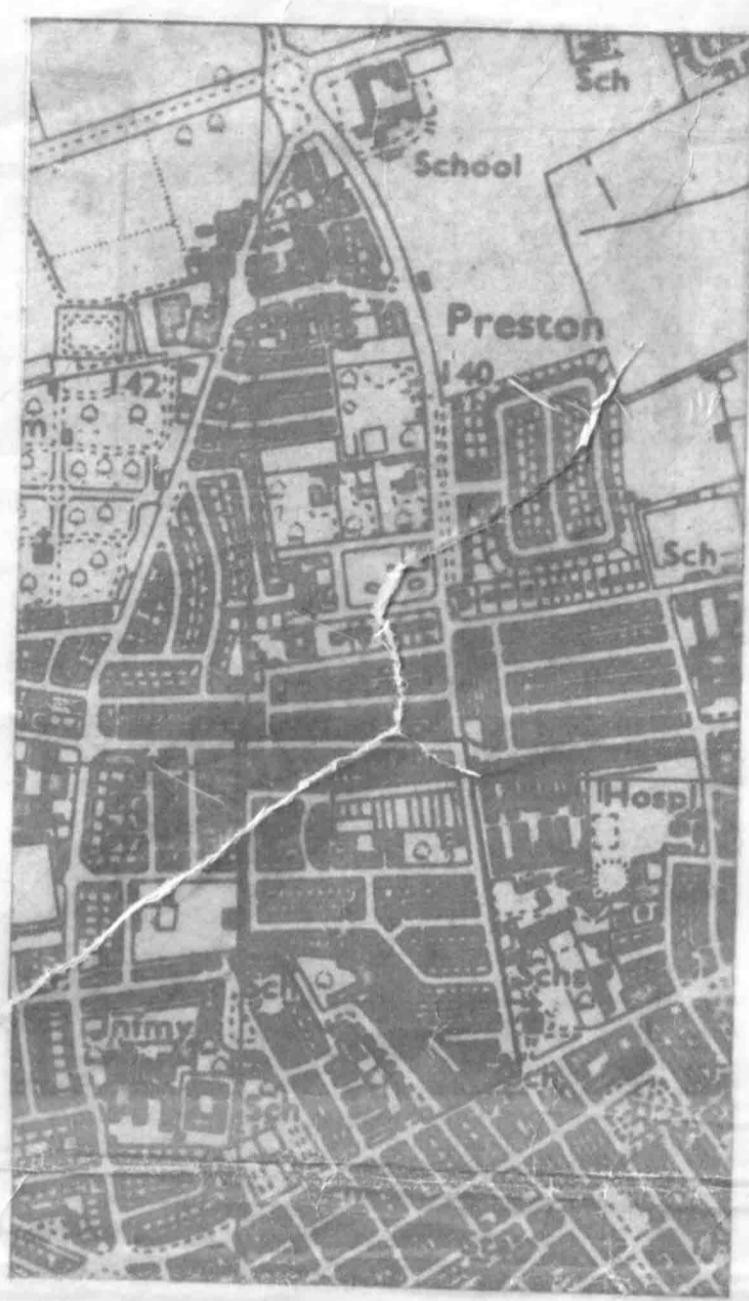
THE METROPOLITAN BOROUGH OF NORTH TYNESIDE

(CAMP TERRACE, NORTH SHIELDS)

