

Memo

Legal and Democratic Services

To: For Circulation See Below

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City Hall
Bradford
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Ref: 06/00171/IG

From: C E Barrott
Legal Officer
Development and Regulatory Law Team

Date: 2nd October 2012

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TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 198 LAND AT AIREWORTH ROAD, KEIGHLEY - TREE PRESERVATION ORDER

The above Tree Preservation Order was confirmed on 13th September 2012. Please find attached a copy for your records. I also enclose a copy of the Order revoking the Borough of Keighley Town and Country Planning Acts 1932 and 1943 (Interim Preservation of Trees) Order 1944 which was the order previously applicable to this land.

C. E. Barrott

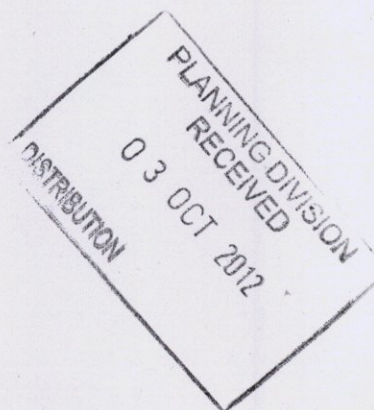
C E Barrott

Encs

Arboricultural Technician
Development Services Tree Section
Department of Regeneration
3rd Floor, Jacob's Well

Land Charges Manager
Local Land Charges
6th Floor, Jacob's Well

For TPO's in Keighley Area (including Addingham)
Elisabeth Spencer
Keighley Customer Services Centre
Ground Floor
Keighley Town Hall



CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
ORDER REVOKING TREE PRESERVATION ORDER

1. On 6th November 1944 Keighley Borough Council ("the Borough Council") being the local planning authority and in pursuance of their powers under Section 46 of the Town and Country Planning Act 1932 and Section 8 of the Town and Country Planning Act 1943 made the Borough of Keighley Town and Country Planning Acts 1932 & 1943 Keighley (Interim Preservation of Trees) Order 1944 (hereinafter referred to as "the Tree Preservation Order").
2. On 17th February 1945 the Borough Council confirmed without modification the said Tree Preservation Order.
3. A copy of the Tree Preservation Order is annexed hereto.

NOW THEREFORE the City of Bradford Metropolitan District Council as local planning authority and in pursuance of their powers under Section 333(7) of the Town and Country Planning Act 1990 and all other powers enabling **HEREBY REVOKES** the Tree Preservation Order.

This Order is made the 13th day of SEPTEMBER 2012

THE COMMON SEAL of CITY OF
BRADFORD METROPOLITAN DISTRICT
COUNCIL was hereunto affixed in
the presence of:-

S. Chingway

Authorised by the City Solicitor

94893

11/12/44

BOROUGH OF KEIGHLEY.

TOWN AND COUNTRY PLANNING ACTS 1932 & 1943.

KEIGHLEY (INTERIM PRESERVATION OF TREES) ORDER, 1944.

The Mayor Aldermen and Burgesses of the Borough of Keighley, acting by the Council, in pursuance of the powers conferred on them by Section 46 of the Town and Country Planning Act, 1932, Section 8 of the Town and Country Planning Act, 1943, and all other powers enabling them in that behalf, hereby make the following order :-

1. In this Order unless the context otherwise requires :-
 "The Council" means the Mayor Aldermen and Burgesses of the Borough of Keighley acting by the Council.
 "The Minister" means the Minister of Town and Country Planning.
2. No person shall cut down, top, lop or wilfully destroy any tree which forms part of any of the groups of trees of which particulars are set out in the Schedule hereto, except -
 - (a) in compliance with an obligation imposed by or under any Act of Parliament; or
 - (b) in pursuance of a power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908; or
 - (c) in the case of a local or public authority or statutory undertakers, in the exercise of any powers conferred on the authority or undertakers by or under any Act of Parliament; or
 - (d) where the tree is dying or dead or has become dangerous; or
 - (e) to such an extent as may be necessary to prevent its constituting a nuisance, or permissible in pursuance of a right to abate a nuisance; or
 - (f) with the consent of the Council; or
 - (g) under an Order on an appeal made under this Order; or
 - (h) in the course of thinning operations carried out in accordance with the principles of good forestry:

Provided that -

- (a) the consent of the Council may be given subject to conditions and in particular may provide for securing the replanting of any tree or group of trees which is felled ;
- (b) if the Council do not notify their consent before the expiration of two months from the date of the receipt by them of any application therefor, consent shall be deemed to be refused;
- (c) while the Emergency Powers (Defence) Acts 1939 and 1940 are in force, nothing in this Order shall prohibit or restrict the carrying out of

any operations authorised by any government department in accordance with Regulations made under those Acts.

