

Memo

Legal and Democratic Services

To: Local Land Charges
4th Floor City Hall

City Hall
Bradford
BD1 1HY

Trees Team
3rd Floor Jacobs Well

From: Kevin Haley
Legal Officer
Development & Regulatory Law
Team



Lexcel
PRACTICE MANAGEMENT THROUGH
THE LAW SOCIETY

Your Ref:

Tel: (01274) 432232
Fax: (01274) 434242
My Ref: LEG/DEV/KH/28874
Email: Kevin.haley@bradford.gov.uk

Date: 10 October 2007

**TOWN AND COUNTRY PLANNING ACT 1990
LAND ADJACENT TO 32 CONISTON GROVE HEATON BRADFORD
TREE PRESERVATION ORDER 2006**

I refer to my memo of 6 February 2007 notifying you that the above Order had been confirmed. I now write to inform you that the Order has been revoked and replaced by a new Order (which has been sent to you under separate cover). A copy of the Revocation Order is attached for your records.

K Haley

Encs

Removed from Register 25/10/2007

(Conistongr.M3)



2006-2007
Improving Rural Services
Empowering Communities



INVESTOR IN PEOPLE



CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

ORDER REVOKING TREE PRESERVATION ORDER

LAND AT 32 CONISTON GROVE HEATON BRADFORD

1. On 13 December 2007 City of Bradford Metropolitan District Council ("the Council") being the local planning authority and in pursuance of their powers under Section 198 of the Town and Country Planning Act 1990 made the City of Bradford Metropolitan District Council land at 32 Coniston Grove, Heaton Bradford Tree Preservation Order 2006 (hereinafter referred to as "the Tree Preservation Order").
2. On 6 February 2007 the Council confirmed without modification the said Tree Preservation Order.
3. A copy of the Tree Preservation Order as confirmed is annexed hereto.

NOW THEREFORE the 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 REVOKE the Tree Preservation Order.

This Order is made the 4th day of October 2007.

THE COMMON SEAL of CITY OF
BRADFORD METROPOLITAN DISTRICT

COUNCIL was hereunto affixed in

presence of:-

S. Cheringway

Authorised by the

Assistant Director Corporate Services (City Solicitor)

90177

TOWN AND COUNTRY PLANNING ACT 1990

THE LAND AT 32 CONISTON GROVE HEATON BRADFORD

TREE PRESERVATION ORDER 2006

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

This Order may be cited as the City of Bradford Metropolitan District Council land at 32 Coniston Grove, Heaton, Bradford Tree Preservation Order 2006.

Interpretation

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

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 13 December 2006.

Prohibited acts in relation to trees

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.

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 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

