



# City of Bradford Metropolitan Council

From: Director of Legal Services

To: The Senior Land Charges  
Officer, City Hall

2710CA004L30-4

My Ref: GL/KH/LG/420849      Mr Haley      Ext: 2232

Your Ref:



3 July 1990

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 61  
(AS AMENDED BY THE LOCAL GOVERNMENT PLANNING AND LAND ACT 1980)  
UPPER SYKE CLAYTON LANE BRADFORD  
TREE PRESERVATION ORDER 344

The above Tree Preservation Order was confirmed on 3 July 1990. Please find attached a copy for your records.

ARS

Reg. 20/7/90  
O.S. 1131 SW/KE

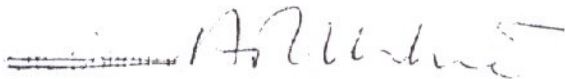
Dated 10 April 1990.

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On - 3 JUL 1990  
City of Bradford Metropolitan  
Council confirmed the within  
written Order as an unopposed  
Order

The Common Seal of  
City of Bradford Metropolitan  
Council was hereunto affixed  
in the presence of:



Assistant Director (Legal Services)

TOWN AND COUNTRY PLANNING ACTS 1971-84

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## TREE PRESERVATION ORDER

relating to

UPPER SYKE, CLAYTON LANE  
BRADFORD

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46704



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

Insert title of  
Order

CITY OF BRADFORD METROPOLITAN COUNCIL  
UPPER SYKE CLAYTON LANE BRADFORD

## TREE PRESERVATION ORDER, 1990 .

Insert name  
of local  
planning  
authority

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.



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 10 April 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.]†~~ art

**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§ 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‡ 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.



**FIRST SCHEDULE  
TREES SPECIFIED INDIVIDUALLY\***  
*(encircled in black on the map)*

No. on Map	Description	Situation
T1	Ash	In grounds of Upper Syke Nursing Home between GR SE 1150 3236 and 1160 3236
T2	Sycamore	
T3	Sycamore	
T4	Elm	
T5	Ash	
T6	Sycamore	

**GROUPS OF TREES\***  
*(within a broken black line on the map)*

No. on Map	Description	Situation
G1	3 Sycamore 2 Whitebeam	SE 1155 3235

**TREES SPECIFIED BY REFERENCES TO AN AREA\***  
*(within a dotted black line on the map)*

No. on Map	Description	Situation
A1	All trees within this area including Elms Limes Copper Beeches Scots Pines Sycamores Holly Beech Whitebeam Cherry Ash Birch Rowan Yews	Around SE 1150 3140

**TREES SPECIFIED BY REFERENCES TO AN AREA\***  
*(within a dotted black line on the map)*

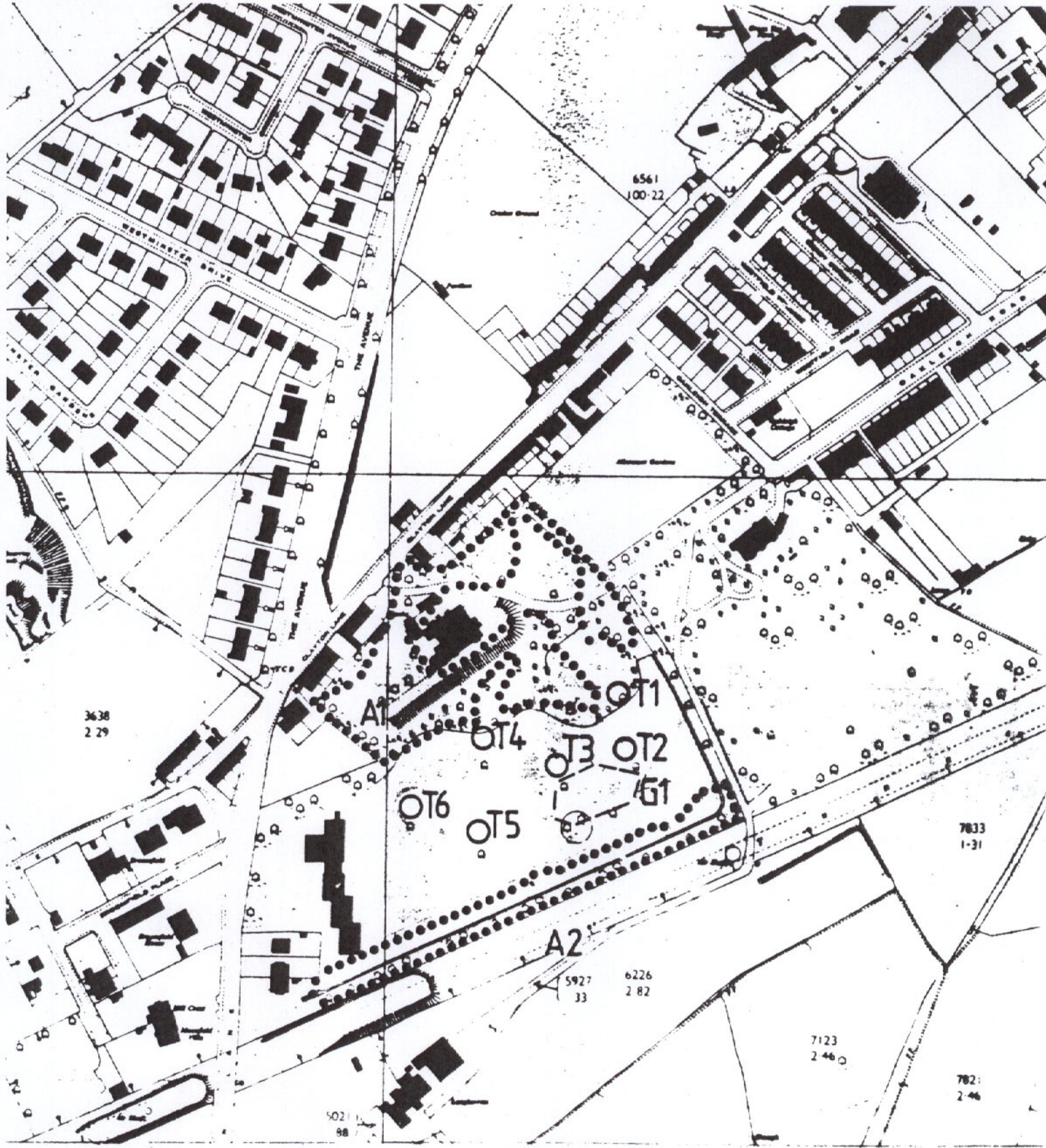
No. on Map	Description	Situation
A2	All trees within this area Hawthorn Lime Elm Sycamore Rowan Birch Beech	Between SE 1147 3110 and SE 1169 3125