3. Any owner or occupier of land upon which any such tree or group of trees is growing who is aggrieved by a refusal of the Council to consent, or by any condition imposed upon the grant of any such consent, may appeal to the Minister.
4. The Council, upon the refusal of any consent required under this Order, or upon granting any such consent subject to conditions, may make a contribution towards any damage or expense likely to be suffered or incurred by reason of their decision.
5. Any person who contravenes any of the provisions of this Order or any consent given under this Order shall be guilty of an offence and shall be liable on conviction in a Court of Summary Jurisdiction to a penalty not exceeding £50 and, in the case of a continuing offence, 40/- for each day during which the offence continues after conviction.
6. This Order shall come into force as from the day on which it is approved by the Minister.
7. This Order may be cited as the Keighley (Interim Preservation of Trees) Order, 1944.

SCHEDULE.

The Trees or groups of trees growing on the respective lands indicated by green colour within the outer edge of a red boundary line on the Map annexed to this Order and sealed by the Council, which lands are known by the descriptions or are situated as follows :-

No. on Map.	Situation of Trees.	Type. W - Wood. B - Belt. L - Line.
1.	Portion of Sunny Dale on the West Side of Upper Mill Row, East Morton.	W.
2.	East side of Ilkley Road in the grounds of "Upwood".	B.
3.	Northern boundary of "Upwood" grounds for a distance of 200 yards at right angles to Ilkley Road.	B.
4.	Near Broomhill Cottage, West Morton.	B.
5.	On the south side of Manor Heath, Morton.	B.
6.	In a southerly direction on both banks of Morton beck, below Botany Mill to the wall alongside Otley Road.	B.
7.	In a southerly direction on both banks of Morton beck below Freedom Mill for a distance of approximately 230 yards.	B.
8.	On the south side of Otley Road from the entrance to "Smithfield", to entrance of Paradise Farm.	B.

No. on Map.	Situation of Trees.	Type. W - Wood. B - Belt. L - Line.
9.	On the south westerly side of Bradford Road from the Airedale Heifer Inn for a distance of approximately 133 yards in a north westerly direction.	L.
10.	On the east side of Swine Lane at its junction with Carr Lane and on the south side of Carr Lane at its junction with Swine Lane.	L.
11.	On the west side of Swine Lane at its junction with Carr Lane to the entrance of "The Springs".	B.
12.	On the west side of Judith Cliff off the south side of Banks Lane, Riddlesden.	B.
13.	On the east side of Judith Cliff off the south side of Banks Lane, Riddlesden.	B.
14.	On the bank of the Leeds and Liverpool Canal to the south of West Riddlesden Hall.	L.
15.	On the north east side of Banks Lane from the junction of Western Avenue to a point opposite Bank House.	B.
16.	Dunkirk Ravine at the west end of Western Avenue.	B.
17.	Carr Clough above the north bank of the canal and adjoining the Borough Boundary.	B.
18. ✓	Around the grounds of "The Beeches" situated in Bradford Road and alongside the north east side of Pope Street from Craven Road to "The Beeches".	B.
19.	On the south west side of Aireworth Road from the bridge for a distance of approximately 250 yards upstream.	B.
20.	On the north west bank of the River Worth co-extensive with the houses situated in Aireworth Grove.	L.
21.	Around the grounds of "Guard House" West Lane.	B.
22.	On the north westerly side of View Road and the north easterly side of High Spring Gardens Lane in the grounds of "Westfield".	L.
23. ✓	On the north westerly side of Woodville Road in the grounds of "Woodville".	L.
24. ✓	On the south westerly side of Spring Gardens Lane from junction of Woodville Road to junction of High Spring Gardens Lane.	B.
25. ✓	On the north westerly boundary of the field adjoining "Green Lane" and fronting Shann Lane.	B.
26. ✓	Around the perimeter of Cliffe Castle estate from a point near the rear of Cliffe Castle in Spring Gardens Lane alongside the Lane to the	B.

