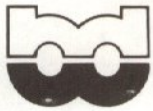


7547

TPO 343



# City of Bradford Metropolitan Council

From: Director of Legal Services

To: City Planning Officer

Jacobs Well  
FAO Mr P Coates

2820CN002L18-6

My Ref: GL/FW/LG/42-0858 Ext: 4255  
Miss Walker

Your Ref: P/CRH/PC

10 July 1990

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 61  
(AS AMENDED BY THE LOCAL GOVERNMENT PLANNING AND LAND ACT 1980)  
448 HALIFAX ROAD BRADFORD  
TREE PRESERVATION ORDER

The above Tree Preservation Order was confirmed on 10 July 1990. Please find attached a copy for your records.

PLANNING DIVISION  
 RECEIVED  
 13 JUL 1990  
 DISTRIBUTION

TPO No 343

Town and Country Planning Acts 1971-1985<sup>1</sup>

448 HALIFAX ROAD BRADFORD

## TREE PRESERVATION ORDER, 1990

CITY OF BRADFORD METROPOLITAN COUNCIL

In this Order called "the authority", in pursuance of the powers conferred in that behalf by section 60 [and 61\*] of the Town and Country Planning Act 1971 as amended † [and section 2 of the Town and Country Planning Act 1984‡], and subject to the provisions of the Forestry Acts 1967 and 1979, 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] [Secretary of State for Wales].

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, 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 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:

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.

<sup>1</sup> NOTE: Where appropriate this Order has been updated to reflect statutory amendments which have resulted in the need to show substitutions or repeals of the prescribed form.

\* Include only where Order contains a direction under section 61 of the Act.

† Section 60 is amended by section 10 of the Town and Country Amenities Act 1974 and Schedule 15 paragraph 13 and Schedule 34 Part X of the Local Government Planning and Land Act 1980. Section 61 is amended by Schedule 34 Part X and Schedule 15 paragraph 14 of the Local Government Planning and Land Act 1980.

‡ Include only where Order relates to Crown Land.

§ Map to be to a scale of not less than 25 inches to one mile (1:2500), except in the case of large woodlands when the scale shall be 6 inches to one mile (1:10000 or 1:10560).

¶ NOTE: If it is proposed to fell any of the trees included in this Order and the felling requires a licence under the Forestry Act 1967, an application should be made in the first place to the Forestry Commission.

(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 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 a group of trees or in a woodland, that the trees have an outstanding or special amenity value; or
- (c) in the case of trees which are comprised in a group of trees or in a woodland, that the group of trees or the woodland, as the case may be, has an outstanding or special amenity value,

but a certificate shall not be given in the case of trees falling within (c) above if the application in respect of them has been referred by the Forestry Commissioners under section 15(1)(b) or 15(2)(a) of the Forestry Act 1967.

6.—(1) Where consent is granted under this Order to fell any part of a woodland other than consent for silviculture 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.

7.—On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 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 its functions in relation to 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 or the drainage board 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:

**FIRST SCHEDULE**

**TREES SPECIFIED INDIVIDUALLY\***

(encircled in black on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation.</i>
T1	Chestnut	O.S. Map No 1429 SW/SE SE 14512836

**TREES SPECIFIED BY REFERENCES TO AN AREA\***

(within a dotted black line on the map)