**WOODLANDS\***  
*(within a continuous black line on the map)*

No. on Map	Description	Situation
	None	

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




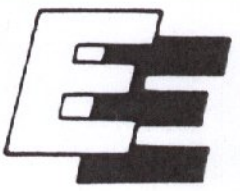


Tree Preservation Order No. 344

Title  
 UPPER SYKE NURSING HOME  
 LAYTON LANE  
 LAYTON

Scale 1:2500  
 O.S. Map No. SE 1131

  
 North



Directorate of Enterprise  
 & Environment

*John Steel (city planning officer)*

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

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 Office

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## 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 a grant scheme under section 1 of the Forestry Act 1979 except a scheme which applies to a forestry dedication covenant.
- (3) the cutting down, uprooting, topping or lopping of a tree
  - (a) by or at the request of the Post Office where the land on which the tree is situated is land which has been acquired for the purpose of the Post Office's undertaking and either works on such land cannot otherwise be carried out or the cutting down, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking; or the lopping in pursuance of the power conferred on any operator of a telecommunications code system by virtue of paragraph 19 of Schedule 2 to the Telecommunications Act 1984;
  - (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, uprooting, 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;
    - (iii) a water authority established under the Water Act 1973, or a drainage board constituted or treated as having been constituted under the Land Drainage Act 1976, where the trees interferes or would interfere with the exercise of any of the functions of such water authority or drainage board in relation to the maintenance, improvement or construction of water courses or of drainage works; or
    - (iv) the Secretary of State for Defence, the Secretary of State for Transport, the Civil Aviation Authority, or in relation to any airport managed by a company to which any property, rights or liabilities have been transferred in pursuance of a scheme made under section 1 or 15 of the Airports Act 1986, the person for the time being having the management of the airport, where in the opinion of such Secretary of State, Authority or person the tree obstructs the approach of aircraft to, or their departure from, any airport or hinders the safe and efficient use of aviation or defence technical installations;
  - (c) 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;  
[Where the trees are within the Thames catchment area]
  - [(e) in pursuance of the powers of the Thames Water Authority under section 105 of the Thames Conservancy Act 1932.]



### 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), enure for the benefit of the land and of all persons for the time being interested therein.

35. **Reference of applications to the Secretary of State.**—(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.

(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 Secretary of State accordingly.

(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.

(5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any application referred to him under this section shall be final.

36. **Appeals against decisions.**—(1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Secretary of State.

(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

(4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any appeal under this section shall be final.

37. **Appeal in default of decision.**—Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either—

(a) give notice to the applicant of their decision on the application; or

(b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 35 above;

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.

45. **Power to revoke or modify the consent under the Order.**—(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) 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 modification as he considers expedient.



(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 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.

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

**46. Unopposed revocation or modification of consent.**—(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.

(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.

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

(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.

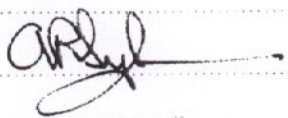
(5) If within the period referred to in subsection (2) (a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration 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.

(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.

**GIVEN** under the Common Seal of the

City of Bradford Metropolitan Council

the 10th day of April 1990.



Director of Legal Services

45236



# Tree Preservation Order 0344



Tree Preservation Order  
No. 0344  
Upper Syke,  
Clayton

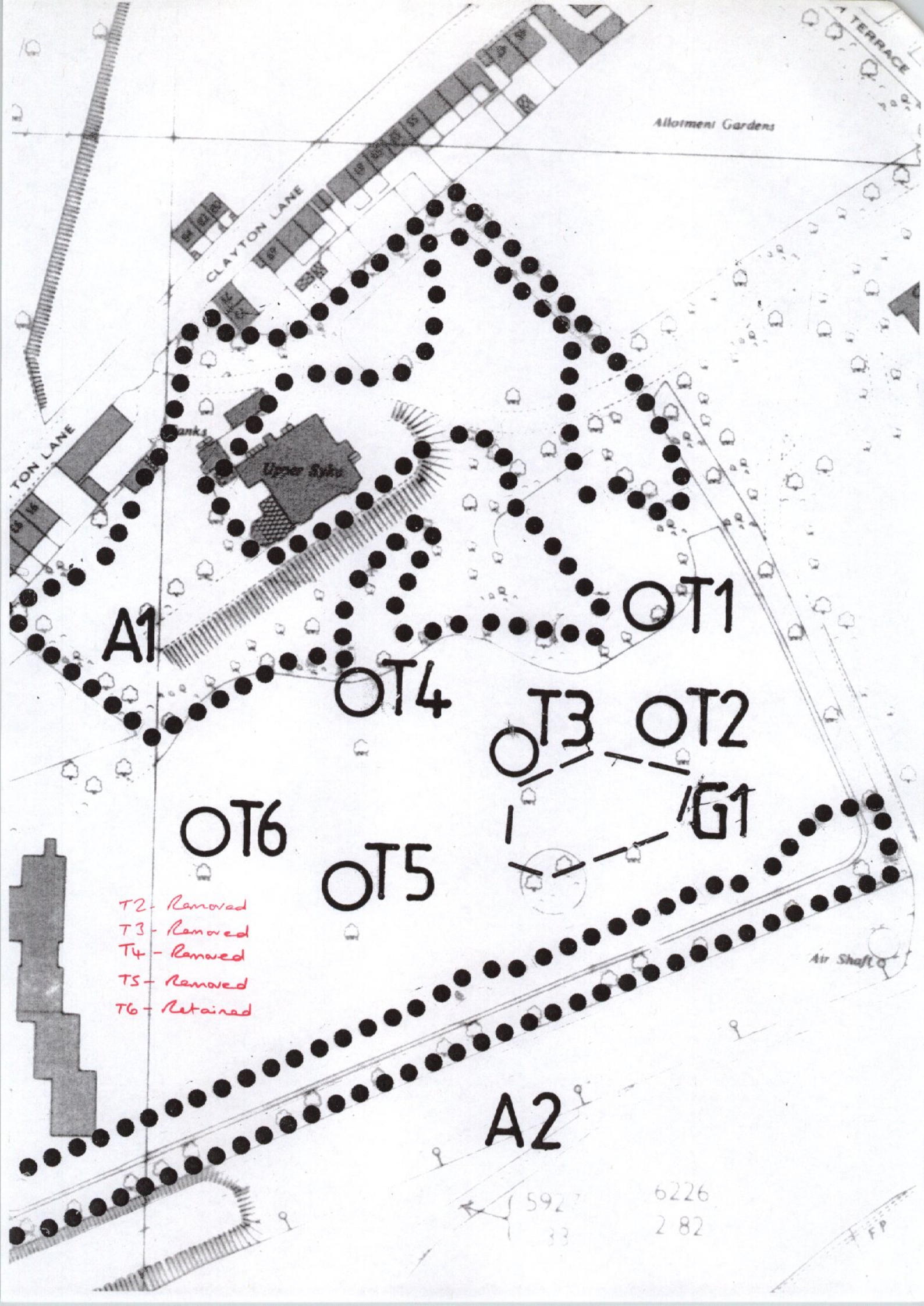
**DEPARTMENT OF REGENERATION**  
Jacobs Well  
Bradford  
BD1 5RW