- (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

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:-

Authorised by the
Head of Legal Services

VARIATION OF ORDER

This 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:-

Authorised by the
Head of Legal Services

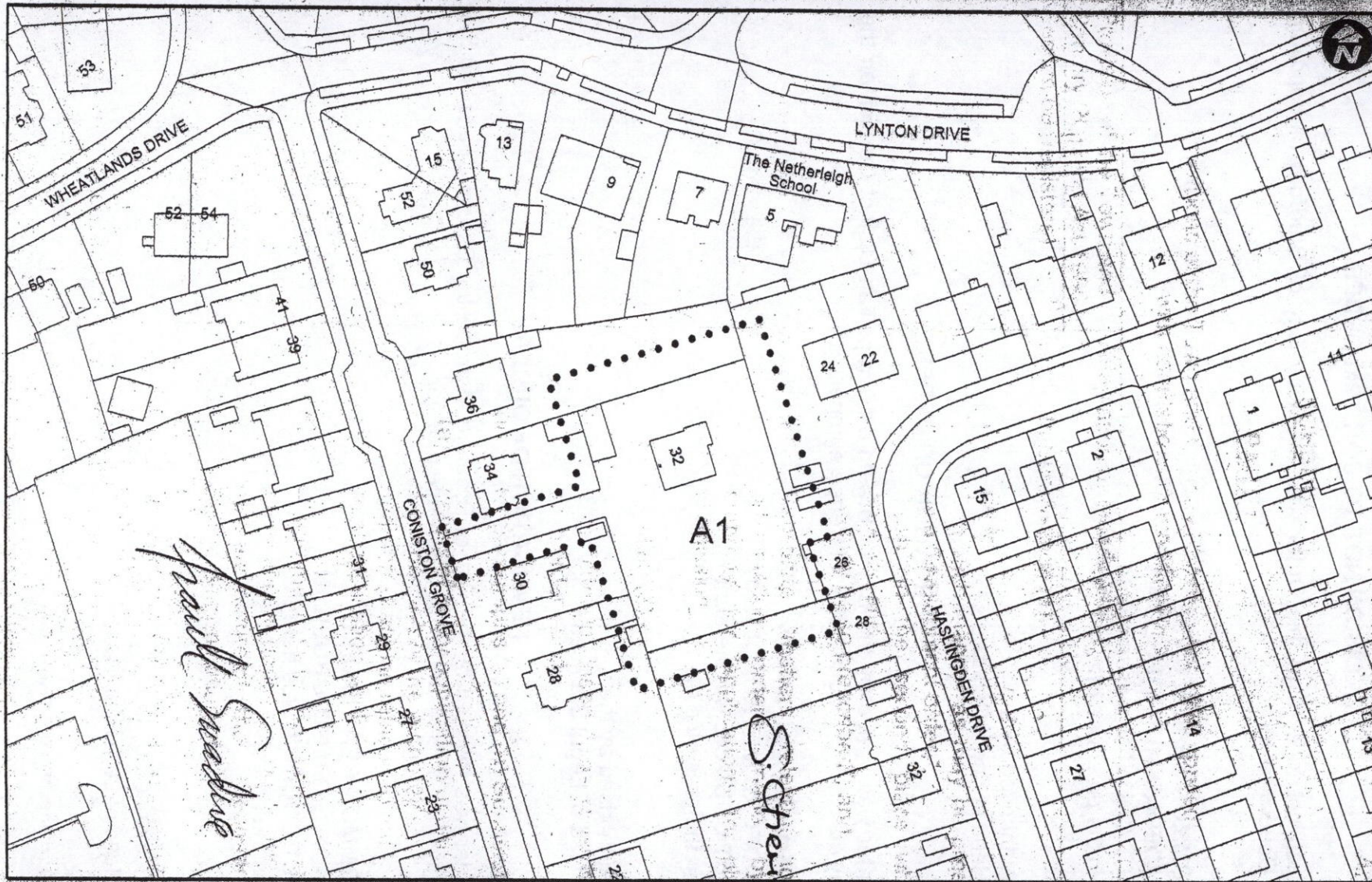
REVOCAION OF ORDER

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

Tree Preservation Order 06/00136/A



Tree Preservation Order
No. 06/00136/A
Land at and adjacent to
32 Coniston Grove
Heaton

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



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December 2006

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
<p>Section 69 (registers)</p>	<p>(a) In Sub-Section (1):-</p> <p>(i) omit:- “, in such manner as may be prescribed by a development order,” “such” in the second place where it appears, and “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>
<p>Section 70 (determination of applications)</p>	<p>(a) In Sub-Section (1):-</p>

<p>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>Section 78 (right to appeal against planning decisions and failure to take such decisions)</p>	<p>(b) Omit Sub-Sections (2) and (3).</p> <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 "planning permission" in the second place where those words appear;</p>
<p>Section 79</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>Section 80</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>(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>
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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.
- (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:-

- (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.