<i>No. on Map.</i>	<i>Description</i>	<i>Situation.</i>
	None	

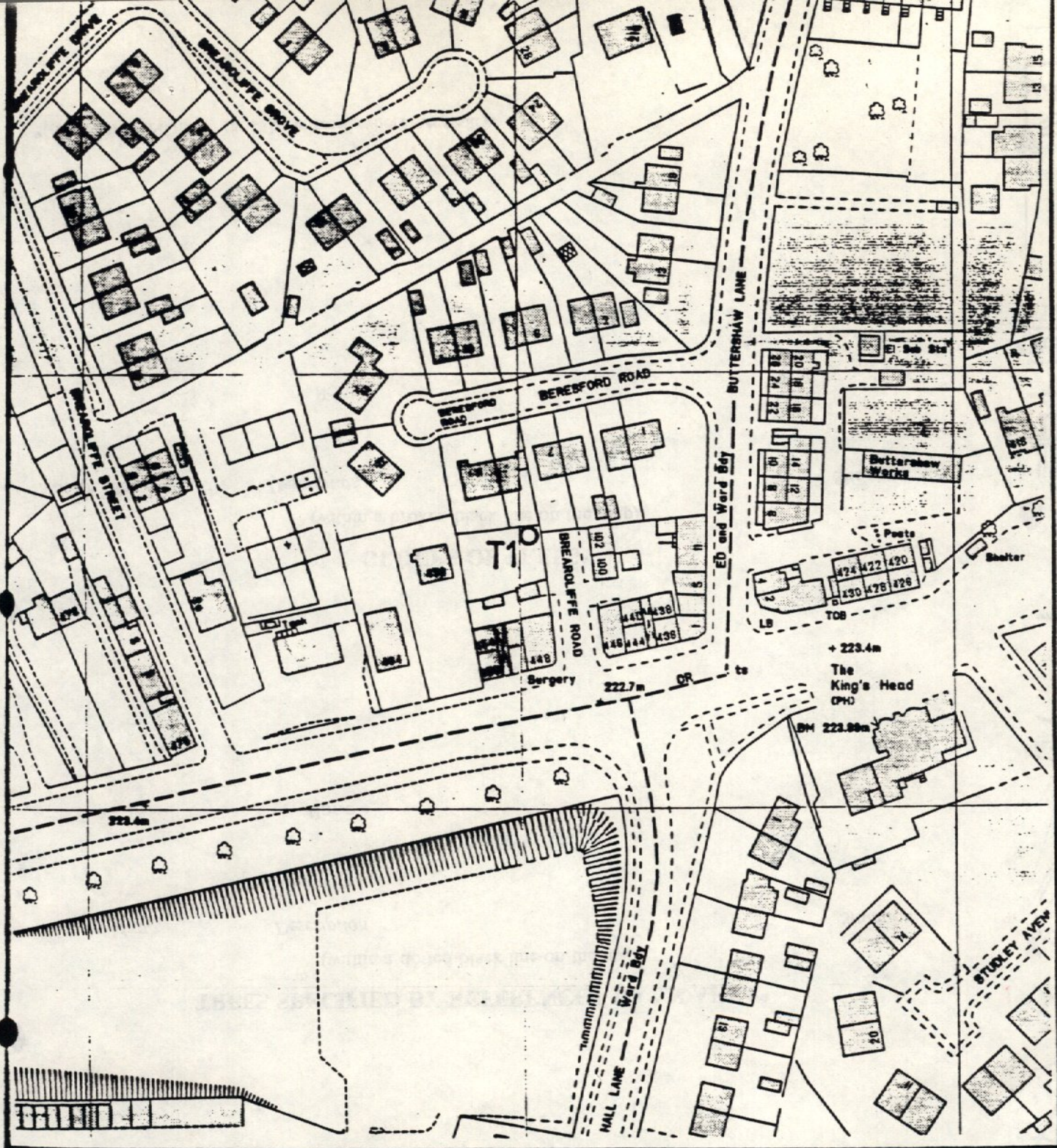
**GROUPS OF TREES\***

(within a broken black line on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation.</i>
	None	

\* The word "NONE" must be entered where necessary.





Tree Preservation Order No.

Title  
 Land to Rear of  
 448, Halifax Rd  
 Bradford

*M. White*

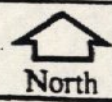
**Planning Division**  
**John Steel (city planning officer)**



City of Bradford Metropolitan Council  
 Planning Division  
 Jacobs Well  
 Bradford  
 BD1 5RW

Reproduced from the Ordnance Survey map with  
 the sanction of the Controller of H.M. Stationery  
 Office.

Scale  
 1/1250



O.S. Map No.  
 1429 SW/SE

CROWN COPYRIGHT RESERVED

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 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 infection 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.—[(1) The provisions of section 61 of the Act shall apply to this Order and the Order shall take effect on 14 May 1990.]\*

~~[(2) This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein, as from the time when that tree is planted.]†~~ *Am*

**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 the prescribed sum<sup>§</sup> 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 Level 4 on the standard scale<sup>‡</sup> 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 is removed, uprooted or destroyed in contravention of an order or, except in the case of a tree to which the Order applies as part of a woodland, 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. In respect of trees in a woodland it is sufficient to replace the trees removed, uprooted or destroyed by planting the same number of trees either on or near the land on which the trees removed, uprooted or destroyed stood or on such other land as may be agreed between the authority and the owner of the land, and (in either case) in such places as may be designated by the authority.

\* This provision is not to be included unless it appears to the authority that the Order should take effect immediately.

† This provision may be included in relation to trees to be planted pursuant to a condition imposed under section 59 of the Act.

§ £2000 but subject to alteration by Order.

‡ £1000 but subject to alteration by Order.

**TREES SPECIFIED INDIVIDUALLY\***

(encircled in black on the map)

*No. on Map.*

*Description.*

*Situation.*

T1

Chestnut

O.S. Map No  
1429 SW/SE  
SE 14512836

**TREES SPECIFIED BY REFERENCES TO AN AREA\***

(within a dotted black line on the map)

*No. on Map.*

*Description*

*Situation.*

None

**GROUPS OF TREES\***

(within a broken black line on the map)

*No. on Map.*

*Description.*

*Situation.*

None

\* The word "NONE" must be entered where necessary.



Fanning Division  
John Steel (city planning officer)

*Dated* 14 May

19 90

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CITY OF BRADFORD METROPOLITAN COUNCIL

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**TOWN AND COUNTRY PLANNING ACTS 1971 & 1985**

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**TREE PRESERVATION ORDER**

relating to

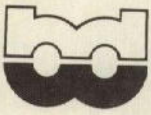
448 HALIFAX ROAD, BRADFORD

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# City of Bradford Metropolitan Council

From: CITY PLANNING OFFICER

To: DIRECTOR LEGAL SERVICES

My Ref: P/CRH/PC

Contact: P. COATS

Date: 11 MAY 1990

Ext: 4296

Your Ref:

343

348

SUBJECT EMERGENCY TREE PRESERVATION ORDER

Please make an emergency Tree Preservation Order on the Chestnut tree at the rear of 448 Halifax Rd. The tree is a fine specimen in an area with few native trees, it is under immediate threat of felling for the unnecessary to fell the tree for the development of the land.