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Scale 1:2000





Allotment Gardens

CLAYTON LANE

TON LANE

Upper Sykes

A1

OT1

OT4

OT3

OT2

OT6

OT5

G1

- T2 - Removed
- T3 - Removed
- T4 - Removed
- T5 - Removed
- T6 - Retained

Air Shaft

A2

5927  
33

6226  
282

FP



# CLAYTON, BRADFORD

City of Bradford Metropolitan District Council

Building Control

Date: JUNE 00

The attached plan indicates:-

- Numbering of Properties

OAKLEIGH RD CLAYTON



## BARRATT LEEDS

- 96
- 120
- 105
- 107
- 109
- 115



# Tree Preservation Order 0344



Tree Preservation Order  
No. 0344  
Upper Syke,  
Clayton

DEPARTMENT OF REGENERATION  
Jacobs Well  
Bradford  
BD1 5RW

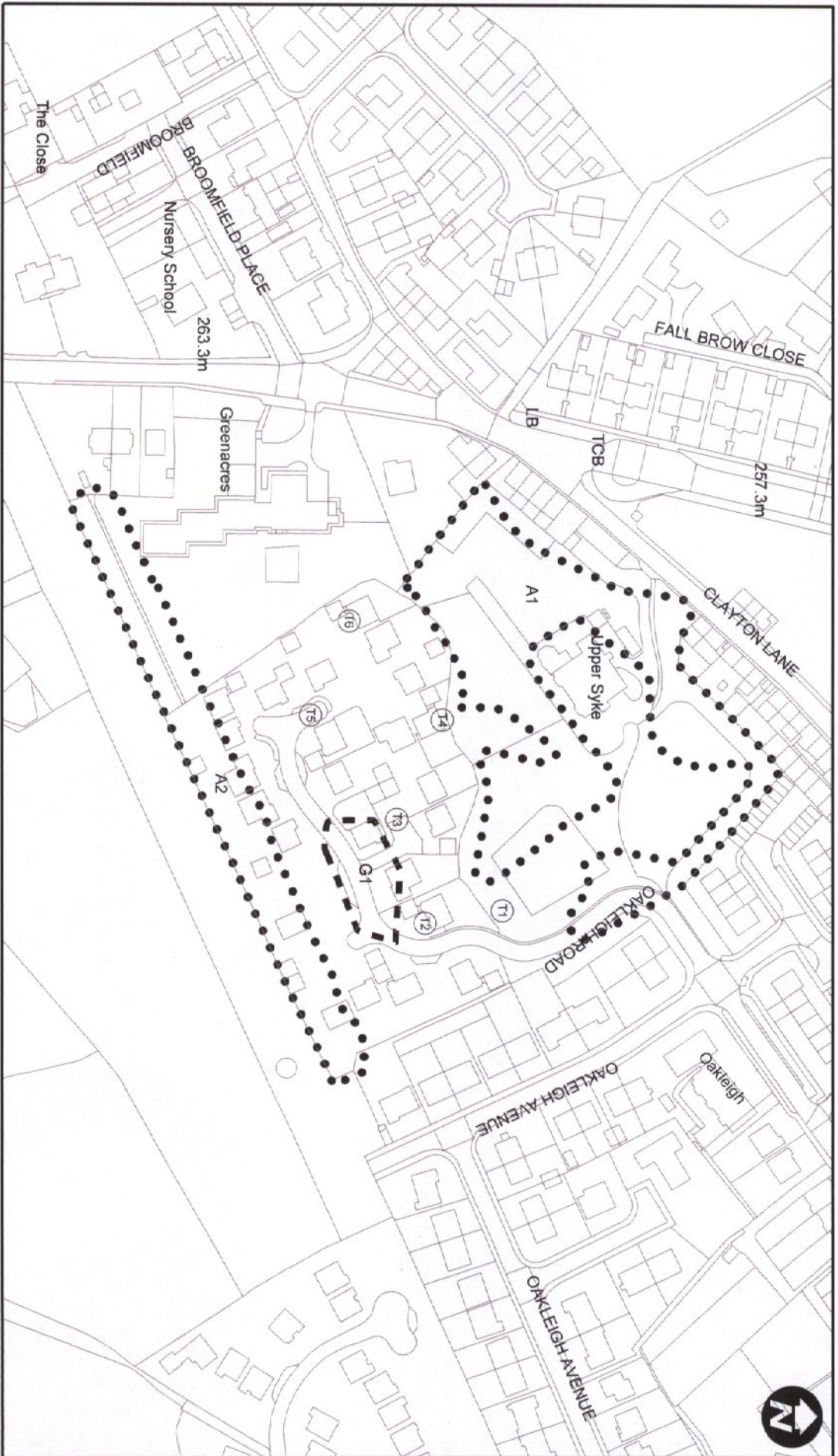


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Scale 1:2000



Tree Preservation Order 0344



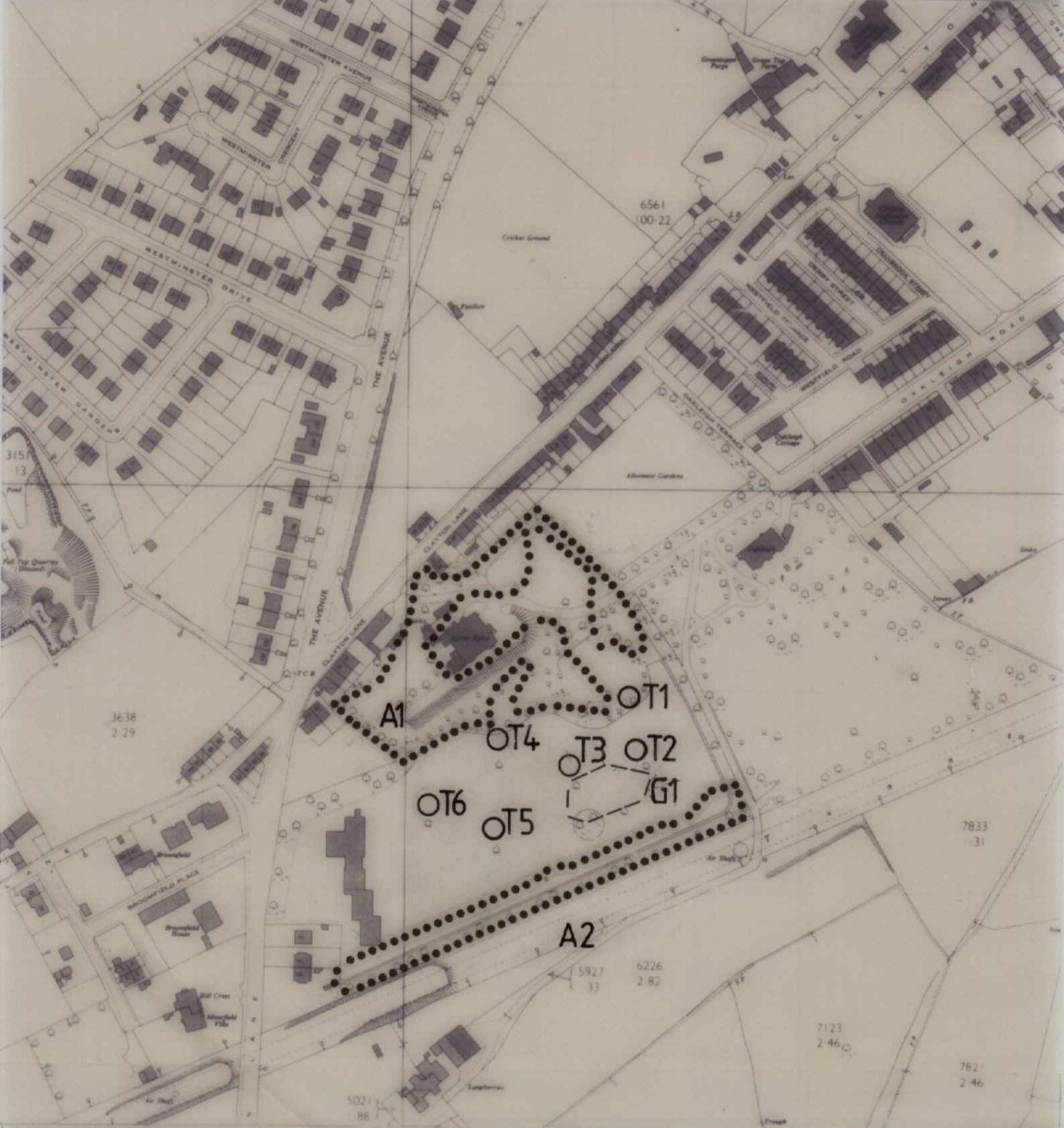
Tree Preservation Order  
 No. 0344  
 Upper Syke  
 Clayton Lane  
 Bradford