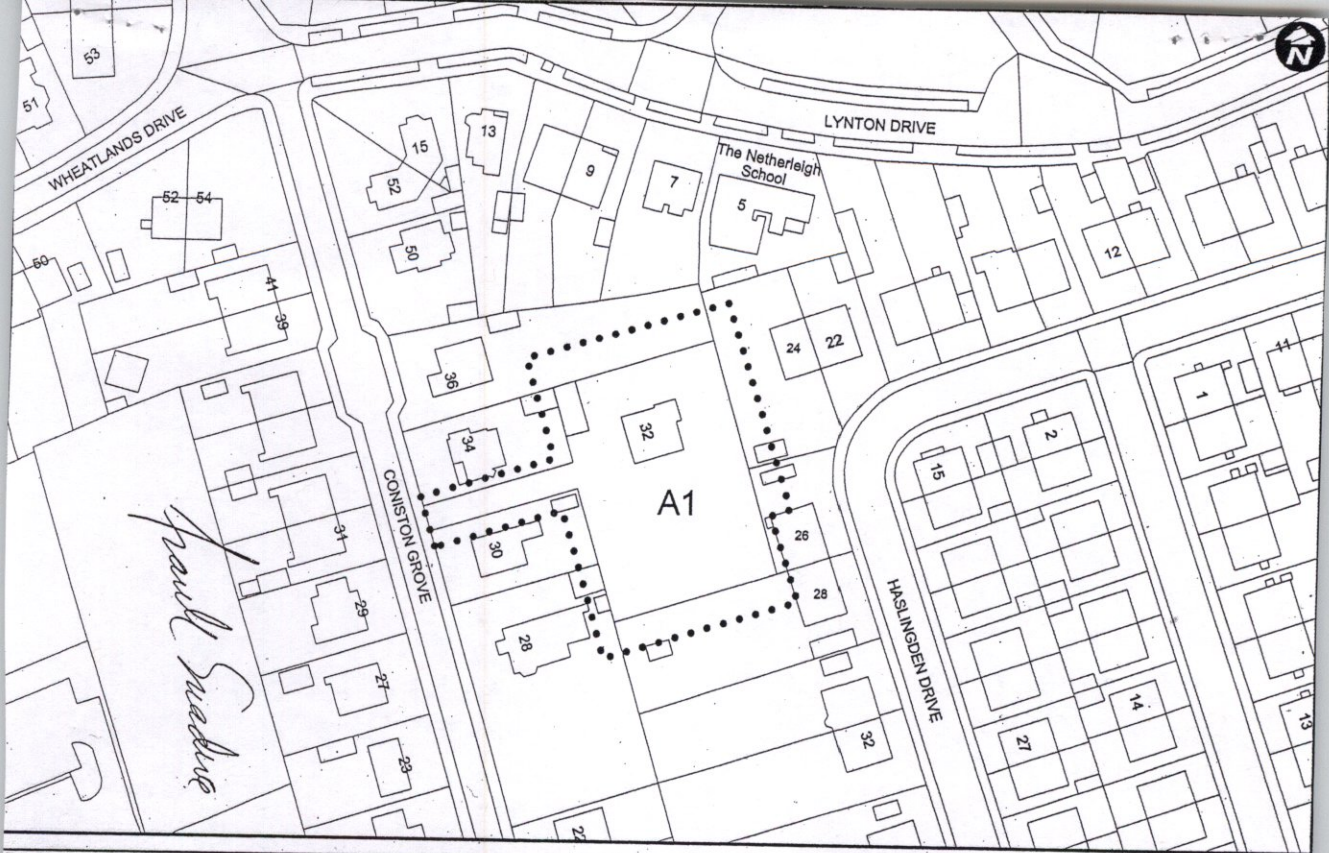
LAND AT 32 CONISTON GROVE
HEATON, BRADFORD

X REF HASLINGDEN DRIVE

REGISTER OF LOCAL LAND CHARGES
Planning Charges

PART III.

Nature of Charge	Reference to Plan Index	Date of Registration
<p>Sections 201 Town & Country Planning Act Tree Preservation Order No. 061001361A Made on 13/12/2006 Confirmed on 06/02/2007</p>		<p>08/10/2007</p> <p>Order revoked</p>
		Place at which Documents, etc. may be inspected
		TPO SECTION 3RD FLOOR JACOBS WELL



Tree Preservation Order
 No. 06/00136/A
 Land at and adjacent to
 32 Coniston Grove
 Heaton

DEPARTMENT OF TRANSPORTATION
 DESIGN AND PLANNING
 Jacobs Well Bradford BD1 6RW
 Head of Service Alan Malnwarig
 MSc CEng MICE