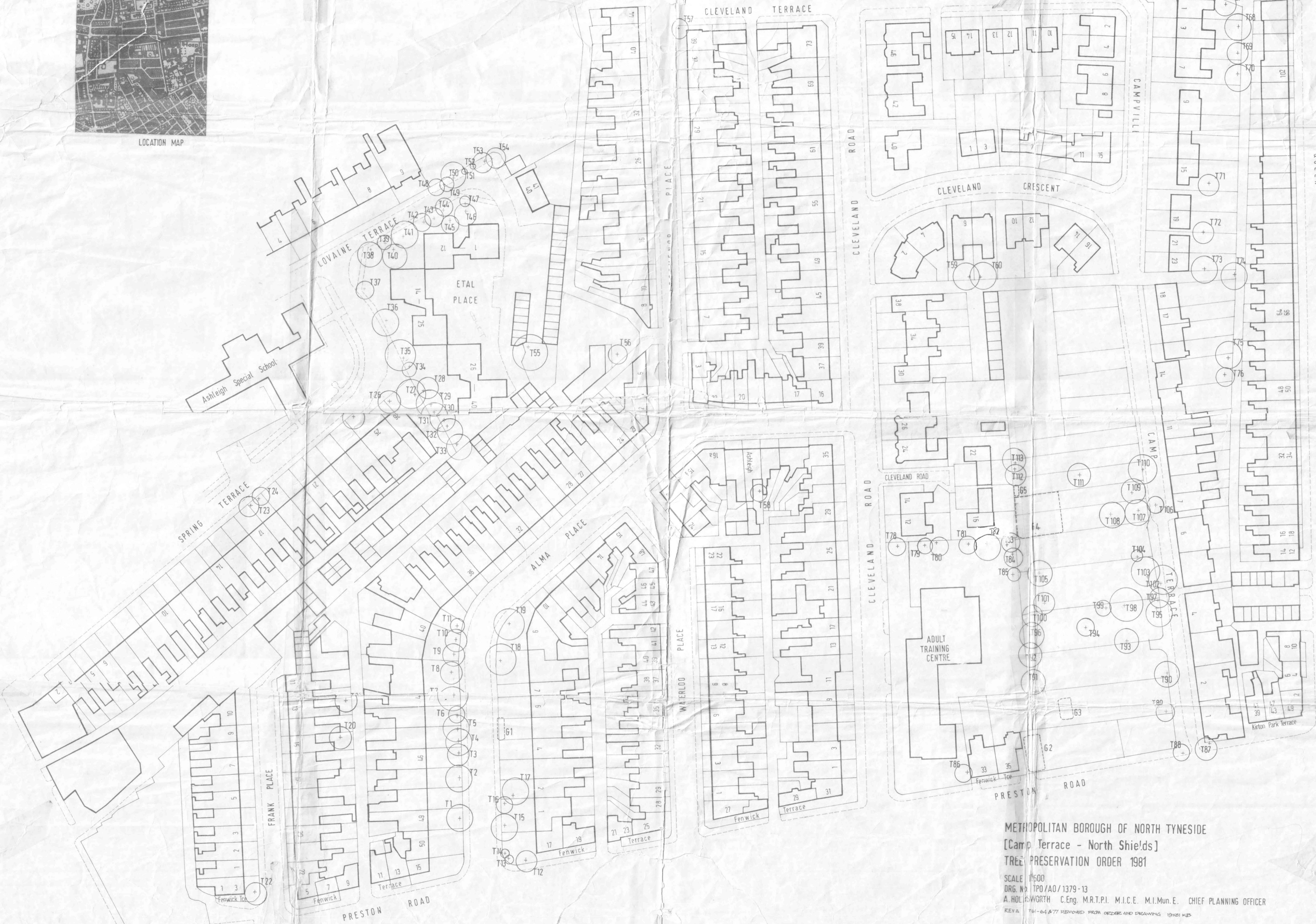
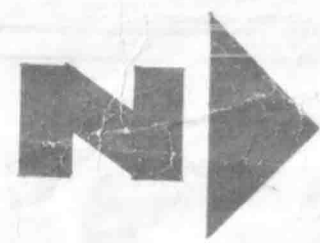
TREE PRESERVATION ORDER, 1981

F.S. WATSON
Secretary and Chief Legal Adviser.

14 Northumberland Square
NORTH SHIELDS
NE30 1PZ



LOCATION MAP



METROPOLITAN BOROUGH OF NORTH TYNESIDE
 [Camp Terrace - North Shields]
 TREE PRESERVATION ORDER 1981

SCALE 1:500
 DRG. No. TPO/AD/1379-13
 A. HOLLIS WORTH C.Eng. M.R.T.P.I. M.I.C.E. M.I.Mun.E. CHIEF PLANNING OFFICER
 REVA. T61-64 & 77 REMOVED FROM ORDER AND DRAWING 19/81 KES