No. on Map.	Situation of Trees.	Type. W - Wood. B - Belt. L - Line.
26. contd.	Lodge and alongside the drive to the main entrance Lodge and thence along Skipton Road to its junction with Green Head Road.	
27.	Alongside Skipton Road from Green Head Road to Stoneycroft Lane.	B.
28.	Alongside Skipton Road from the house numbered 425 to the boundary of St. Marks Sunday School.	L.
29.	Moorhouse Wood off the south west side of Skipton Road on Cliffe Castle Estate.	W.
30.	Along the northerly side of Green Head Road from St. Mark's Church to the cottages.	L.
31.	Along the north east side of Hollins Lane to the Borough boundary.	L.
32.	Along the south west side of Bar House Lane to the Borough boundary.	L.
33.	Along the south west side of Hollins Lane from its junction with Bar House Lane to the waste land.	L.
34.	On the northerly boundary of "Whinburn" leading up to "Burnside"	B.
35. Deleted	On the south west side of Spring Gardens Lane from Mayfield Road to Woodville Road.	L.
36.	On the north east side of Bar House Lane from the footpath leading to High Utley to the boundary of "Browfield".	L.
37.	Around the grounds of Worthville on the east side of Heinworth Wood Road, the south west side of Park Lane and the west side of Dawson Road.	B.
38.	On the north west side of Queens Road in the grounds of "Knowle Spring House".	L.
39.	On the westerly, southerly and south easterly boundaries of the grounds to "Oak Bank", a line extending from the westerly boundary to the south easterly boundary, and on both sides of the carriage drive.	B.
40.	On the south easterly and southerly boundaries of "Bracken Bank" alongside Ingrow Lane.	B.
41.	At the junction of Oakworth Road with Ingrow Lane.	W.
42.	Small wood adjoining Bracken Bank Reservoir.	W.
43.	Kill Clough on the north east side of Far Little Farm. Laycock.	B.

Situation of Trees.

Type.
W - Woods
B - Belt
L - Line.

51.	Wickatall Wood on the north west side of Wickatall Wood Farm.	W.
52.	Hainworth Wood surrounding "Redholt" on the south east side of Hainworth Wood Road.	W.
53.	Winterbread Clough in a south easterly direction from Hainworth Road.	B.
54.	On the north westerly boundary of "Woodworth" fronting Halifax Road.	B.
55.	On the east boundary of "Woodworth" fronting Hainworth Lane.	B.
56.	Portion of Branshaw Plantation adjoining the Golf Course.	B.
57.	On the south side of Slaymaker Lane to its junction with Mackinstone Lane and then in a southerly direction towards Race Moor Farm.	B.
58.	On the north side of Race Moor Lane opposite Far High Field Wood.	B.
59.	Todley Clough in a north easterly direction upstream from Goose Eye.	B.
60.	On the south westerly side of Slaymaker Lane.	W.
61.	Far High Field Wood on the south side of Race Moor Lane.	W.
62.	Boundary of "Wildfell" grounds fronting Slaymaker Lane.	B.
63.	The southern boundary of "The Withens" fronting Colne Road, Oakworth.	B.
64.	Newsholme Dean.	W.
65.	Along Slippery Beck near Slippery Ford Farm.	W.
66.	Along Slippery Beck at Middle Slippery Ford Farm.	B.
67.	Alongside Providence Lane on the south west side below Oakworth Mill.	B.
68.	Along the frontage of Spring Head House to Tim Lane.	L.
69.	Along the frontage of Spring Head Farm to Tim Lane for approximately 70 yards and then at right angles to Tim Lane for approximately 120 yards.	L.
70.	Low Wood on the north westerly side of Vale Mill, Oakworth.	W.
71.	Murgatroyd Wood.	W.

Situation of Trees

Type.
W - Wood.
B - Belt.
L - Line.

