

13/09/10/14.

Memo

Legal and Democratic Services

To: For Circulation See Below

Development & Regulatory Law Team
City Hall
Bradford
West Yorkshire
BD1 1HY
DX11758 BRADFORD -1

Ref:

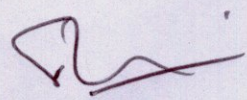
From: Mr S P Nelson
Legal Officer
Development & Regulatory Law Team

Date: 03 September 2013

Tel: (01274) 432083
Fax: (01274) 434242
My Ref: LEG/DEV/SPN/72240
Email: Stephen.nelson@bradford.gov.uk

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 198
LAND AT 440a KILLINGHALL ROAD BRADFORD - TREE PRESERVATION ORDER**

The above Tree Preservation Order was made on 3rd September 2013. Please find attached a copy for your records.

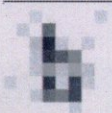


Mr S P Nelson
Legal Officer

Enc

Arboricultural Technician
Development Services Tree Section
Department of Regeneration
3rd Floor, Jacobs Well

Land Charges Manager
Local Land Charges
6th Floor Jacobs Well



IMPORTANT THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
NOTICE OF MAKING A TREE PRESERVATION ORDER
CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
LAND AT 440a KILLINGHALL ROAD BRADFORD
TREE PRESERVATION ORDER 2013**

THIS IS A FORMAL NOTICE to let you know that on 3rd September 2013 the Council made the above Tree Preservation Order.

A copy of the order is enclosed. In simple terms, no one is allowed to cut down, top or lop without the Council's permission any of the trees described in the 1st Schedule of the Order and shown on the map.

The trees are situated on land which is being disposed of by the Council and given the likely change of ownership this Order is required to protect them. The Council considers that this Order is necessary to safeguard trees which are of public amenity value and visible from Killinghall Road - a busy public highway and from a number of public vantage points. They also contribute to the streetscene.

The Order is made to ensure the continuity of tree cover is controlled in accordance with good management and to protect those treescapes which are considered to be significant.

The order came into force, on a temporary basis, on 3rd September 2013 and will remain in force for six months. During this time the Council will decide whether the order should be given permanent status.

People affected by the order have a right to object or make comments on any of the trees or woodlands covered before a decision is made on whether the order should be made permanent.

If you would like to make any objections or comments, please make sure the Council receives them in writing by Tuesday 15th October 2013. Your comments must meet regulation 4 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012 (a copy is attached). Please send your comments to the City Solicitor at the address stated below. The Council will carefully consider all objections and comments before deciding whether to make the order permanent.

The Council will write to you again when a decision has been made. In the meantime, if you would like any more information or have any questions about this notice, please contact Mr S Keenan, Department of Regeneration, Trees Section, 3rd Floor, Jacobs Well, Manchester Road, Bradford BD1 5RW. Tel: 01274 434297.

Dated: 3rd September 2013.

City Solicitor
Legal and Democratic Services
City of Bradford Metropolitan District Council
City Hall
Bradford BD1 1HY

COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Objections and representations

6(1) Subject to paragraph (2), objections and representations:

- (a) shall be made in writing and:
 - (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
 - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
- (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and
- (c) in the case of an objection, shall state the reasons for the objection.

6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

TOWN AND COUNTRY PLANNING ACT 1990

THE LAND AT 440a KILLINGHALL ROAD BRADFORD

TREE PRESERVATION ORDER 2013

The City of Bradford Metropolitan District Council in exercise of the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 make the following Order:-

Citation

1. This Order may be cited as "Land at 440a Killinghall Road Bradford".

Interpretation

2. (1) In this Order "the authority" means City of Bradford Metropolitan District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning Act (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exception in regulation 14, no person shall:-
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation

23 and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planed pursuant to a condition

- 4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order take effect as from the time when the tree is planted.

Dated this 3rd day of September 2013.

EXECUTED AS A DEED by affixing
THE COMMON SEAL of
THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
 in the presence of:-

