

ILKLEY URBAN DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT, 1947.

TREE PRESERVATION (NO 2) ORDER.

WHEREAS the County Council of the West Riding of Yorkshire being the Local Planning Authority under the Town and Country Planning Act, 1947 (hereinafter called "the Act"), for the Administrative County of the West Riding of Yorkshire have entered into an Agreement with the Ilkley Urban District Council relating to the delegation of functions under Part III of that Act and

WHEREAS the aforesaid Agreement authorises the Ilkley Urban District Council to exercise (inter alia) ~~and with~~ the consent of the West Riding County Council the powers upon the Local Planning Authority under the Act relating to the making of Tree Preservation Orders and under the terms of Section 28 thereof.

AND WHEREAS it appears to us the Council of the Ilkley Urban District that it is expedient to provide as hereinafter mentioned for the preservation of certain groups of trees and trees in parkland areas.

NOW THEREFORE with the consent of the County Council of the West Riding of Yorkshire and in pursuance of the powers contained in Section 28 of the Act and subject to the provisions of Section 13 of the Forestry Act, 1951, the Ilkley Urban District Council in this Order called ("the authority") hereby make the following Order:-

1. In this Order -

"the Act" means the Town and Country Planning Act, 1947;

"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; a 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 Minister" means the Minister of Housing and Local Government.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop or wilfully destroy or cause or permit the cutting down, topping, lopping, or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees therein specified the position of which trees and groups of trees is defined in the manner indicated in the said First Schedule hereto on the map marked "Tree Preservation (No 2) Order" signed by the Clerk of the Authority and deposited for inspection at the Town Hall, Ilkley, together with six maps to a larger scale, which maps shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between them and the specification in the said First Schedule, and in the event of any ambiguity between the maps, the map to the larger scale shall prevail.

3. An application for consent made to the authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4. (1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent.

(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 trees 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 are satisfied -

(a) that the refusal or condition is in the interests of good forestry; or

(b) that the trees have an outstanding or special amenity value.

6. 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.

7. Subject to the provisions of this Order, any person who has suffered damage or has incurred expenditure in consequence of any refusal of 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 damage or expenditure.

Provided that no compensation shall be payable in respect of damage suffered or expenditure incurred by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

8. In assessing compensation payable under the last preceding Article or under Section 22 of the Act as applied by this Order account shall be taken of:

(a) any compensation or contribution which has been paid in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 28 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 affection to any land of the owner which would result from the felling of the trees the subject of the claim.

9. (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 delivering the claim at the offices of the authority addressed to the Clerk thereof or by sending it by prepaid post so addressed.

(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 Minister, as the case may be, or where an appeal has been made to the Minister against the decision of the authority, from the date of the decision of the Minister on the appeal.

10. Any question of disputed compensation shall be determined in accordance with the provisions of Section 110 of the Act.

11. Any person contravening the provisions of this Order is guilty of an offence under subsection (6) of Section 28 of the Act and liable on summary conviction to a fine not exceeding fifty pounds; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued.

GIVEN under the Common Seal of the Ilkley Urban District Council the First day of December in the year One thousand nine hundred and fifty four.

SEALED with the Common Seal
of the Ilkley Urban District
Council pursuant to Resolution
of the Council of the 1st
December, 1954, in the
presence of

F. Atkinson
Chairman

(LS)

B. E. Townend
Clerk

FIRST SCHEDULE

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

No on Map	Description of Area	Situation
A.1.	Mixed Deciduous	Hadfield Farm.
A.2.	Mixed Deciduous	Junction Cowpasture Road and Crossbeck Road.
A.3.	Mixed Coniferous and Deciduous	South side Ben Rhydding Road
A.4.	Mixed Deciduous	Rowley Wood and North of Wharfedale Grange Farm.
A.5.	Mixed Deciduous	North of railway and South of Sewage Works, Ben Rhydding.
A.6.	Mixed Coniferous and Deciduous	South of Ilkley-Burley Road, Escroft.

Groups of Trees
(Uncoloured and within a broken black line on the map)

G.1.	Mixed Deciduous	North of Cocking End Tip
G.2.	Mixed Deciduous	North and West of Upper Woodhouse.
G.3.	Mixed Deciduous	South side Hebers Ghyll Drive opposite "Fairholme".
G.4.	Mixed Deciduous	"Ghyll Royd".
G.5.	Mixed Deciduous	South side Grove Road opposite Norwood House.
G.6.	Mixed Coniferous and Deciduous	Junction Skipton Road and Bolton Bridge Road.
G.7.	Mixed Deciduous	East of Moorview, Gill Bank, Middleton.
G.8.	Mixed Deciduous	South of Cobby Wood.
G.9.	Mixed Deciduous	South of Low Hall.
G.10.	Mixed Deciduous	South of Rupert Road off Low Hall.
G.11.	Mixed Deciduous	South side Clifton Road East Bank, Backstone Beck.
G.12.	Mixed Coniferous and Deciduous	North and East side "Whitethorn".
G.13.	Mixed Coniferous and Deciduous	South of railway and East of Engine Sheds.