87	On the perimeter of "Longlands" estate and along both sides of the drive and in the grounds attached to the house.	B.
88	On the west side of Vale Mill Lane from boundary of existing property to the boundary of Longlands estate.	B.
89	Along the frontage of the grounds to "Law House" in Lees Lane, Haworth.	L.
90	Ives Plantation on the Worth Valley Railway side adjoining North Ives Farm.	W.
91	On the east side of Bents Farm, Oxenhope.	L.
92	On the south west side of Old Oxenhope Lane in front of Old Oxenhope Mill.	B.
93	Around the grounds of "Whinknowle" fronting into Hobden Bridge Road and Cross Lane, Oxenhope.	L.
94	Hoyle Syke in a south easterly direction from Marsh Lane towards Moorhouse Beck and adjacent to Hoyle Syke Farm.	L.
95	Along east bank of Lumb Beck in a northerly direction from its confluence with the River Worth at a point opposite Lumbfoot.	F.
96	Along west bank of Lumb Beck in a northerly direction from its confluence with the River Worth at a point opposite Lumbfoot.	B.
97	Ponden Wood on the south west side of Ponden Reservoir.	W.
98	Dean Clough in a southerly direction from the Colne Road towards the River Worth and adjoining Crag Bottom Farm.	B.
99	On the south east side of Hobden Bridge Road from "Summerfield" to Dark Lane.	B.
100	On the south east side of Hobden Bridge Road from "Thornbank" to "Summerfield".	B.
101	Lower Holme House Wood on the south side of North Beck.	W.
102	Upper Holme House Wood on the south side of North Beck near Wood Mill.	W.
103	Lower Holme House Wood on the north side of North Beck adjoining Butter Clough.	W.
104	Upper Holme House Wood on the south side of the North Beck from Holme House Lane in a westerly direction to Newsholme Beck.	B.

Type
W - Wood.
B - Belt.
L - Line.

That the Mayor and the Council of the Town and Country
of the County of ... have by this sixth day
of ... and forty four.

B.

That the Mayor and the Council of the Town and Country
of the County of ... have by this sixth day
of ... and forty four.

L.S.

PIDAR MIDDLETON.

H. WALKER.

In exercise of the powers conferred on him by the provision
(3) of Section 8 of the Town and Country
Planning (Interim Development) Act, 1943, the Minister of
Town and Country Planning hereby approves the above order
conditionally.

Under the Official Seal
Minister of Town and
Country Planning this nineteenth
day of September One thousand nine
hundred and forty four.

L.S.

HENRY RATLIFF.

Approved by the Minister
of Town and Country Planning in that capacity.

TOWN AND COUNTRY PLANNING ACT 1990

THE LAND AT AIREWORTH ROAD KEIGHLEY

TREE PRESERVATION ORDER 2007

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

The City of Bradford Metropolitan District Council, in exercise of the powers conferred on them by Sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order:-

Citation

1. This Order may be cited as the land at Aireworth Road, Keighley Tree Preservation Order 2007.

Interpretation

2. In this Order "the authority" means the City of Bradford Metropolitan District Council and unless the context otherwise requires, any reference in this Order to a numbered Section is a reference to the Section so numbered in the Town and Country Planning Act 1990.

Application of Section 201

3. The authority hereby direct that Section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 26 June 2007.

Prohibited acts in relation to trees

4. Without prejudice to Sub-Sections (6) and (7) of Section 198 (power to make tree preservation orders) and Sub-Section (3) of Section 200 (orders affecting land where Forestry Commissioners interested)], and Subject to article 5, no person shall:-

- (a) cut down top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given Subject to conditions, in accordance with those conditions.

Exemptions

5. (1) Nothing in article 4 shall prevent:-
- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary:-
 - (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
 - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
 - (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
 - (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
 - (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
 - (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
 - (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or

construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or

- (g) without prejudice to Section 198 (6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

(2) In paragraph (1) "statutory undertaker" means any of the following:-

- (a) a person Authorised by the an enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power;
- (b) a relevant airport operator (within the meaning of Part V of the Airports Act 1986);
- (c) the holder of a licence under Section 6 of the Electricity Act 1989;
- (d) a public gas transporter;
- (e) the holder of a licence under Section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied;
- (f) a water or sewerage undertaker;
- (g) the Civil Aviation Authority or a body acting on behalf of that Authority;
- (h) the Post Office.

Applications for consent under the Order

6. An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall:-

- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b) specify the work for which consent is sought; and

- (c) contain a statement of the applicant's reasons for making the application.