DEPARTMENT OF TRANSPORTATION  
 DESIGN AND PLANNING  
 Jacobs Well Bradford BD1 5RW  
 Head of Service Alan Mainwaring MSc. CEng MICE



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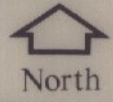


Tree Preservation Order No.

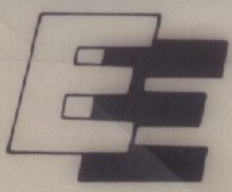
Title  
 UPPER SYKE NURSING HOME  
 CLAYTON LANE  
 CLAYTON

Scale 1:2500

O.S. Map No.



SE 1131



Directorate of Enterprise  
 & Environment

*John Steel (city planning officer)*

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

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 Office

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Planning Office 3<sup>rd</sup> Floor Jacobs Well Manchester Road Bradford BD1 5RW

Ref No. 01/00339/ENFCON

**QUESTIONNAIRE**

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – BREACH OF  
TPO LEGISLATION (TPO 344) BREACH OF PLANNING CONDITION 4 OF  
99/03539/FUL AT OAKLEIGH ROAD DEVELOPMENT AND UPPER SYKE  
CLAYTON BRADFORD.**

1. Please indicate your full name and address of the Company.

BARRATT HOMES LEEDS

14 ROYAL HALL ROAD

LEEDS

LS12 6AJ.

2. What is your interest in the land edged red on the attached plan No.1 ?

OWNER.

3. What is your interest in the land edged blue on the attached plan No.1 ?

OFFER ACCEPTED TO PURCHASE "SUBJECT TO CONTRACT"

4. Please give the name and address of the Company Secretary.

MR M T APPERALL

ADDRESS AS ABOVE

5. Was the Company aware the trees on the land edged red and blue on the attached plan No. 1 were subject to a Tree Preservation Order (TPO 344) ?

YES



1911

RECEIVED

DEPARTMENT OF THE INTERIOR

WASHINGTON, D.C.

NOV 15 1911

TO THE SECRETARY OF THE INTERIOR

FROM THE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT

RE: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

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[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]



Page 2.

6. Was the Company aware that lopping/pruning works to the protected trees required permission from the Council?

YES

7. Who was responsible for instructing the work to be carried out?

M. G. BROOK

MR M. MOLLER

8. What is the position in the Company of the person who instructed the work to be carried out?

MR G. BROOK CONTRACTS MANAGER

MR M. MOLLER QUANTITY SURVEYOR

9. Was the Company aware of the requirements under Condition 4 of the planning permission granted 20 March 2000 and numbered 99/03539/FUL?

YES

10. When was the protective fencing required under Condition 4 removed from a position one metre beyond the crown of the trees?

UNSURE BUT INSTRUCTIONS TO REPLACE HAVE BEEN GIVEN

11. Was the Company aware of the protected trees that were to be retained as shown on the approved plan no. 99:3117:01?

YES

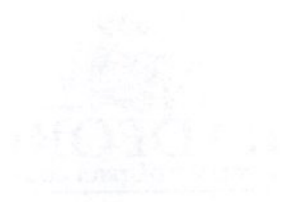
12. Why was the protective fencing as required under Condition 4 removed?

OVERSIGHT BY SITE OPERATIVES ALTHOUGH ON PLAN NO 5

THE LAND CONTAINING TWO MAJOR TREES HAS BEEN

TRANSFERRED WITH THE PURCHASE OF THE UNIT





THE UNIVERSITY OF  
THE STATE OF  
NEW YORK  
OFFICE OF THE  
COMMISSIONER OF  
EDUCATION

STATE OF NEW YORK

IN SENATE

JANUARY 15, 1963

REPORT OF THE

COMMISSIONER OF EDUCATION

ON THE

PROGRESS OF THE

EDUCATION SYSTEM

FOR THE YEAR

1962-1963

ALBANY

1963

PRINTED BY THE

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Page 3

- 13. Please give the exact date(s) when the work was carried out on the trees.  
LATE MARCH - ANTECH TREE OFFICE HAS NOT CONFIRMED THE  
EXACT DATES REPORTED
  
- 14. Please give the full name and address of the person(s) who carried out the works?  
YORKSHIRE TREE CONTRACTORS PROFESSIONAL ARBORECULTURISTS  
39 OLD ROAD FARELEY LEEDS LS28 6BE.
  
- 15. Please give the reasons for carrying out the works.  
TO CARRY OUT BUILDING WORK BENEATH THE CANOPY  
OF THE TREES
  
- 16. Is the Company aware that it is an offence to lop trees that are the subject of a Tree Preservation Order without the consent of the Council ?  
YES.
  
- 17. Please confirm the total number of trees lopped/pruned by the Company both within the area edged red and the area edged blue on the attached plan No. I.  
51. PRUNED. APPROXIMATELY
  
- 18. You have been invited to attend an interview to discuss your versions of the events, but failed to make an appointment to attend. Can you tell me why you did not arrange an appointment to attend this interview?  
FURTHER TIME WAS REQUIRED TO ASSESS THE CLAIM  
MADE BY THE TREE OFFICE AND A LETTER  
OF REPLY, HAS SENT TO THE COUNCIL EXPLAINING  
THIS.



TRANSPORTATION  
PLANT SERVICE  
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Page 4.

19. Why didn't the Company make an application to carry out the tree works under the Tree Preservation Order Legislation?