No on Map	Groups of Trees	Situation
G.14.	Mixed Deciduous	South east of Rhydding Grange.
G.15.	Mixed Coniferous and Deciduous	South side Ben Rhydding Road off "Wheatley Lawn".
G.16.	Mixed Coniferous and Deciduous	West of "Whinbrae".
G.17.	Mixed Coniferous and Deciduous	East of "Byfield".
G.18.	Mixed Coniferous and Deciduous	South of Railway.
G.19.	Mixed Coniferous and Deciduous	North of Rowley Drive.
G.20.	Mixed Coniferous and Deciduous	South of "Ploverfield".
G.21.	Mixed Coniferous and Deciduous	West of "Five Oaks" and north side Ben Rhydding Drive.
G.22.	Mixed Coniferous and Deciduous	South side Ben Rhydding Drive.
G.23.	Mixed Deciduous	East of Ben Rhydding Hydro.
G.24.	Mixed Coniferous and Deciduous	East of Ben Rhydding Hydro, South West of "Wheatley Chase".
G.25.	Mixed Deciduous	North of Wharfedale Grange Farm.
G.26.	Mixed Deciduous	East of Wharfedale Grange Farm.
G.27.	Mixed Deciduous	East of Wharfedale Grange Farm.
G.28.	Mixed Deciduous	North and east of Clevedon House School.
G.29.	Mixed Deciduous	South of River and North-West of Vicarage.

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority.

- (1) to the cutting down, topping or lopping, of any tree that is dying or dead or has become dangerous.
- (2) to the cutting down, topping or lopping of any tree,
 - (a) in compliance with an obligation imposed by or under an Act of Parliament;
 - (b) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908;
 - (c) in pursuance of the powers conferred by Section 24 of the Regulation of Railways Act, 1868;
 - (d) for the purpose of preventing or abating a nuisance;

- (e) in the case of a statutory undertaker where the land on which the trees are situated, is operational land as defined by the Act and either works on such land cannot otherwise be carried out; or the cutting down topping or lopping is for the purpose of securing safety in the operation of the undertaking.
- (f) by or at the request of an Electricity Board within the meaning of the Electricity Act, 1947, where such tree obstructs the construction by the Board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act, 1919, and the Electric Lighting Act, 1892, or interferes or would interfere with the maintenance or working of any such line.

THIRD SCHEDULE.

Provisions of Part III of the Act as adapted and modified to apply to this Order.

Reference
of Applica-
tions to
the
Minister.

15. (1) The Minister may give directions to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the authority, and any such application shall be so referred accordingly.

(2) Where an application for consent under the Order is referred to the Minister under this Section, the provisions of articles 4 and 5 of the Order shall apply in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the authority:

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The decision of the Minister on all applications referred to him under this section shall be final.

Appeals
to the
Minister

16. (1) Where 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 is given by the authority then if the applicant is aggrieved by their decision on the application, or by any such certificate he may by notice in writing served within 28 days from the receipt of notification of their decision or certificate or such longer period as the Minister may allow, appeal to the Minister.

(2) When an appeal is brought under this section from a decision or certificate of the authority, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may cancel any certificate and may deal with an application as if it had been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.

(3) Unless within two months from the date of receipt of an application for consent under the Order, 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 Minister in accordance with the directions given by him under the last foregoing section;

the provisions of subsection (1) of this 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 expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

Revocation
or modification
of consent
under the
Order.

21. (1) Subject to the provisions of this section, if it appears to the authority that it is expedient that any consent under the Order granted on an application made in that behalf should be revoked or modified, they may by order revoke or modify the consent to such extent as appears to them to be expedient as aforesaid:

Provided that no such Order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where an authority submit an Order to the Minister for his confirmation under this Section that authority shall furnish the Minister with a statement of their reasons for making the Order and shall serve notice of the making of the Order on the owner of the land, and on any other person who in their opinion will be affected by the Order, and if within the period of 28 days from the service thereof any person on whom the notice is served so requires, the Minister shall, before confirming the Order, afford to him and to the authority an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.

(3) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations as has been carried out before the date on which the Order was confirmed as aforesaid.

