

TRANSPORTATION & PLANNING DIVISION

TPO NO: 0742

ADDRESS: LAND ADJACENT TO DOCKROYD LANE OAKWORTH

ORDER TO BE SERVED ON:

- 1) Wilkinson Developments  
4 Mary Street  
Oxenhope  
KEIGHLEY  
BD22 9HU
  
- 2) Dales Design & Development  
The Stables  
Craiglands Farm  
Dick Lane  
Cowling  
KEIGHLEY  
BD22 0BD

Any queries please telephone Alison on extension 4297

TRANSPORTATION & PLANNING DIVISION

TREE PRESERVATION ORDER FOR LAND ADJACENT TO DOCKROYD LANE  
OAKWORTH KEIGHLEY

In accordance with powers delegated to me under the City of Bradford Metropolitan District Council Standing Orders, I Keith Stones being Group Planning Manager (Development Control), resolve that the Council make a Tree Preservation Order under the provisions of Section 201 of the Town and Country Planning Act 1990 in respect of the trees specified on the attached sheet.

SIGNED:..... *K Stones* .....

Group Planning Manager (Development Control)

DATED: This 22nd day of March 1999

**TRANSPORTATION AND  
PLANNING DIVISION**

Head of Service:

Alan Mainwaring MSc CEng MICE

**M E M O R A N D U M**

**TO:**  
Property Law Section  
Legal Services  
City Hall

**FROM:**  
Planning Division  
Trees Section  
8th Floor  
Jacobs Well

**Your Ref:** LEG/PL

**My Ref:** P/EW/AWL/TPO742  
**Extension:** 4297

---

22nd March 1999

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 201  
LAND ADJACENT TO DOCKROYD LANE OAKWORTH . KEIGHLEY  
TREE PRESERVATION ORDER NO 742**

A line of unprotected trees were recently felled at the above location and local residents have requested that an Order be placed on the two remaining trees on the land.

As the trees are of amenity value and contribute to the appearance of the area, it is considered expedient that an Order be prepared to ensure their good management and long term future.

Could you please prepare a TPO in accordance with the enclosed information.



FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY  
(encircled in black on the map)

No on map	Description	Situation
T1	Sycamore	SE 0361 3858
T2	Sycamore	SE 0362 3858

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

No on map	Description	Situation
None		

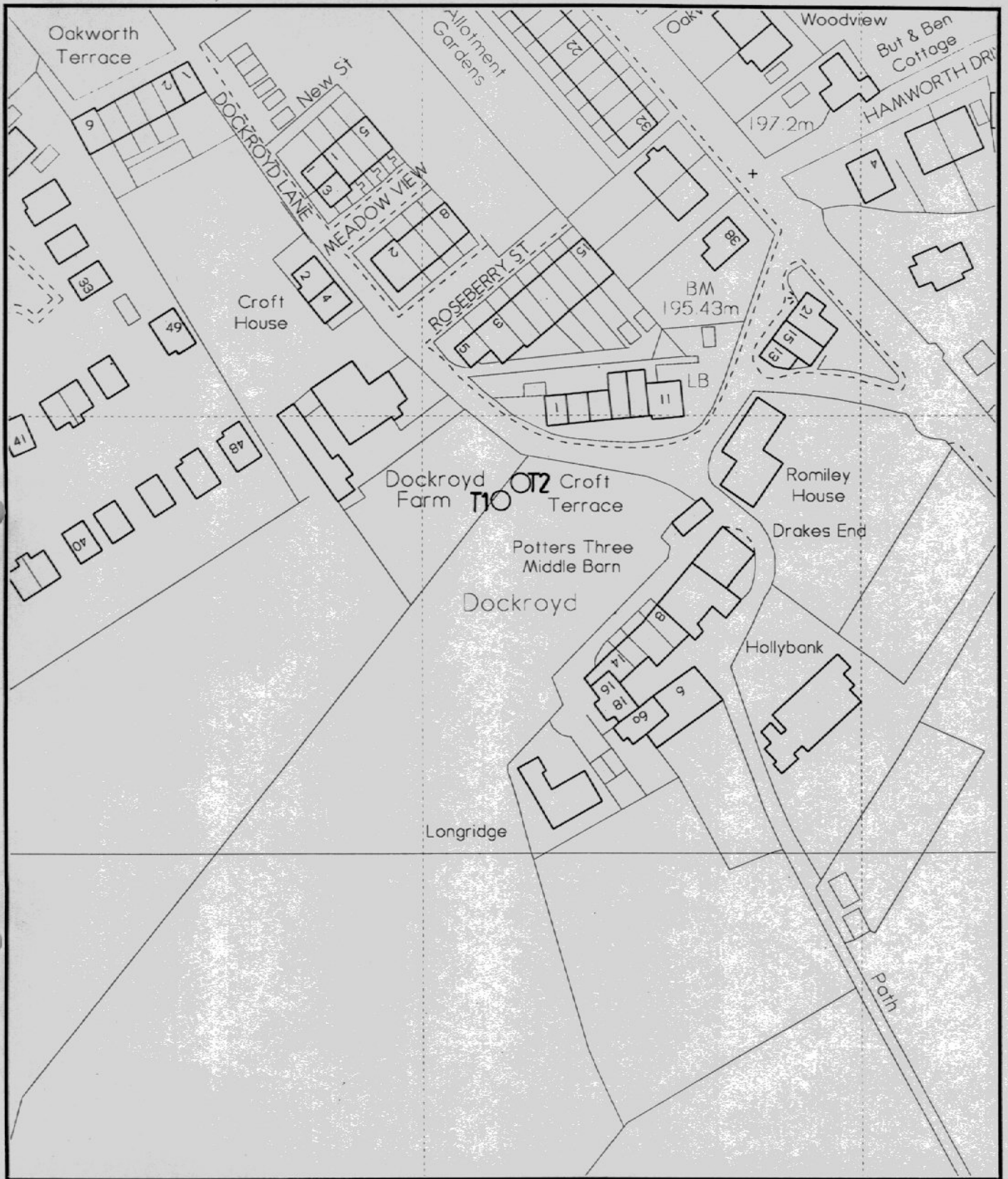
GROUPS OF TREES  
(within a broken black line on the map)