OBVIOUSLY AND OVERSICHT WHICH SHOULD NOT HAVE  
HAPPENED. INSTRUCTIONS HAVE BEEN GIVEN NOW THAT  
PRIOR TO ANY WORKS BEING CARRIED OUT IN THE FUTURE  
THE NECESSARY APPLICATION WILL BE MADE

In accordance with the Police and Criminal Evidence Act 1984 (as amended), I hereby give you the following special warnings:-

- a. I am investigating alleged offences under Tree Preservation Legislation and a breach of Condition 4 of a planning permission numbered 99/03539/FUL.
- b. I am asking you to answer questions in connection with the allegations and the suspected breach of condition.
- c. The Court may draw up proper inferences if you fail or refuse to account for the facts upon which you are being questioned.
- d. A copy of this letter and your response may be placed before the Court. This caution applies to any written or oral response.

**THIS QUESTIONNAIRE SHOULD BE RETURNED TO ME BY 6 JULY 2001.**



THE UNIVERSITY OF  
MICHIGAN LIBRARY

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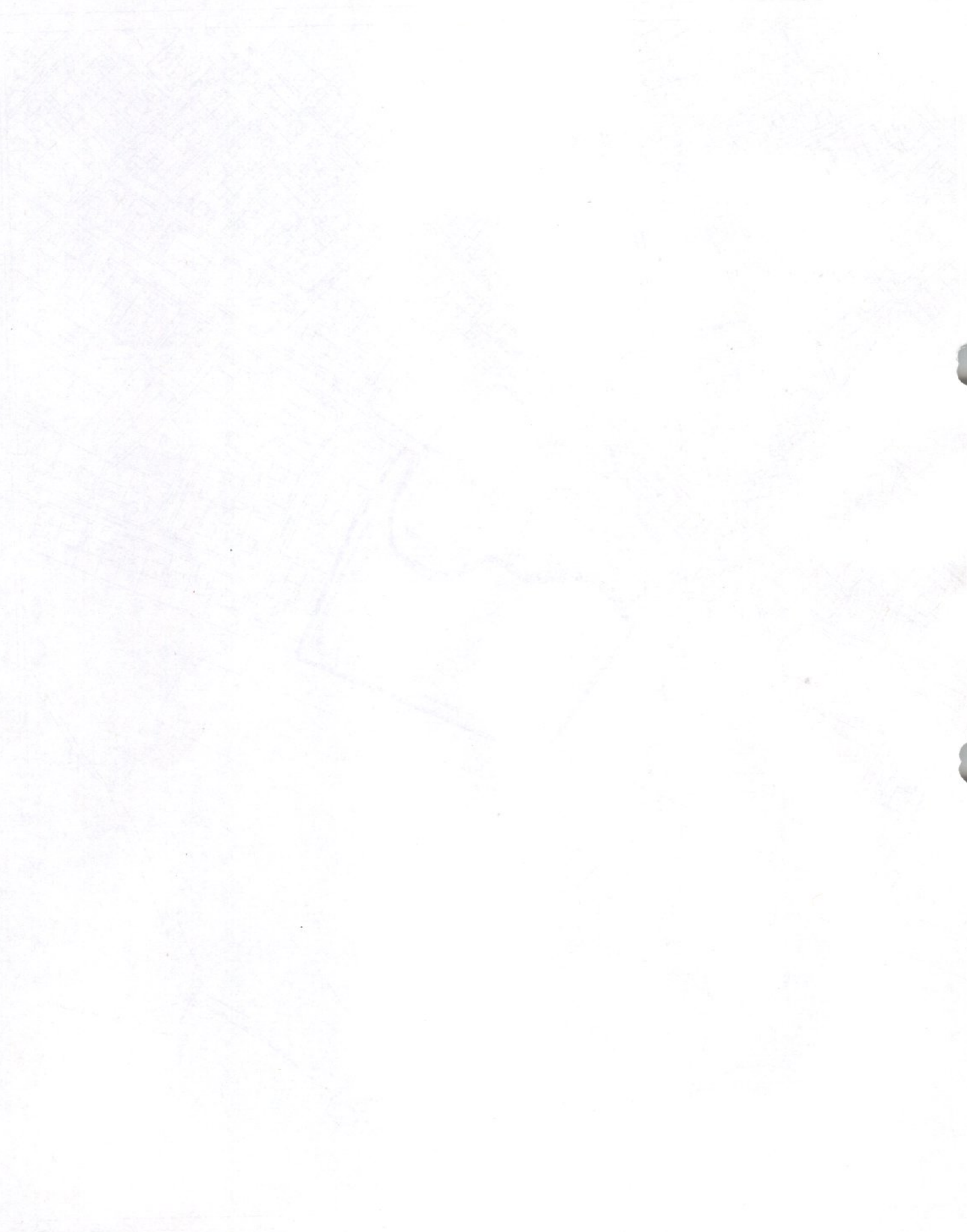
No. I

# Development off Oakleigh Rd





Department of Goldfields Rd





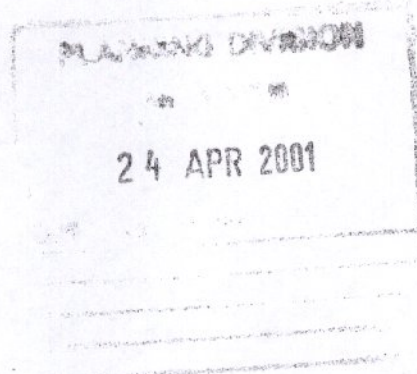


# BARRATT

Our ref: NH/cap/0423bmdc  
Your ref: 01/00GEN/TPO

23rd April 2001

Transportation & Planning Service  
Bradford Metropolitan District Council  
3rd Floor  
Jacobs Well  
Manchester Road  
BRADFORD  
BD1 5RW



**For the attention of Mr R Longbottom**

Dear Sirs

**Re: Oakleigh Vale Development, Oakleigh Road, Clayton, Bradford**

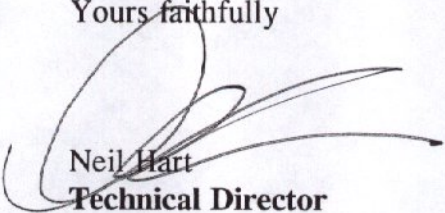
We refer to and acknowledge receipt of your letter dated 20th April 2001, alleging a breach of T.P.O. legislation at the above development.

We confirm that an internal investigation and report have been requested from our construction team to establish the extent of the incident.

It is our intention to contact you as quickly as possible to arrange a suitable date, if necessary, upon receipt of our report.

Please accept our apologies for any inconvenience this issue may have caused, and please be assured that further contact will be made shortly.

Yours faithfully

  
Neil Hart  
Technical Director

cc P Walker, Walker Morris, Solicitors





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**TRANSPORTATION AND  
PLANNING SERVICE**

Head of Service:

Alan Mainwaring MSc CEng MICE

Planning Office 3<sup>rd</sup> Floor Jacobs Well Manchester Road Bradford BD1 5RW

Mr D Carmichael  
Barrett Leeds Ltd  
14 Royals Hall Road  
LEEDS  
LS12 6AJ

Contact: Robin Longbottom  
Telephone: 01274 753775  
Fax: 01274 722840  
Minicom: 01274 392613  
Web Site: <http://www.bradford.gov.uk>  
Our Ref: 01/00GEN/TPO  
Date: 20<sup>th</sup> April 2001

Dear Mr Carmichael

**Town and Country Planning Act (as ammende) 1990  
Alleged breach of TPO Legislation (TPO 344) and breach of planning condition 4 of  
99/03539/FUL at Oakleigh Road Development, Clayton, Bradford.**

I refer to the unauthorised lopping of trees at the above development.