Application of provisions of the Town and Country Planning Act 1990

7. (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

Directions as to replanting

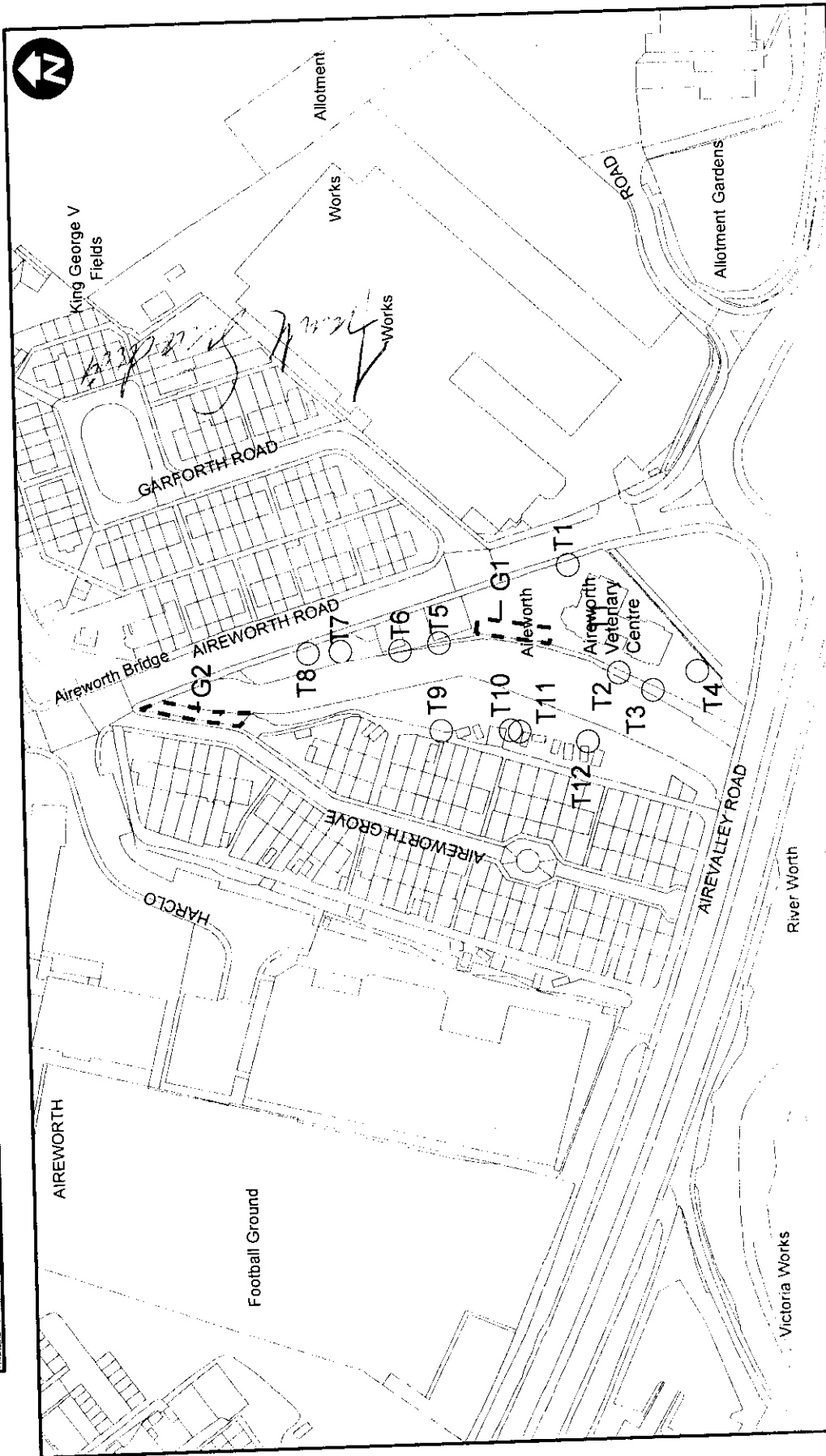
8. (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.
- (3) A direction under paragraph (1) may include requirements as to:-
- (a) species;
 - (b) number of trees per hectare;
 - (c) the preparation of the relevant land prior to the replanting; and
 - (d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

9. (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of:-
- (a) the refusal of any consent required under this Order; or

- (b) the grant of any such consent Subject to condition
- he shall, Subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this Article:-
- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the Subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.
- (3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.
- (4) In any other case, no compensation shall be payable to a person:-
- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the statement of reason Submitted in accordance with article 6(c) and any documents or other evidence Submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted Subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to advert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent Subject to conditions.
- (5) Sub-Sections (3) to (5) of Section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the