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December 2006

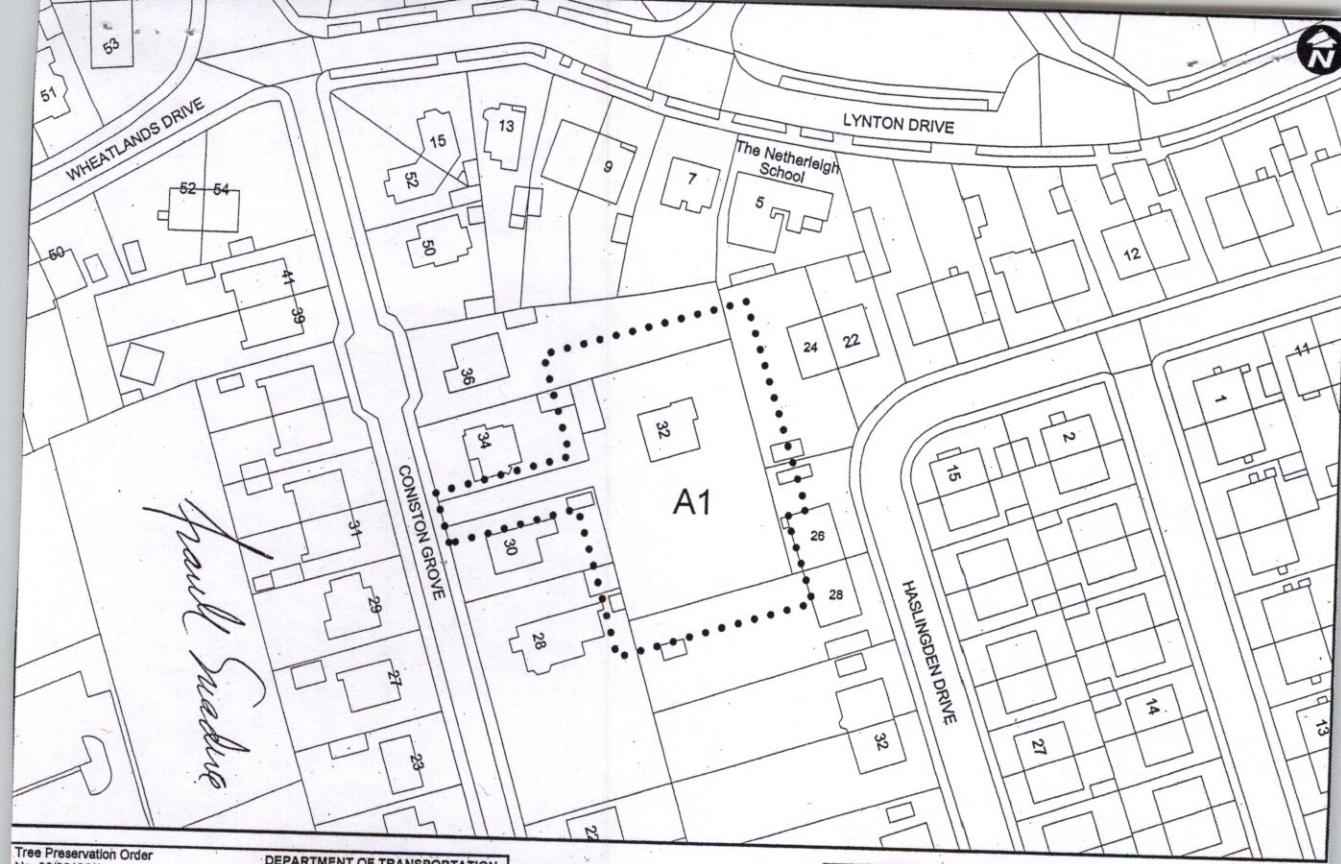
LAND AT 32 CONISTON GROVE
HEATON, BRADFORD

X REF HASLINGDEN DRIVE

REGISTER OF LOCAL LAND CHARGES
Planning Charges

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<p>Sections 201 Town & Country Planning Act Time Preservation Order No. 06/001361A Made on 13/12/2006 Confirmed on 06/09/2007.</p>		<p>08/10/2007 Order revoked</p>
		<p>Place at which Documents, etc. may be inspected</p> <p>TPO SECTION 3RD FLOOR JACOBS WELLS</p>



Tree Preservation Order
 No. 05/00136/A
 Land at and adjacent to
 32 Conniston Grove
 Heaton

DEPARTMENT OF TRANSPORTATION
 DESIGN AND PLANNING
 Jacobs Well Bradford BD1 5RW
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 MSc CEng MICE



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December 2006

Memo

To: For circulation see below

Your Ref:

Date: 6 February 2007

Department of Legal and Democratic Services

Legal Services
City Hall
Bradford
BD1 1HY



From: Kevin Haley
Legal Officer
Development & Regulatory Law Team

Tel: (01274) 432232
Fax: (01274) 434242
My Ref: LEG/DEV/KH/ST/28874
Email: Kevin.haley@bradford.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 201 00/00136/A
LAND AT 32 CONISTON GROVE HEATON BRADFORD - TREE PRESERVATION ORDER

The above Tree Preservation Order was confirmed on 6 February 2007. Please find attached a copy for your records.

K Haley

Enc

Arboricultural Technician
Development Services Tree Section
Transportation, Design and Planning
3rd Floor, Jacobs Well

Land Charges Manager
Local Land Charges Unit Team
4th Floor, City Hall

(Conistongr.M3)
N:\DEVELOPMENT\STDS\TP17.DOT(October 2006)

Noted on cards

X REF BASLINGDEN DRIVE.

09/02/07



BRADFORD
one landscape many views