(4) Where a notice has been served in accordance with the provisions of subsection (2) of this Section, no operations or further operations as the case may be in pursuance of the consent granted, shall be carried out pending the decision of the Minister under subsection (1) of this section.

Supple-
mentary
provisions
as to
revocation
and modifi-
cation.

22. (1) Where any person is affected by an Order under the last foregoing Section or by a notice served on him under subsection (2) of the foregoing section in a case where the Order is not confirmed, then, if on a claim made to the authority within the time and in the manner prescribed by Article 9 of the Order it is shown that he has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification, or stay of operations, as the case may be, or has otherwise suffered loss or damage which is directly attributable to the revocation, modification, or stay of operations, the authority shall pay to that person compensation in respect of that expenditure, loss or damage;

(2) For the purposes of this section any expenditure incurred on matters preparatory to acting on the consent shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid, no compensation shall be paid under this section in respect of any work carried out in the period after the making of the Order and before the grant of consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of the depreciation in value of any interest in land) arising out of anything done or omitted to be done during that period.

P.2483

The Minister of Housing and Local Government in exercise of the powers conferred upon him by the proviso to subsection (4) of Section 28 of the Town and Country Planning Act, 1947, hereby confirms the above Order provisionally.

(LS)

GIVEN under the official seal
of the Minister of Housing
and Local Government this
twenty-third day of
December, nineteen hundred
and fifty-four

E.H.T. Wiltshire

Assistant Secretary,
Ministry of Housing and Local
Government.

P.2663

The Minister of Housing and Local Government in exercise of the powers conferred upon him by subsection (3) of Section 28 of the Town and Country Planning Act, 1947, hereby confirms the above Order, subject to the modifications shown in red thereon

(LS)

GIVEN under the official seal of
the Minister of Housing and
Local Government this twenty-
fourth day of March, nineteen
hundred and fifty-five

E.H.T. Wiltshire

Assistant Secretary,
Ministry of Housing and Local
Government.

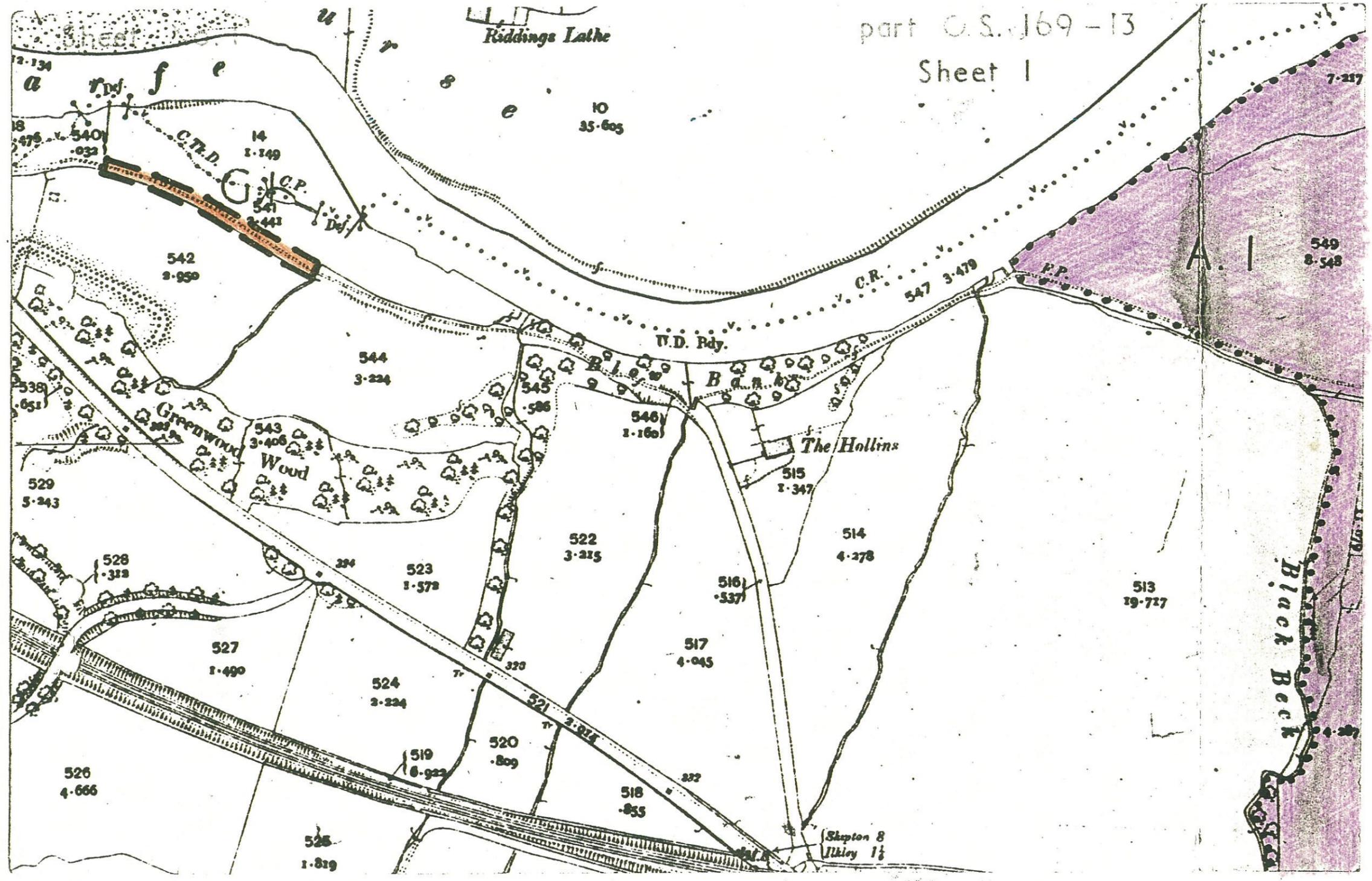
ILKLEY U.D.C.