**TREE PRESERVATION ORDER 06/0017/1/G
LAND AT AIREWORTH ROAD, KEIGHLEY**



Scale 1:1000
 Date 15/01/06
 Drawn by [illegible]
 Checked by [illegible]

Tree Preservation Order 06/0017/1/G
 Land at Aireworth Road, Keighley
 Date 15/01/06
 Drawn by [illegible]
 Checked by [illegible]

assessment of compensation where a felling licence is refused under Section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were Substituted a reference to a consent required under this Order and for the reference to the Commissioners there were Substituted a reference to the authority.

(c) In this article:-

"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

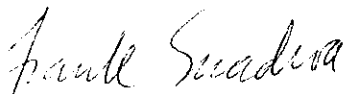
"owner" has the meaning given to it by Section 34 of the Forestry Act 1967.

- ii) The trees comprised within T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, G1 and G2 in the First Schedule to the within written Order supersede for development control purposes the trees referred to as 19B and 20L in the Schedule to the Keighley (Interim Preservation of Trees) Order 1944 made on 6 November 1944.

Dated this 26th day of June 2007.

89924

THE COMMON SEAL of CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL was hereunto affixed in the presence of:-



Authorised by the Interim Head of Legal Services

CONFIRMATION OF ORDER

This Order was confirmed by the City of Bradford Metropolitan District Council without modification on the 13th day of September 2012

OR
This Order was confirmed by the City of Bradford Metropolitan District Council, subject to the modifications indicated by _____, on the _____ day of _____

THE COMMON SEAL of CITY
OF BRADFORD METROPOLITAN
DISTRICT COUNCIL was hereunto
affixed in the presence of:-

S. Chengway

Authorized by the City Solicitor

94899.

DECISION NOT TO CONFIRM ORDER

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

THE COMMON SEAL of CITY
OF BRADFORD METROPOLITAN
DISTRICT COUNCIL was hereunto
affixed in the presence of:-

Authorized by the
Head of Legal Services

VARIATION OF ORDER

The Order was varied by the City of Bradford Metropolitan District Council on the
_____ day of _____ under the reference number _____

THE COMMON SEAL of CITY
OF BRADFORD METROPOLITAN
DISTRICT COUNCIL was hereunto
affixed in the presence of:-

Authorized by the
Head of Legal Services

REVOCATION OF ORDER

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

THE COMMON SEAL of CITY
OF BRADFORD METROPOLITAN
DISTRICT COUNCIL was hereunto
affixed in the presence of:-

Authorised by the
Head of Legal Services

Article 4

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Sycamore	407378 441759
T2	Alder	407341 441743
T3	Sycamore	407334 441732
T4	Sycamore	407341 441716
T5	Sycamore	407352 441803
T6	Sycamore	407350 441817
T7	Sycamore	407351 441837
T8	Sycamore	407350 441848
T9	Sycamore	407323 441803
T10	Sycamore	407322 441780
T11	Sycamore	407322 441776
T12	Sycamore	407318 441754

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Group of trees
(within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
G1	3 Sycamore	407356 441779
G2	3 Sycamore 1 Beech 1 Ash	407331 441886

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
	None	

Article 7

SCHEDULE 2

PART 1

Provisions of the Town and Country Planning Act 1990 applied
with adaptations or modifications

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	(a) In Sub-Section (1):- (i) omit:- “, in such manner as may be prescribed by a development order,”, “such” in the second place where it appears, and

	<p>“as may be so prescribed”; and</p> <p>(ii) Substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In Sub-Section (2):-</p> <p>(i) after “contain” insert “, as regards each such order”, and</p> <p>(ii) for paragraphs (a) and (b) Substitute:-</p> <p>“(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</p> <p>(b) a statement as to the Subject matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it”.</p> <p>(c) Omit Sub-Sections (3) and (4) (as required by Section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In Sub-Section (1):-</p> <p>(i) Substitute:- “Subject to Sub-Sections (1A) and (1B), where” for “Where”; “the authority” for “a local planning authority”, “consent under a tree preservation order” for “planning permission” where those words first appear; and “consent under the order” for “planning permission” in both of the other places where those words appear;</p> <p>(ii) after “think fit”, insert:-</p> <p>“(including conditions limiting the duration of the consent or requiring the replacement of trees)”, and</p>