The Local Authority considers this work and the breach of condition 4 of the planning permission and breach of the Tree Preservation Order No. 344 totally unacceptable and a serious breach of the above Act and accordingly invite you to attend a formal interview. The interview would give both the Council and yourself the opportunity to state the facts. **I must, however, advise you that such interview will be conducted under caution in accordance with the Police and Criminal Evidence Act 1984 (as amended) you may wish to consider undertaking it in the presence of your solicitor or legal advisor.**

In order that this matter can be quickly concluded, such an interview should take place as soon as possible. Therefore, I suggest that you contact me no later than 26<sup>th</sup> April 2001, on the above telephone number, with a view to arranging a mutually time to attend for the interview.

Yours sincerely

R Longbottom  
Enforcement Officer



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**MEMORANDUM**

**To:** Mr Longbottom  
Enforcement Officer  
Development Control  
Area 1  
3<sup>rd</sup> Floor  
Jacobs Well

**From:** Eric Waterworth  
Arboriculturist  
Minerals and Trees  
3<sup>rd</sup> Floor  
Jacobs Well

Your Ref: 99/03539/FUL

Ext: 4297  
My Ref: TPD/EW/AWL/TPO344

5 April 2001

**BREACH OF TPO LEGISLATION (TPO344)  
BREACH OF PLANNING CONDITION 4 OF 99/03539/FUL**

Further to our site meeting of 2 April 2001. Having visited the site it is clear that unauthorised tree works have been carried out to trees within the site and to trees on the adjoining site currently owned by Bradford Metropolitan District Council. The trees on both sites are protected by a Tree Preservation Order.

Some of the works are unacceptably excessive and fail to meet the minimum standard of BS 3998 (1989) Recommendation for Tree Works.

At this point I would ask you to consider a case for prosecution.

Brief details of the trees within the site:-

The works carried out is to

- 1 Beech
- 1 Lime
- 3 Sycamore

Continued ....





Department of Transportation  
Washington, D.C.

RECEIVED  
Federal Highway Administration

MEMORANDUM

Mr. Tolson  
Mr. DeLoach  
Mr. Mohr  
Mr. Bishop  
Mr. Casper  
Mr. Callahan  
Mr. Conrad  
Mr. Felt  
Mr. Gale  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Tele. Room  
Miss Holmes  
Miss Gandy

To: Mr. Tolson  
From: Mr. DeLoach  
Subject: [Illegible]

EX-107  
TRAVEL/AVIATION

42035

1001

STATE OF TEXAS  
DEPARTMENT OF TRANSPORTATION

On the 10th day of [illegible] 196[illegible], the undersigned, [illegible], Secretary of the Department of Transportation, Texas, in and to the State of Texas, do hereby certify that the following is a true and correct copy of the [illegible] as the same appears on the records of the Department of Transportation, Texas.

Witness my hand and the seal of the Department of Transportation, Texas, at Austin, Texas, this [illegible] day of [illegible], 196[illegible].

[Illegible signature and text block]



Page 2

Mr R Longbottom

Outside the site within the ownership of Bradford Metropolitan District Council:-

- 1 Beech
- 1 Ash
- Minor works to a number of trees at the access point. I will provide you with precise details on the trees and extent of the works upon request.

Contact points:-

Barrett

Mr D Carmichael  
Technical Director

Mr F Yeardsley  
Site Manager

Address:-

Barrett Leeds  
14 Royds Hall Road  
Pavilion Business Park  
LEEDS  
LS12 6AJ

Tel: (0113) 279 0099

Fax: (0113) 2790038

Can you please also take action regarding Condition 4.

I also note there are landscape conditions on this scheme can check that these have been complied with.





Department of Transportation  
Federal Highway Administration

STATE OF TEXAS  
Department of Transportation

Section 101.021, Texas Transportation Code

Section 101.021

Minimum standards for the design and construction of bridges over navigable waterways shall be as follows:

(a) Design

(b) Construction

(c) Maintenance

(d) Safety

(e) Environmental

(f) Historical

(g) Aesthetics

(h) Public Access

(i) Other

(j) Other

(k) Other

(l) Other

(m) Other

(n) Other

(o) Other

(p) Other

(q) Other

(r) Other

and such other things as may be necessary to carry out the purposes of this section.





**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

*copy*  
*Eric Waterworth*

**Department of Asset Management**

3<sup>rd</sup> Floor, City Hall  
Bradford  
West Yorkshire BD1 1HY



DX11758 BRADFORD-1

Tel: 01274 75 2252

Fax: 01274 742138

E-mail: @bradford.gov.uk

Website: [www.bradford.gov.uk](http://www.bradford.gov.uk)

**FACSIMILE TRANSMISSION COVER PAGE**

TO: *RICHARD GROVEN* FAX NO. *722 840*  
*PLANNING*

DATE: *2 FEBRUARY 2001* YOUR REF:

FROM: *MIKE CASSELLS* MY REF: *AMI MSC / 00733 / 1*

TOTAL NUMBER OF PAGES INCLUDING THE COVER PAGE: *6*

**IF THIS TRANSMISSION IS INCOMPLETE PLEASE ADVISE.**

**MESSAGE**

RE: *UPPER SYKE CLAYTON LANE CLAYTON*

*I REFER TO OUR RECENT DISCUSSIONS. I ENCLOSE A COPY OF THE OFFER RECEIVED FOR THE ABOVE PROPERTY SITE TOGETHER WITH REDUCED COPIES OF THEIR TWO OPTIONS PRIOR TO OUR MEETING NEXT MONDAY MORNING. A COPY OF THE SITE PLAN C/S 3/20 IS ALSO ATTACHED.*

*SEE YOU ON MONDAY.*

*Auto*

**IMPORTANT:** This facsimile is intended for the above named addressee only. It may contain private and confidential information or material that is privileged. If this has come to you in error you must take no action based on it, nor must you copy or show it to anyone. Please telephone us immediately and return the original to us. Thank you.



Community Safety  
Preventing Crime and Disorder

**Department of Asset Management**

Director: Linda Carmichael





CJB/RJ/AJE

19 January 2001

Head of Property Services  
City Hall  
BRADFORD  
BD1 1HY

**Subject to Contract**

Dear Sir

**Re: Upper Syke, Clayton Lane, Clayton, Bradford**

Please find enclosed a completed Tender Form with regard to the above site.

Due to the Tree Preservation Order which affects this land it has been difficult to assess the exact area upon which your Council would be minded to grant planning permission. Barratt have, therefore, produced two separate sketch layouts upon which the value of the site has been appraised.

With regard to Option A, Barratt would be willing to pay the sum of £608,000 (Six Hundred and Eight Thousand Pounds). On the basis of the sketch marked Option B, the equivalent sum would be £407,500 (Four Hundred and Seven Thousand, Five Hundred Pounds).