91

Tree Preservation Order No. 2 1954

11/11/54

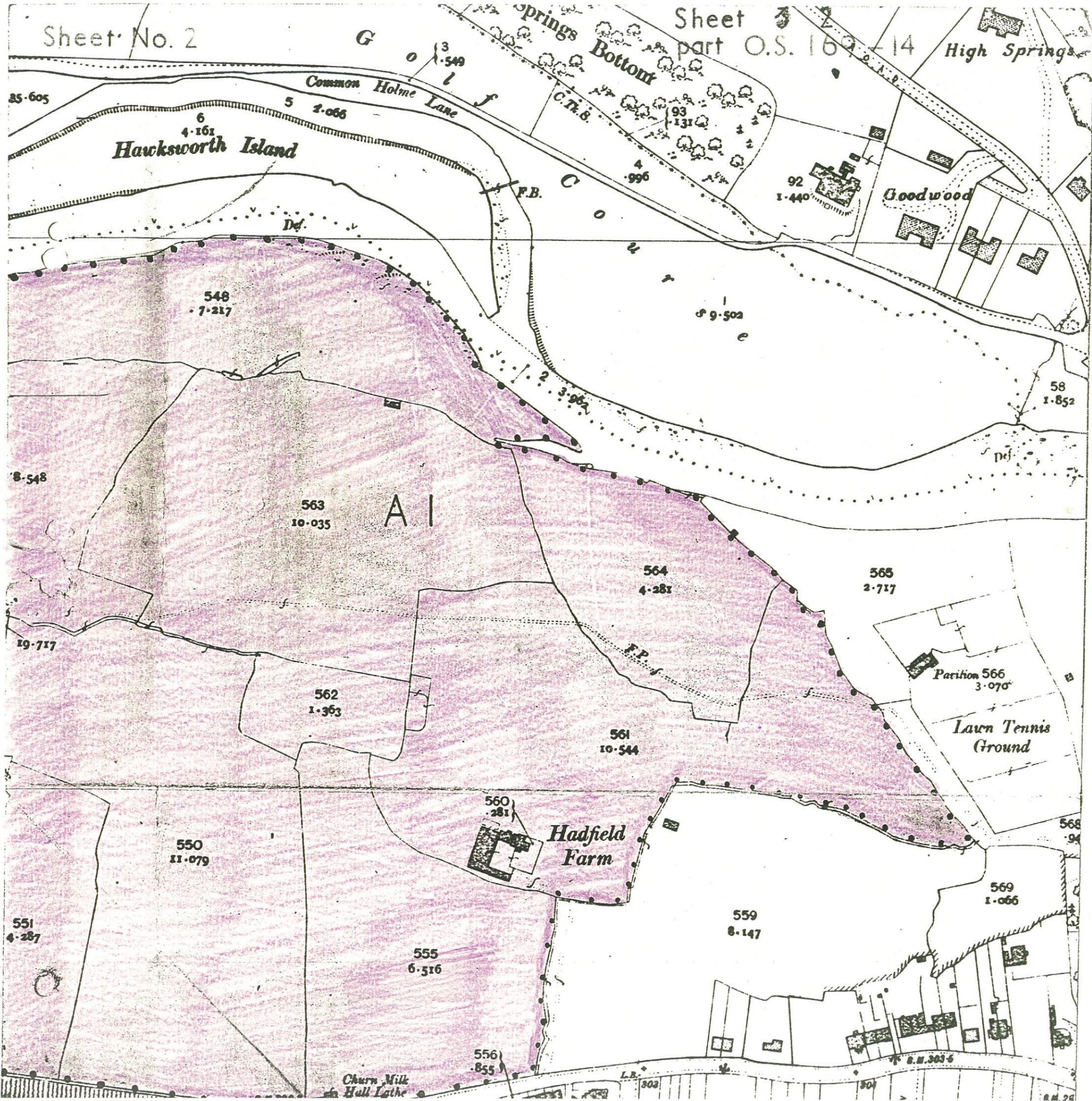