No on map	Description	Situation
None		

WOODLANDS  
(within a continuous black line on the map)

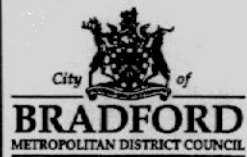
No on map	Description	Situation
None		





**TREE PRESERVATION ORDER No. 742**

**Land adjacent to  
Dockroyd Lane  
Oakworth  
Keighley**



**Transportation and  
Planning Division**

<b>Scale</b> 1:1250	<b>Date</b> March 1999	<b>O.S. Ref.</b> SE 0338 NE	
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City of Bradford Metropolitan District Council  
Transportation and Planning Division  
Jacobs Well Manchester Road Bradford  
BD1 5RW

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City of

**BRADFORD**

METROPOLITAN DISTRICT COUNCIL

PLANNING DIVISION

RECEIVED

12 APR 1999

DISTRIB

**LEGAL SERVICES**

Directorate of Corporate Services  
City Hall, Bradford, BD1 1HY

Gerry A Danby, Barrister  
Assistant Director (Legal):

Tel: 01274 752232

Fax: 01274 754242



From: Property Law Section	To: Transportation and Planning Trees Section, 8th Floor Jacobs Well
Ref: LEG/PL/KH/421294	FAO: Alison West-Lay X 4297
Contact: Mr K Haley	Ref: P/EW/AWL/TPO742
Date: 9 April 1999	

**RE: Dockroyd Lane (Land adjacent to), Oakworth, Keighley, Wilkinson Dev & Dales Design and Dev - Tree Preservation Orders**

I refer to your instructions/correspondence received by me on the 09 April 1999 relating to the above.

Please note that I am responsible for the conduct of this matter. You may also wish to note that my secretary/assistant, Sarah Harper/Carol Fay/Sheelagh Turner, may well be able to assist in my absence. If, at any stage, of the matter you have any concerns whatsoever about the standard of service being provided to you, please do not hesitate to raise these concerns with me. In the unlikely event of your concerns not being satisfied, please do not hesitate to raise them with my Section Head, Frank Suadwa.

If there are any known deadlines attached to this matter, either at the outset or arising at any stage, would you please advise me of these deadlines, so that I may ensure these can be met.

The matter will be dealt with as quickly as possible, but in any event I will ensure that you receive regular progress reports in the event of unforeseen delay.

*(Signature)*  
K Haley





**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

PLANNING DIVISION  
RECEIVED  
14 APR 1999  
DISTRIBUTION:

**LEGAL SERVICES**

Directorate of Corporate Services  
City Hall, Bradford, BD1 1HY

Gerry A Danby, Barrister  
Assistant Director (Legal):

Tel: 01274 752232  
Fax: 01274 754242



From: K Haley Legal Officer	To: Please See Circulation Below
Ref: LEG/PL/KH/SLH/421294	
Date: 13 April 1999	Ref: P/EW/AWL/TPO742

f:\dockroyd.m03

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 201  
LAND ADJACENT TO DOCKROYD LANE, OAKWORTH, KEIGHLEY - TREE PRESERVATION  
ORDER**

The above Tree Preservation Order was made on 13 April 1999. Please find attached a copy for your records.

Kevin Haley  
Legal Officer, Development Team

Enc

Alison West-Lay (Arboricultural Technician)  
Tree Section  
Transportation and Planning Division  
8th Floor, Jacobs Well

Senior Land Charges Officer  
Local Land Charges Unit  
4th Floor

Barbara Brunton (Senior Clerk)  
Transportation and Planning Office  
Keighley Town Hall

TP11



**TOWN AND COUNTRY PLANNING ACT 1990****NOTICE OF MAKING A TREE PRESERVATION ORDER****CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL****LAND ADJACENT TO DOCKROYD LANE, OAKWORTH, KEIGHLEY****TREE PRESERVATION ORDER**

**TAKE NOTICE** that City of Bradford Metropolitan District Council made the above Tree Preservation Order on 13 April 1999 for the following reasons:-

As the trees are of amenity value and contribute to the appearance of the area, it is considered expedient that an Order be prepared to ensure their good management and long term future.

The provisions of Section 201 of the Town and Country Planning Act 1990 apply to the Order and the Order provisionally takes effect on 13 April 1999 and shall continue in force by virtue of this Section until:-

- (a) the expiration of six months beginning with the date on which the Order was made, or
- (b) the date on which the Order is confirmed, whichever first occurs.

A certified copy of the Order and the plan contained in it may be inspected at the Directorate of Corporate Services' Customer Services, Room 9, Ground Floor, City Hall, Bradford, BD1 1HY and at the Area Planning Office, Keighley Town Hall during normal office hours.

If you wish to make any objection or representation with respect to the Order you may send them in writing to the Assistant Director (Legal) at the address below stating the grounds thereof and specifying the particular trees, group of trees or woodlands in respect of which it is made. This must be done within twenty-eight days of the date of the service of this notice.

If no objections or representations are made or if any so made are withdrawn then at the expiration of forty-two days from the date hereof the Order may be confirmed by the Council.