Both these offers are subject to the following conditions:-

- a) Vacant freehold possession is provided to Barratt on Legal Completion.
- b) The receipt of a detail planning approval satisfactory to Barratt.
- c) The receipt of a satisfactory full ground and site investigation.
- d) Unrestricted discharge of foul and surface water to existing sewers.

I would confirm that the above offers take into account the payment required to cover the Council's legal and surveyor's fees and the payment of a £30,000 commuted sum for future maintenance of the retained open space and trees. Similarly, an allowance has been made to construct the proposed dwellings in materials similar to our ongoing development.

Neither scheme includes affordable housing and, this has, therefore, not been allowed for in the above valuations.

cont/d....

Barratt Leeds · Premier House · 14 Royds Hall Road · Pavilion Business Park · Leeds LS12 6AJ.  
Telephone: (0113) 279 0099 · Fax: (0113) 279 0038

A Division Of Barratt Homes Limited · Registered In England Number 3018173



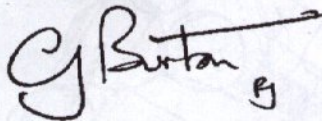
Head of Property Services  
City Hall  
Bradford  
19 January 2001

I trust your Council will consider these offers and hope that they find one of them to be acceptable. Should they consider that an intermediate scheme would not only be acceptable to the Planning Department but would also take full account of the site's value, then I am sure that such a position could be negotiated based upon the offers made herein.

Finally, it would be Barratt's intention to exchange contracts as a matter of urgency together with the submission of an early planning application based upon the premise that this proposed development would be integrated into the ongoing construction works.

Should you require further information please do not hesitate to contact Roy Jennings at this office.

Yours faithfully



**C J BURTON**  
**Managing Director**

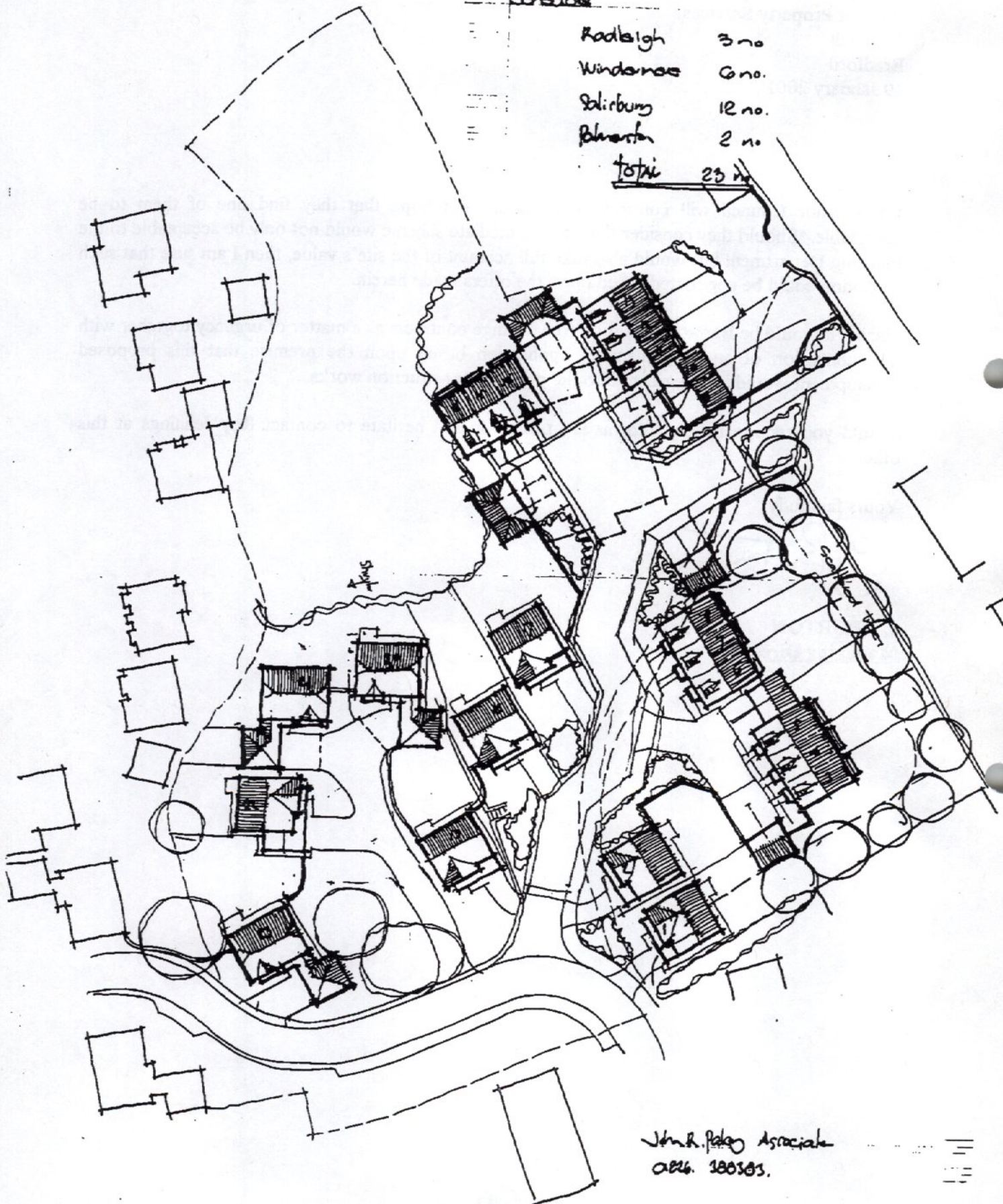


# OPTION A

BARRATT LEEDS - DRAFT HOUSING SCHEME TWO  
CLAYTON. BRADFORD

### Schedule

Rodleigh	3 no.
Windanoe	6 no.
Solisbury	12 no.
Bharatan	2 no.
<u>total</u>	<u>23 no.</u>



John R. Polog Associates  
0226 380383.