	<p>(iii) omit "Subject to Sections 91 and 92,"</p> <p>(b) After Sub-Section (1) insert:-</p> <p>"(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting)".</p> <p>(c) Omit Sub-Sections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In Sub-Section (1) Substitute:-</p> <p>(i) "Any" for the words from "Without" to "any",</p> <p>(iv) "consent under a tree preservation order" for "planning permission" to develop land",</p> <p>(v) "the consent" for "the permission"; and</p> <p>(vi) "the land to which the order relates" for "the land".</p> <p>(b) Omit Sub-Sections (2) and (3).</p>
Section 78 (right to appeal against planning decisions and failure to take such decisions)	<p>(a) In Sub-Section (1) Substitute:-</p> <p>(i) "the authority" for "a local planning authority";</p> <p>(ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear;</p> <p>(iii) "consent under such an order" for</p>

	<p>“planning permission” in the second place where those words appear;</p> <p>(iv) for paragraph (c) Substitute:-</p> <p>“(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or</p> <p>(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the authority was received by the authority”.</p> <p>(b) Omit Sub-Section (2).</p> <p>(c) In Sub-Section (3) for “served within such time and in such manner as may be prescribed by a development order.” Substitute:-</p> <p>“in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:-</p> <p>(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of Sub-Section (1), within the period of 28 days from the receipt of notification of the authority’s decision or direction or within such longer period as the Secretary of State may allow;</p> <p>(b) in respect of such a failure as is mentioned in paragraph (d) of that Sub-Section, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted Subject to conditions, before an appeal has been made, an appeal may only be</p>
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	<p style="text-align: center;">made against that refusal or grant.”.</p> <p>(d) For Sub-Section (4), Substitute:-</p> <p>“(4) The appellant shall serve on the authority a copy of the notice mentioned in Sub-Section (3).”.</p> <p>(e) For Sub-Section (5), Substitute:-</p> <p>“(5) For the purpose of the application of Section 79(1), in relation to an appeal made under Sub-Section (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
Section 79 (determination of appeals) (a)	<p>(a) In Sub-Sections (1) and (2), Substitute “the authority” for “the local planning authority”.</p> <p>(b) Omit Sub-Section (3).</p> <p>(c) In Sub-Section (4), Substitute:-</p> <p>(i) “Section 70(1), (1A) and (1B)” for “Sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission”; and</p> <p>(iii) “the authority.” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of Section 65 or 71.”.</p> <p>(d) Omit Sub-Sections (6) and (6A).</p> <p>(e) In Sub-Section (7), omit the words after “Section 78”.</p>

PART II**PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,
AS ADAPTED AND MODIFIED BY PART I**

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

- (1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.
- (2) The register shall contain, as regards each such order:-
 - (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
 - (b) a statement as to the Subject matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.
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- (5) Every register kept under this Section shall be available for inspection by the public at all reasonable hours.

Section 70

- (1) Subject to Sub-Sections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order:-
 - (a) they may grant consent under the order, either unconditionally or Subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
 - (b) they may refuse consent under the order.
- (1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.
- (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is

carried out in the course of forestry operations (but may give directions for securing replanting).

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Section 75

Any grant of consent under a tree preservation order shall (except in so as consent otherwise provides) ensure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

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Section 78

(1) Where the authority:-

- (a) refuse an application for consent under a tree preservation order or grant it Subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it Subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

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(3) Any appeal under this Section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:-

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of Sub-Section (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;

- (b) in respect of such a failure as is mentioned in paragraph (d) of that Sub-Section, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted Subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.
- (4) The appellant shall serve on the authority a copy of the notice mentioned in Sub-Section (3).
- (5) For the purposes of the application of Section 79(1), in relation to an appeal made under Sub-Section (1)(d), it shall be assumed that the authority decided to refuse the application in question.

Section 79

- (1) On an appeal under Section 78 the Secretary of State may:-
 - (a) allow or dismiss the appeal, or
 - (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

- (2) Before determining an appeal under Section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

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- (4) Subject to Sub-Section (2), the provisions of Section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under Section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

- (5) The decision of the Secretary of State on such an appeal shall be final.

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- (7) Schedule 6 applies to appeals under Section 78.