



Memo

**Department of Corporate Resources
Legal and Democratic Services**

To: For Circulation See Below

Property Commercial & Development
Law Team
Room 301, 3rd Floor
City Hall
Bradford
West Yorkshire
BD1 1HY
DX11758 BRADFORD -1

Ref: 19/00054/1

Date: 29th November 2019

From: Linda Dewhirst
Legal Officer
Property Commercial & Development
Law Team

**URGENT DOCUMENTS FOR PUBLIC
INSPECTION**

**TO BE DELIVERED BY: 29th November
2019**

Tel: (01274) 434221
My Ref: CORP/PCD/LD/406327
Email: linda.dewhirst@bradford.gov.uk

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 198
LAND AT 40 WHEATLEY LANE, ILKLEY
TREE PRESERVATION ORDER**

The above Tree Preservation Order was made on 29th November 2019.

I attach a copy of the Order and I should be obliged if you would place it on deposit for public inspection at your office until 13th January 2020.

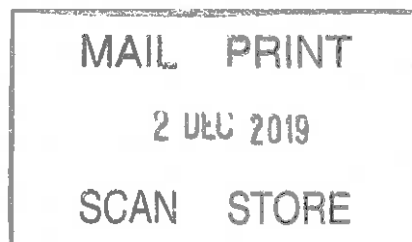
Linda Dewhirst
Legal Officer

Enc

Customer Services Reception
Ground Floor
City Hall

Department of Place
Planning Customer Services Reception
Britannia House
Simon Keenan

For TPO's in Ilkley Area (including Menston) - email - ilkley.library@bradford.gov.uk
Ilkley Library
Station Road
Ilkley



IMPORTANT THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
NOTICE OF MAKING A TREE PRESERVATION ORDER**

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

LAND AT 40 WHEATLEY LANE, ILKLEY

TREE PRESERVATION ORDER 2019

THIS IS A FORMAL NOTICE to let you know that on 29th November 2019 the Council made the above Tree Preservation Order.

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

The Council made the order because the tree is a mature Copper Beech in a prominent location at the corner of Wheatley Lane and Valley Drive. The tree is publicly significant and visible from a number of public locations. The loss of the tree would therefore be harmful to public amenity. The tree is threatened by removal by virtue of planning application 19/04205/FUL. Protection of the tree by a TPO is therefore expedient and in the interest of public amenity. The Order is made to ensure that the continuity of tree cover is controlled in accordance with good management and to protect those treescapes which are considered to be significant.

The order came into force, on a temporary basis, on 29th November 2019 and will remain in force for six months. During this time the Council will decide whether the order should be given permanent status.

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

If you would like to make any objections or comments, please make sure the Council receives them in writing by 31st December 2019. Your comments must meet regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012 (a copy is attached). Please send your comments to the City Solicitor at the address stated below or by e-mail to legalobjections@bradford.gov.uk quoting reference CORP/PCD/LD/406327. The Council will carefully consider all objections and comments before deciding whether to make the order permanent.

The Council will write to you again when a decision has been made. In the meantime, if you would like any more information or have any questions about this notice, please contact Simon Keenan, Department of Place, Trees Section, 4th Floor, Britannia House, Hall Ings, Bradford BD1 1HX. Tel: 01274 434297.

Dated: 29th November 2019

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

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

Objections and representations

- 6(1) Subject to paragraph (2), objections and representations:**
- (a) shall be made in writing and:**
 - (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or**
 - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;**
 - (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and**
 - (c) in the case of an objection, shall state the reasons for the objection.**
- 6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.**

TOWN AND COUNTRY PLANNING ACT 1990

THE LAND AT 40 WHEATLEY LANE, ILKLEY

TREE PRESERVATION ORDER 2019

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

Citation

1. This Order may be cited as land at 40 Wheatley Lane, Ilkley.

Interpretation

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

Effect

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

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

LAND AT 40 WHEATLEY LANE, ILKLEY



OS Ref : SE1347
Reproduced from the Ordnance Survey map with
the sanction of HM Stationary Office
Crown Copyright reserved
LA076120

DEPARTMENT OF PLACE
Argus Chambers
Bradford
BD1 1HX

19/000054/I
LAND AT 40 WHEATLEY LANE
ILKLEY

Scale 1: 500

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

Application to trees to be planted pursuant to a condition

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

Dated this 29th day of November 2019.

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



100055


JAFON FELD

Authorised by the City Solicitor

CONFIRMATION OF ORDER

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

OR

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

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

Authorised by the City Solicitor

DECISION NOT TO CONFIRM

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

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

Authorised by the City Solicitor

VARIATION OF ORDER

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

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

Authorised by the City Solicitor

REVOCATION OF ORDER

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

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

Authorised by the City Solicitor

SCHEDULE**Specification of Trees****Trees specified individually**(encircled in black on the map)

Reference on map	Description	Situation
T1	COPPER BEECH	413516, 447873

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

Reference on map	Description	Situation
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Groups of trees(within a broken black line on the map)

Reference on map	Description	Situation
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Woodlands(within a continuous black line on the map)

Reference on map	Description	Situation
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