DATED this 13 day of April 1999

Gerry A Danby, Barrister  
Assistant Director (Legal)  
City of Bradford Metropolitan District Council  
City Hall  
Bradford  
BD1 1HY

**TOWN AND COUNTRY PLANNING ACT 1990**

**LAND ADJACENT TO DOCKROYD LANE, OAKWORTH, KEIGHLEY**

**TREE PRESERVATION ORDER 1999**

**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL**

City of Bradford Metropolitan District Council (in this Order called "the authority"), in pursuance of the powers conferred in that behalf by Sections 198 and 201 of the Town and Country Planning Act 1990 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 1990;

"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.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule to this Order, 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 to this Order 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 First Schedule on the map annexed to this Order which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the 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 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.

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they satisfied:-

- a) that the refusal or condition is in the interest of good forestry; or
- b) in the case of trees, other than trees comprised in a group of trees or in a woodland, that the trees have an outstanding or special amenity value; or
- c) in the case of trees which are comprised in a group of trees or in a woodland, that the group of trees or the woodland, as the case may be, has an outstanding or special amenity value,

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

6. (1) Where consent is granted under this Order to fell any part of a woodland other than consent for silviculture thinning then unless:-

- a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or
- b) the authority with the approval of the Secretary of State dispense with replanting, the authority shall give to the owner of the land on which the part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provision of this Order and Section 204 of the Act, replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to:-

- a) species;
- b) number of trees per acre (hectare);
- c) the erection and maintenance of fencing necessary for protection of the replanting;



- d) the preparation of ground, draining, removal of brushwood, lop and top; and
  - e) protective measures against fire.
7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by the National Rivers Authority, an internal drainage board, a water undertaker or a sewerage undertaker (as defined in the Water Act 1989) or any other authority whose functions are now exercised by the above bodies, restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any condition or direction has effect subject to the requirements of the byelaws, and the condition or direction shall have effect accordingly.
8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.
9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) or consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal of 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 198 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 and 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 205 of the Act.
13. (1) The provisions of Section 201 of the Act shall apply to this Order and the Order shall take effect on 13 April 1999.
- (2) This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as therein mentioned, as from the time when that tree is planted.

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

No. on Map	Description	Situation
T1	Sycamore	SE 0361 3858
T2	Sycamore	SE 0362 3858

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

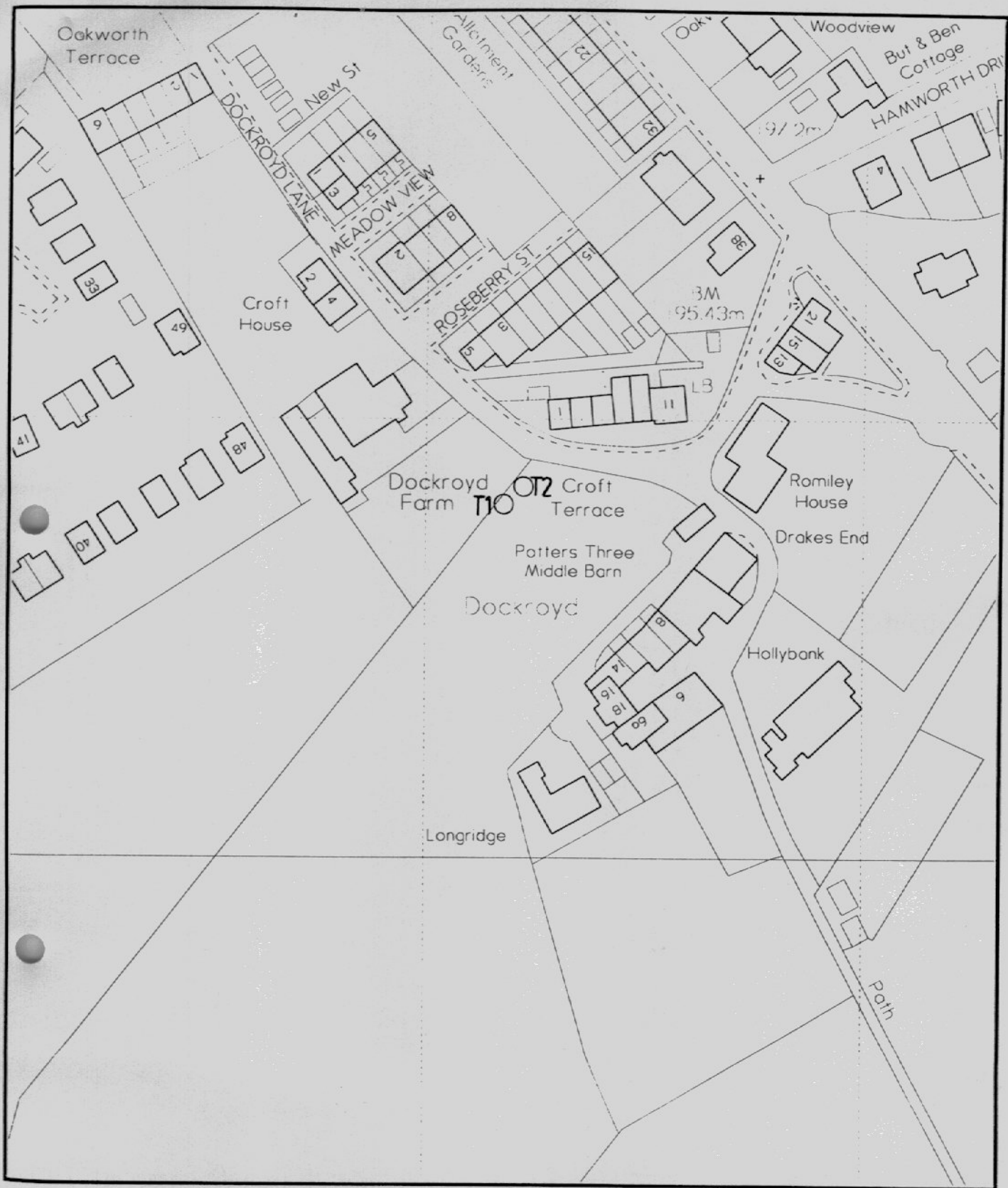
No. on Map	Description	Situation
None		

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

No. on Map	Description	Situation
None		

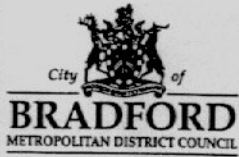
**WOODLANDS**  
 (within a continuous black line in the map)