Schenegway

95704

Authorised by the City Solicitor

CONFIRMATION OF ORDER

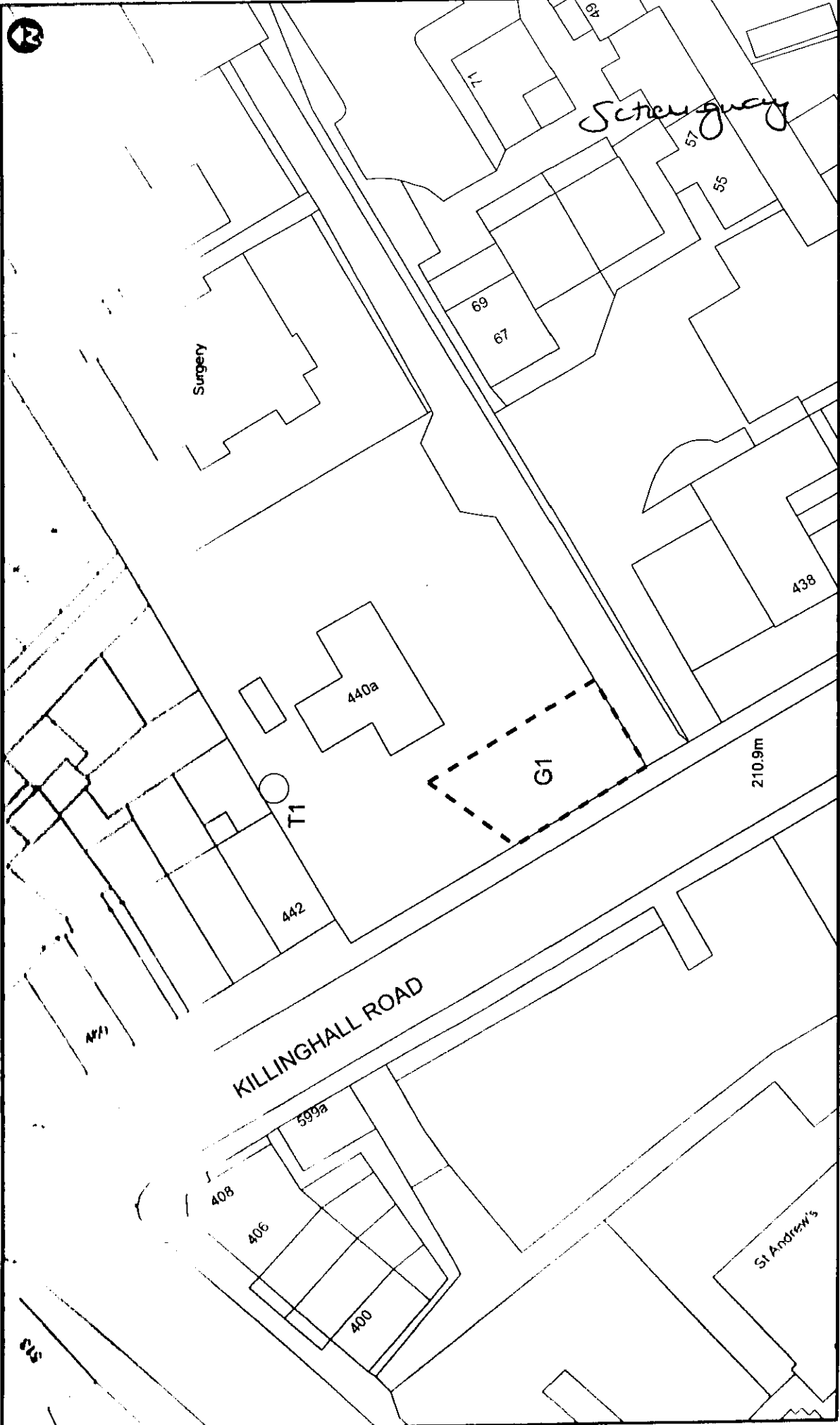
This Order was confirmed by the City of Bradford Metropolitan District Council without modification on the day of

OR

The Order was confirmed by the City of Bradford Metropolitan District Council subject to the modification indicated by on the day of

EXECUTED AS A DEED by affixing
THE COMMON SEAL of
THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
 in the presence of:-

Authorised by the City Solicitor



Scale 1: 500
 OS Ref.: SE 1734
 Reproduced from the Ordnance Survey map with
 the sanction of HM Stationery Office
 Crown Copyright reserved
 LA076120

DEPARTMENT OF REGENERATION & CULTURE
 Jacobs West
 5 Bradford
 BD1 5RW

TREE PRESERVATION ORDER
 *3/00010MG
 LAND AT 440a KILLINGHALL ROAD
 BRADFORD

DECISION NOT TO CONFIRM

A decision not to confirm this Order was taken by the City of Bradford Metropolitan District Council on the day of

EXECUTED AS A DEED by affixing
THE COMMON SEAL of
THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
in the presence of:-

Authorised by the City Solicitor

VARIATION OF ORDER

This Order was varied by the City of Bradford Metropolitan District Council on the day of by a variation order under reference number a copy of which is attached.

EXECUTED AS A DEED by affixing
THE COMMON SEAL of
THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
in the presence of:-

Authorised by the City Solicitor

REVOCATION OF ORDER

This Order was revoked by the City of Bradford Metropolitan District Council on the day of

EXECUTED AS A DEED by affixing
THE COMMON SEAL of
THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
in the presence of:-

Authorised by the City Solicitor

SCHEDULE

Specification of Trees

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Sycamore	417938 434746

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
None		

Groups of trees

(within a broken black line on the map)

Reference on map	Description	Situation
G1	3 Ash, 2 Sycamore	417938 434722

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
None		