The tree at land is owned by Mr. Julia Shapiro,  
448 Halifax,  
Bradford and 14 Pasture Lane,  
Clayton  
Bradford.

Please send the order to these addresses  
at once, placed on the tree.

From:

To:

My Ref:

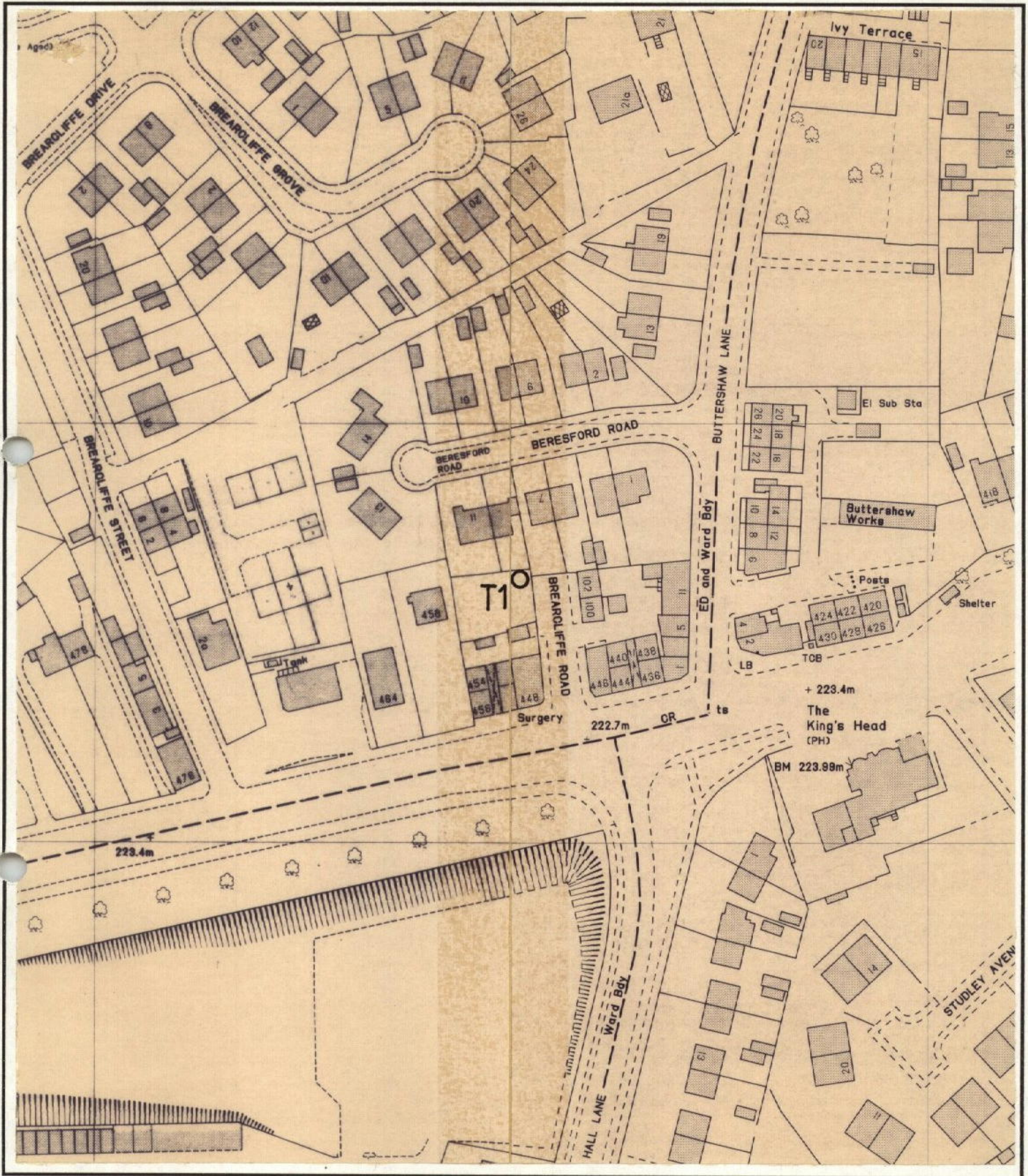
Contact:

Date:

Ext:

Your Ref:

REPLY



Tree Preservation Order No.  
 Title  
 Land to Rear of  
 448, Halifax Rd  
 Bradford

Scale  
 1/1250

North

O.S. Map No.  
 1429 SW/SE

**Planning Division**  
**John Steel (city planning officer)**



City of Bradford Metropolitan Council  
 Planning Division  
 Jacobs Well  
 Bradford  
 BD1 5RW

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