No. on Map	Description	Situation
None		



TREE PRESERVATION ORDER No. 742

Land adjacent to  
 Dockroyd Lane  
 Oakworth  
 Keighley



Transportation and  
 Planning Division

Scale 1:1250	Date March 1999	O.S. Ref. SE 0338 NE	
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City of Bradford Metropolitan District Council  
 Transportation and Planning Division  
 Jacobs Well Manchester Road Bradford  
 BD1 5RW

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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 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 Telecommunication Act 1984;
  - b) by or at the request of:-
    - (i) a statutory undertaker or a holder of a licence under Section 6(1) of the Electricity Act 1989 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) a licence holder within the meaning of Part I of the Electricity Act 1989, where such tree obstructs the construction by the licence holder of any electric line within the meaning of Part I of the said Act of 1989 or interferes or would interfere with the maintenance or working of any such line;
    - (iii) the National Rivers Authority or an internal drainage board established under the Water Act 1989, where the tree interferes or would interfere with the exercise of any of the functions of such authority or drainage board in relation to the maintenance, improvement or construction of water courses or of drainage works; or a water undertaker or sewerage undertaker appointed under Section 11 of the Water Act 1989 in relation to their duties as such undertakers; 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 the Part;
- d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden

### THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1990 as adapted and modified to apply to this Order.

75. (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), ensure for the benefit of the land and of all persons for the time being interested therein.

77. **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.

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

**78. 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 be notice under this Section appeal to the Secretary of State.

- (2) 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 77 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.

- (3) 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.

79. (1) Where an appeal is brought under Section 78 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 or vary any direction, and may deal with the application as if it has 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 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.

- (5) The decision of the Secretary of State on any appeal under this Section



shall be final.

97. 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 be Order revoke or modify the consent to such extent as they consider expedient.
- (2) Subject to the provisions of Sections 99 and 201 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 wither 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 in 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 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 of 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 Sub-Section (3) of this Section, no operations or further operations a the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under Sub-Section (2) of this Section.
99. **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 97 above revoking or modifying any consent granted on an application made under a tree preservation order nut 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 Sub-Section (1) above.
- (6) The authority shall send a copy of any advertisement published under Sub-Section (2) above to the Secretary of State, not more than three days after the publication.
- (7) If within the period referred to in Sub-Section (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 Sub-Section (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 97 of the Act.
- (8) 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 or Part VII of the Act.

**THE COMMON SEAL of CITY OF  
BRADFORD METROPOLITAN DISTRICT COUNCIL**

was hereunto affixed in the  
presence of:-

*Sarah C. Bell*

80070

Authorised by the  
Strategic Director (Corporate Services)

**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 which appears to the Court to the value of the tree, which ever is the greater, or on indictment to a fine. The penalty for any 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 198(6) of the Town and Country Planning Act 1990 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on this 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 three 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.



Dated 13 April 1999

CITY OF BRADFORD  
METROPOLITAN DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING  
ACT 1990

TREE PRESERVATION ORDER

relating to

Land adjacent to Dockroyd Lane,  
Oakworth, Keighley

On  
City of Bradford Metropolitan  
District Council confirmed  
the within written Order.

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

Authorised by  
Strategic Director (Corporate Services)

Our Ref: LEG/PL/KH/SLH/421294

Miss C Thomas & Mr J Terry  
Bramble Cottage  
14 Dockroyd  
Oakworth  
KEIGHLEY  
BD22 7RH

TREE SECTION  
8TH FLOOR  
JACOBS WELL  
BRADFORD  
WEST YORKSHIRE  
BD1 5RW

Tel No: 01274 754297  
Fax No: 01274 753767  
Contact: Mrs A M West-Lay

My Ref: P/EW/AWL/TP0742  
Your Ref:

15th April 1999

Dear Miss Thomas & Mr Terry

**TREE PRESERVATION ORDER  
LAND AT DOCKROYD LANE OAKWORTH**

Further to my letter dated 10th February 1999 regarding your request for a Preservation Order on two Sycamore trees at the above location, I write to inform you that the Order was made on 13th April 1999.

Yours sincerely

Alison West-Lay  
Arboricultural Technician

J Terry & C Thomas  
Bramble Cottage  
14 Dockroyd  
Oakworth  
KEIGHLEY  
BD22 7RH

TREE SECTION  
8TH FLOOR  
JACOBS WELL  
BRADFORD  
WEST YORKSHIRE  
BD1 5RW

Tel No: 01274 754297  
Fax No: 01274 753767  
Contact: Mrs A M West-Lay

My Ref: P/EW/AWL  
Your Ref:

10th February 1999

Dear Mr Terry & Miss Thomas

**REQUEST FOR TREE PRESERVATION ORDER  
LAND OFF DOCKROYD LANE OAKWORTH**

Thank you for your letter received on 8th February 1999,  
regarding two trees at the above location.

The trees will be inspected as soon as possible and you will be  
informed of what action is to be taken.

Thank you for your interest in this matter.

Yours sincerely

Alison West-Lay  
Arboricultural Technician





**BRAMBLE COTTAGE  
14 DOCKROYD  
OAKWORTH  
KEIGHLEY  
WEST YORKSHIRE  
BD22 7RH  
TEL (01535 646636)**

Dear Mrs West,

as we discussed in our telephone conversation on Monday 11th January, the two trees opposite our cottage are in a conservation area and we would like your departments commitment to protect the trees.