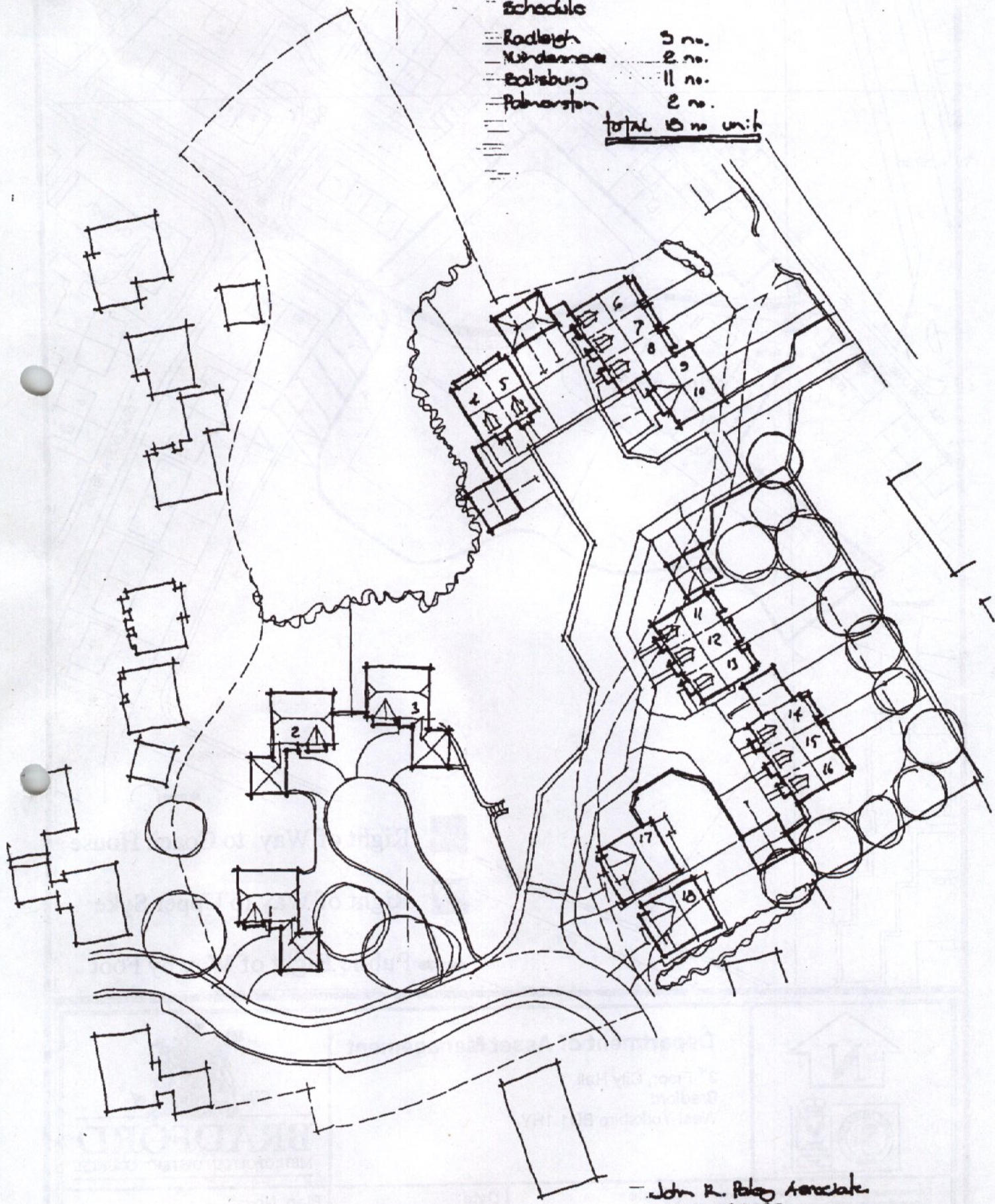


# OPTION B

BARRATT LEAD - DRAFT HOUSING SCHEME THREE  
CLAYTON, BRADFORD

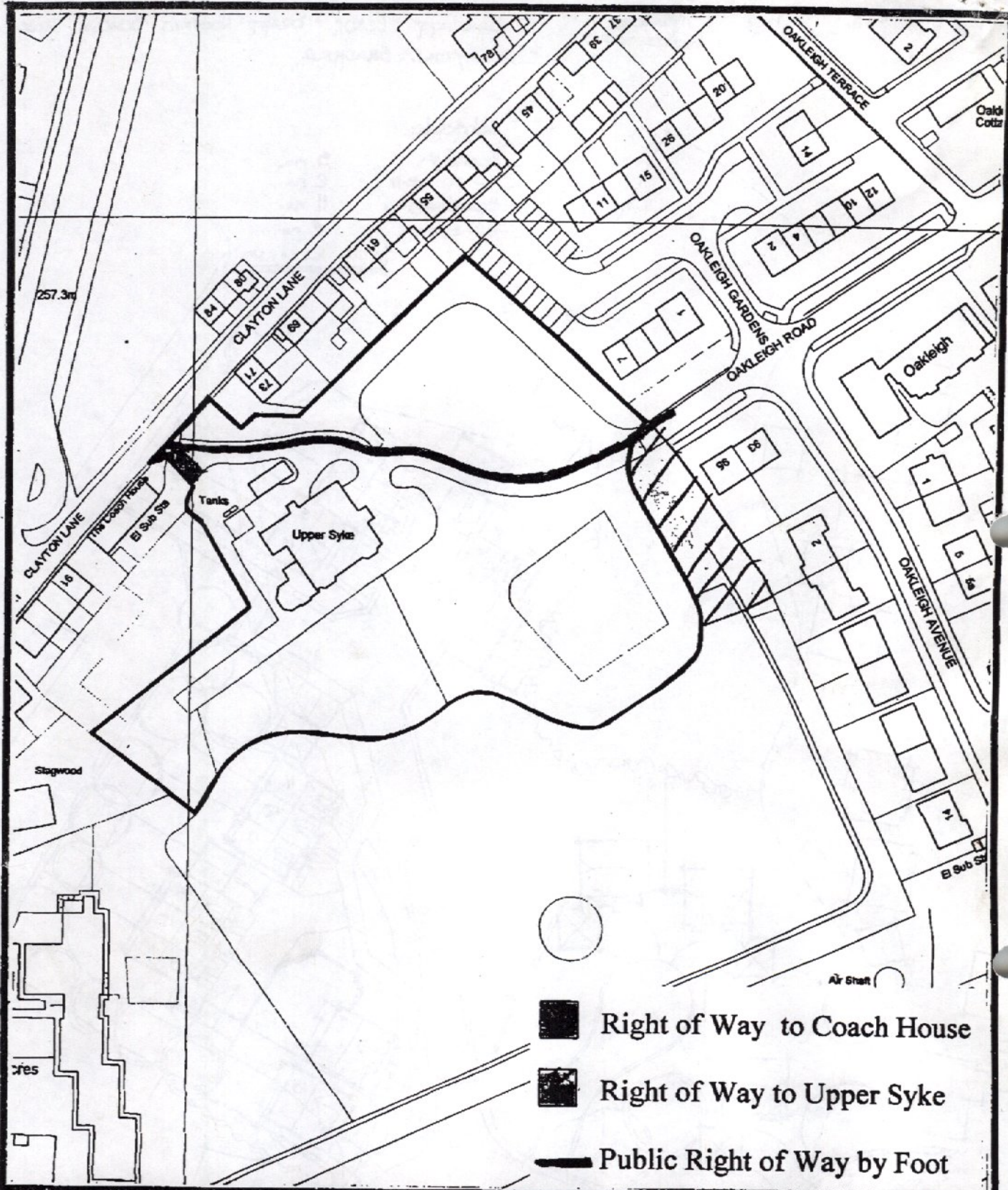
Schedule

Radleigh	3 no.
Kendrasse	2 no.
Balsburg	11 no.
Palmerston	2 no.
<u>total 18 no units</u>	



John R. Foley Associates  
01223 300303





**Department of Asset Management**  
 3<sup>rd</sup> Floor, City Hall  
 Bradford  
 West Yorkshire BD1 1HY



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Scale  
 1 : 1250

Date  
 22/9/99

Plan No.  
 EN C / 53 / 20 njc