In view of the owner of the land felling 15 sycamore trees and irreversibly spoiling the landscape, we are quite "nervous" that he may attack the last remaining two trees even though they may be in a conservation area!!

Could we please ask your department to act immediatley and place a preservation order on the trees to stop any further damage or pruning of the trees.

The local councillor Mr Cope and residents have all been involved as well as the Keighley News who published an article recently about the felling of the trees. We would wish to stop any further changes in the landscape, especially now the new homes recently built off Providence Lane are unscreened.

We would be grateful if you could keep us informed as to any developments with regard to the trees concerned and also as we discussed, the Forestry Authoritys interest in relation to the landowner not having a felling licence.

Yours Sincerely

Mr J Terry & Miss C Thomas

*Copy*

99/343

**TRANSPORTATION AND  
PLANNING SERVICE**

Head of Service:

Alan Mainwaring MSc CEng MICE

**MEMORANDUM**

**To:** Peter Timbrell  
Keighley Planning Team  
Town Hall  
KEIGHLEY

**From:** Eric Waterworth  
Arboriculturist  
Trees Section  
8th Floor  
Jacobs Well

P404-01

Ext : 4297

My Ref: P/EW/AWL/TPO742

Your Ref: 99/00728/FUL

14 May 1999

**PLANNING APPLICATION CONSULTATION  
APPLICATION NUMBER: 99/00728/FUL  
PROPOSAL: RESIDENTIAL DEVELOPMENT  
LOCATION: LAND AT DOCKROYD LANE OAKWORTH  
KEIGHLEY WEST YORKSHIRE  
GRID REF: 003626/038563**

My observations are as follows:-

The crown spread indicated to the tree immediately adjacent plot 1C is not accurate. There is a requirement to achieve 3.0 metres from the extent of crown spread to dwelling. A distance of 11.0 metres is therefore required between tree stem and end elevation.

Proposed car parking under the crown spread of trees unacceptable.

Proposed conservatory to plot 5A unacceptably close to existing trees which will lead to future requests for tree works. Should be a minimum of the mature height of the tree from habitable space/ conservatory to stem of tree.

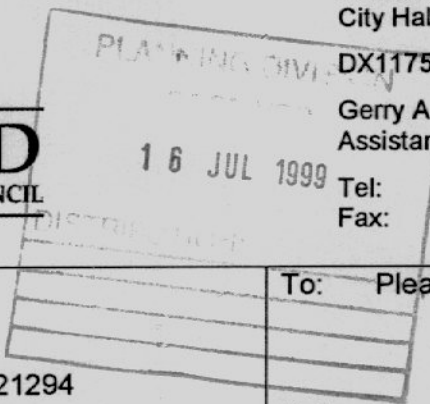
I am unable to support this application.

*EW*

DX11758 BRADFORD-1

Gerry A Danby, Barrister  
Assistant Director (Legal)

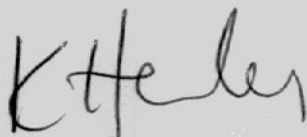
Tel: 01274 752232  
Fax: 01274 754242



From: K Haley Legal Officer	To: Please See Circulation Below
Ref: LEG/PL/KH/SLH/421294	Ref:
Date: 14 July 1999	

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 201  
LAND ADJACENT TO DOCKROYD LANE, OAKWORTH, KEIGHLEY  
TREE PRESERVATION ORDER**

The above Tree Preservation Order was confirmed on 13 July 1999. Please find attached a copy for your records.



K Haley  
Legal Officer, Development Team

Enc

Alison West-Lay (Arboricultural Technician)  
Tree Section  
Transportation and Planning Division  
8th Floor, Jacobs Well

For T.P.O.'s in Shipley area (including Bingley,  
Wilsden, Harden, Cullingworth, Baildon)  
Shirley Nicholls (Area Clerk)  
Transportation and Planning  
Shipley Town Hall

Senior Land Charges Officer  
Local Land Charges Unit  
4th Floor

For T.P.O.'s in Ilkley Area (including Menston)  
Veronica Clair (Area Clerk)  
Transportation and Planning Office  
Ilkley Town Hall

For T.P.O.'s in Bradford Area (including  
Denholme)  
Tracy Cullen (Senior Clerk)  
Transportation and Planning  
Development Control  
3rd Floor, Jacobs Well

For T.P.O.'s in Keighley Area (including  
Addingham)  
Barbara Brunton (Senior Clerk)  
Transportation and Planning Office  
Keighley Town Hall

(DockM)

F:\DEV\TEMPLATE\STDS\TIP11.DOT (Revised June 1999)



**TOWN AND COUNTRY PLANNING ACT 1990**

**LAND ADJACENT TO DOCKROYD LANE, OAKWORTH, KEIGHLEY**

**TREE PRESERVATION ORDER 1999**

**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL**

City of Bradford Metropolitan District Council (in this Order called "the authority"), in pursuance of the powers conferred in that behalf by Sections 198 and 201 of the Town and Country Planning Act 1990 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 1990;

"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.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule to this Order, 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 to this Order 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 First Schedule on the map annexed to this Order which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the 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 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.

- (2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they satisfied:-

- a) that the refusal or condition is in the interest of good forestry; or
- b) in the case of trees, other than trees comprised in a group of trees or in a woodland, that the trees have an outstanding or special amenity value; or
- c) in the case of trees which are comprised in a group of trees or in a woodland, that the group of trees or the woodland, as the case may be, has an outstanding or special amenity value,

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

6. (1) Where consent is granted under this Order to fell any part of a woodland other than consent for silviculture thinning then unless:-

- a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or
- b) the authority with the approval of the Secretary of State dispense with replanting, the authority shall give to the owner of the land on which the part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provision of this Order and Section 204 of the Act, replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to:-

- a) species;
- b) number of trees per acre (hectare);
- c) the erection and maintenance of fencing necessary for protection of the replanting;

- d) the preparation of ground, draining, removal of brushwood, lop and top; and
  - e) protective measures against fire.
7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by the National Rivers Authority, an internal drainage board, a water undertaker or a sewerage undertaker (as defined in the Water Act 1989) or any other authority whose functions are now exercised by the above bodies, restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any condition or direction has effect subject to the requirements of the byelaws, and the condition or direction shall have effect accordingly.
8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.
9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) or consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal of 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 198 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 and 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 205 of the Act.

13. (1) The provisions of Section 201 of the Act shall apply to this Order and the Order shall take effect on 13 April 1999.

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

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

No. on Map	Description	Situation
T1	Sycamore	SE 0361 3858
T2	Sycamore	SE 0362 3858

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

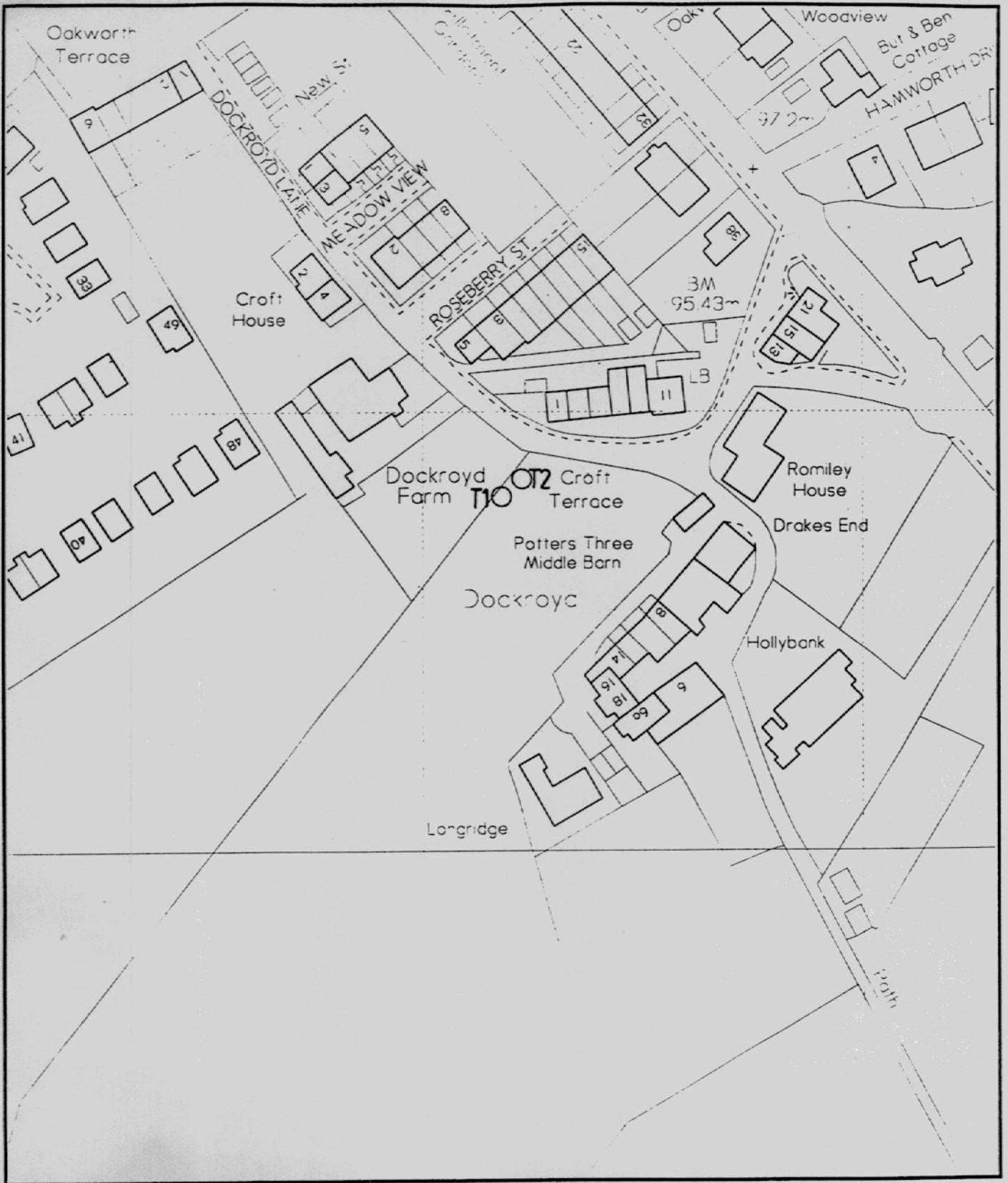
No. on Map	Description	Situation
None		

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

No. on Map	Description	Situation
None		

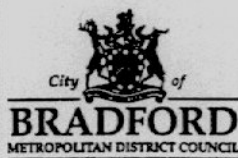
**WOODLANDS**  
(within a continuous black line in the map)

No. on Map	Description	Situation
None		



TREE PRESERVATION ORDER No. 742

Land adjacent to  
 Dockroyd Lane  
 Oakworth  
 Keighley



Transportation and  
 Planning Division

Scale  
 1:1250

Date  
 March 1999

O.S. Ref.  
 SE 0338 NE



City of Bradford Metropolitan District Council  
 Transportation and Planning Division  
 Jacobs Well Manchester Road Bradford  
 BD1 5RW

Reproduced from the Ordnance Survey map  
 with the sanction of HM Stationery Office

CROWN COPYRIGHT RESERVED

## 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 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 Telecommunication Act 1984;
  - b) by or at the request of:-
    - (i) a statutory undertaker or a holder of a licence under Section 6(1) of the Electricity Act 1989 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) a licence holder within the meaning of Part I of the Electricity Act 1989, where such tree obstructs the construction by the licence holder of any electric line within the meaning of Part I of the said Act of 1989 or interferes or would interfere with the maintenance or working of any such line;
    - (iii) the National Rivers Authority or an internal drainage board established under the Water Act 1989, where the tree interferes or would interfere with the exercise of any of the functions of such authority or drainage board in relation to the maintenance, improvement or construction of water courses or of drainage works; or a water undertaker or sewerage undertaker appointed under Section 11 of the Water Act 1989 in relation to their duties as such undertakers; 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 the Part;
- d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden

### THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1990 as adapted and modified to apply to this Order.

75. (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), ensure for the benefit of the land and of all persons for the time being interested therein.
77. **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.

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

#### 78. 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) 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 77 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.

- (3) 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.

79. (1) Where an appeal is brought under Section 78 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 or vary any direction, and may deal with the application as if it has 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 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.

- (5) The decision of the Secretary of State on any appeal under this Section



shall be final.

97. 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 be Order revoke or modify the consent to such extent as they consider expedient.
- (2) Subject to the provisions of Sections 99 and 201 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 wither 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 in 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 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 of 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 Sub-Section (3) of this Section, no operations or further operations a the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under Sub-Section (2) of this Section.
99. **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 97 above revoking or modifying any consent granted on an application made under a tree preservation order nut 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

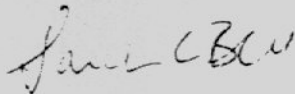


the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person 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 Sub-Section (1) above.
- (6) The authority shall send a copy of any advertisement published under Sub-Section (2) above to the Secretary of State, not more than three days after the publication.
- (7) If within the period referred to in Sub-Section (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 Sub-Section (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 97 of the Act.
- (8) 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 or Part VII of the Act.

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

80070



Authorised by the  
Strategic Director (Corporate Services)

**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 which appears to the Court to the value of the tree, which ever is the greater, or on indictment to a fine. The penalty for any 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 198(6) of the Town and Country Planning Act 1990 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on this 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 three 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.

Dated 13 April 1999

CITY OF BRADFORD  
METROPOLITAN DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING  
ACT 1990

TREE PRESERVATION ORDER

relating to

Land adjacent to Dockroyd Lane,  
Oakworth, Keighley

On 13 July 1999  
City of Bradford Metropolitan  
District Council confirmed  
the within written Order.

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

*Susan Bittendge*

Authorised by  
Strategic Director (Corporate Services)

40632

Our Ref: LEG/PL/KH/SLH/421294



TRANSPORTATION AND  
PLANNING SERVICE  
Head of Service:  
Alan Mainwaring MSc CEng MICE

MEMORANDUM

**TO:**  
Kevin Haley  
Property Law Section  
Legal Services  
City Hall

**FROM:**  
Alison West-Lay  
Tree Section  
Planning Division  
8th Floor  
Jacobs Well

**Your Ref:** LEG/PL/KH/SLH/421294

**My Ref:** P/EW/AWL/TPO742  
**Ext:** 4297

---

20<sup>th</sup> July 1999

**TREE PRESERVATION ORDER NO 742  
LAND ADJACENT TO DOCKROYD LANE OAKWORTH KEIGHLEY**

Thank you for your memo dated 9<sup>th</sup> July 1999 regarding the above Order.

I confirm that the two addresses provided for service of the Order were correct.

Please find enclosed an authorisation to prosecute under Section 330 of the Town & Country Planning Act 1990, for failure to return the Notices.





**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

**Legal**  
Directorate of Corporate Services  
City Hall, Bradford, BD1 1HY



INVESTOR IN PEOPLE

DX11758 BRADFORD-1

Gerry A Danby, Barrister  
Assistant Director (Legal)

Tel: 01274 752232  
Fax: 01274 754242



PLANNING DIVISION  
RECEIVED  
12 JUL 1999

From: K Haley Legal Officer	To: Trees Section 8 <sup>th</sup> Floor Jacobs Well <b>FAO: Alison West-Lay</b>
Ref: LEG/PL/KH/SLH/421294 Date: 09 July 1999	Ref:

f:\DockrM02

**RE: LAND ADJACENT TO DOCKROYD LANE, OAKWORTH, KEIGHLEY**  
**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 330**  
**NON RETURN OF 330 NOTICE**

I refer to your instructions of 22 March 1999 asking me to prepare a Tree Preservation Order in respect of the above land.

Section 330 Notices were issued and served upon Wilkinson Developments of 4 Mary Street, Oxenhope, Keighley and Dales Design and Development, The Stables, Craiglands Farm, Dick Lane, Cowling, Keighley on 13 April 1999.

As I received no response within 21 days, a reminder letter was sent on 28 May 1999. However this too met with no response.

In the circumstances, would you please confirm that the information you have provided me with in respect of these 2 firms is correct and that you wish me to proceed with prosecution proceedings, with respect to the non-return of the 330 Notice. If so could you let me have an appropriate authority to prosecute.

I look forward to hearing from you.

K Haley  
Legal Officer, Development Team





**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

23 JUL 1999

**Legal**

Directorate of Corporate Services  
City Hall, Bradford, BD1 1HY

DX11758 BRADFORD-1

Gerry A Danby, Barrister  
Assistant Director (Legal)

Tel: 01274 752232  
Fax: 01274 754242



INVESTOR IN PEOPLE



<p>From: Kevin Haley Legal Officer Development Team Room 313 City Hall</p> <p>Ref: LEG/PL/421294 Date: 21 July 1999</p>	<p>To: Alison West-Lay Tree Section Planning Division Jacobs Well</p> <p>Ref: -</p>
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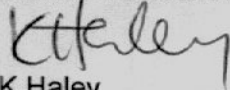
**RE: TREE PRESERVATION ORDER AT DOCKROYD LANE, OAKWORTH, KEIGHLEY**

Thank you for your memorandum of 20 July 1999 concerning the above.

I have been advised by my colleague Jack Henriques of the Litigation Unit that it could be difficult to run a prosecution against Wilkinson Developments and Dales Design Development since they are not distinct legal entities. Had the Section 330 Notice been served upon "Mr S Wilkinson, c/o Wilkinson Developments" or "The Company Secretary, Wilkinson Developments Limited" (whichever be appropriate) there would have been no problem in pursuing a prosecution for non return of the notice, however as it was merely directed toward Wilkinson Developments and Dales Design and Development, it is unfortunately, likely to be unenforceable. It is ironic that the very purpose of the Section 330 Notice was to ascertain the correct name and address of the persons having an interest in the subject land.

Jack advises that nevertheless the Order as made on 13 April is still valid but that to cover all eventualities I should serve a further copy on "The Owner and The Occupier" of 4 May Sheet (being the address of Wilkinson Development) and that yourself or someone from your Section visit the site to ascertain that the trees have not been felled, photograph the trees and affix a copy of the Notice of Making to the trees. This would then ensure that adequate Notice of the existence of the Order has been given in the event that any unauthorised works are carried out to the trees in future.

I attach several copies of the Notice for your use in this regard.

  
K Haley

Encs

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*copy*

99/234

**TRANSPORTATION AND  
PLANNING SERVICE**



Head of Service:

Alan Mainwaring MSc CEng MICE

INVESTOR IN PEOPLE

**MEMORANDUM**

**To:** Mark Hutchinson  
Development Control  
3<sup>rd</sup> Floor Jacobs Well

**From:** Eric Waterworth  
Arboriculturist  
Trees Section  
8th Floor  
Jacobs Well

P404-01

Ext : 4297

Your Ref: 99/03245/FUL

My Ref: P/EW/AWL/TPO742

4 January 2000

**PLANNING APPLICATION CONSULTATION  
APPLICATION NUMBER: 99/03245/FUL  
PROPOSAL: RESIDENTIAL DEVELOPMENT  
LOCATION: LAND AT DOCKROYD LANE OAKWORTH KEIGHLEY WEST  
YORKSHIRE  
GRID REF: 003626/038563**

My observations are as follows:-

(Please note my comments of 14 May 1999)

The position and crown spread of the two Sycamore trees as shown in situ are not accurate.

I consider plot C to be unacceptably close to the trees. A minimum distance of 11.0m is required (crown spread 8.0m radially) to dwelling. This to be to end elevation with only secondary windows. This plot has little habitable garden space and a clear indication of the major habitable garden is required. Where the major habitable garden space relates to trees minimum distance required for dwelling to trees will be the mature height of the tree.

Car parking off the turning head is unacceptable and requires re-locating outside the crown spread of the tree.

At this point I would ask you to consider refusal of this application due to the impact of development on protected trees.

*jr.*

*Refused  
21/1/00*

**MEMORANDUM**

**To:** P Timbrell  
Keighley Planning Team  
Town Hall  
KEIGHLEY

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

P404-01

Ext : 4297

Your Ref:

My Ref: P/EW/AWL/TPO742/01/306

21 March 2001

**PLANNING APPLICATION CONSULTATION**  
**APPLICATION NUMBER: 01/00334/FUL**  
**PROPOSAL: CONSTRUCTION OF THREE HOUSES**  
**LOCATION: LAND AT DOCKROYD LANE OAKWORTH**  
**KEIGHLEY WEST YORKSHIRE**  
**GRID REF: 3626/38563**

My observations are as follows:-

- Position of dwellings meets the distance requirements with regard to trees.
- Details are required of the proposed road construction where under the crown spread of the tree nearest to Dockroyd Lane together with existing/proposed levels.

When these issues have been resolved and at point of approval attach Arboricultural conditions TA02, TA03 and TA12.

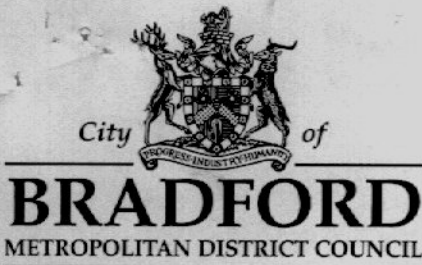
*aw*



copy

**Department of Transportation,  
Design and Planning**

**Trees Section**  
3<sup>rd</sup> Floor  
Jacobs Well  
BRADFORD  
West Yorkshire BD1 5RW



Tel No : 01274 754297  
Fax No : 01274 754583  
E-Mail : eric.waterworth@bradford.gov.uk

<b>To:</b> Peter Timbrell Development Services Keighley Area Planning Team Town Hall, Keighley  <b>Ref:</b> 01/01634/FUL	<b>From:</b> Eric Waterworth Arboriculturist  TDP/EW/AWL/TPO742/ CONTREE/1064 <b>Date:</b> 24 August 2001
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P404-01

**PLANNING APPLICATION CONSULTATION**  
**APPLICATION NUMBER: 01/01634/FUL**  
**PROPOSAL: CONSTRUCTION OF THREE DWELLINGS**  
**LOCATION: LAND AT DOCKROYD LANE OAKWORTH KEIGHLEY**  
**WEST YORKSHIRE**  
**GRID REF: 3626/38563**

My observations are as follows:-

Please refer to any comments attached as previous consultation on 01/00334/FUL – 21 March 2001 copy attached.

The only issue in relation to trees is the footway construction and wall re-alignment with significant level changes under the crown spread of the large mature protected Sycamore. Currently with the limited information provided I consider this to be unacceptable due to its impact on this tree.

*ew*