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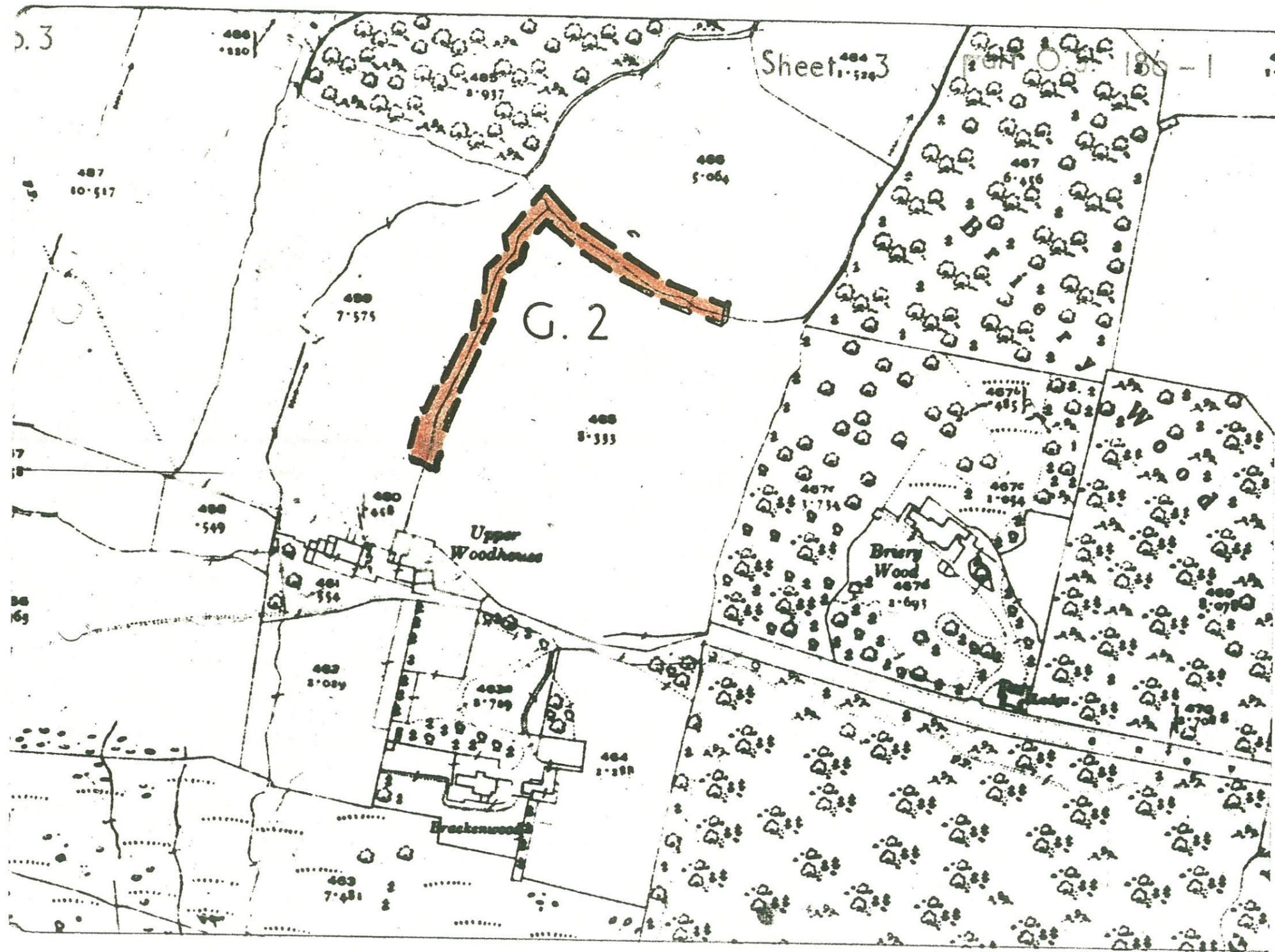


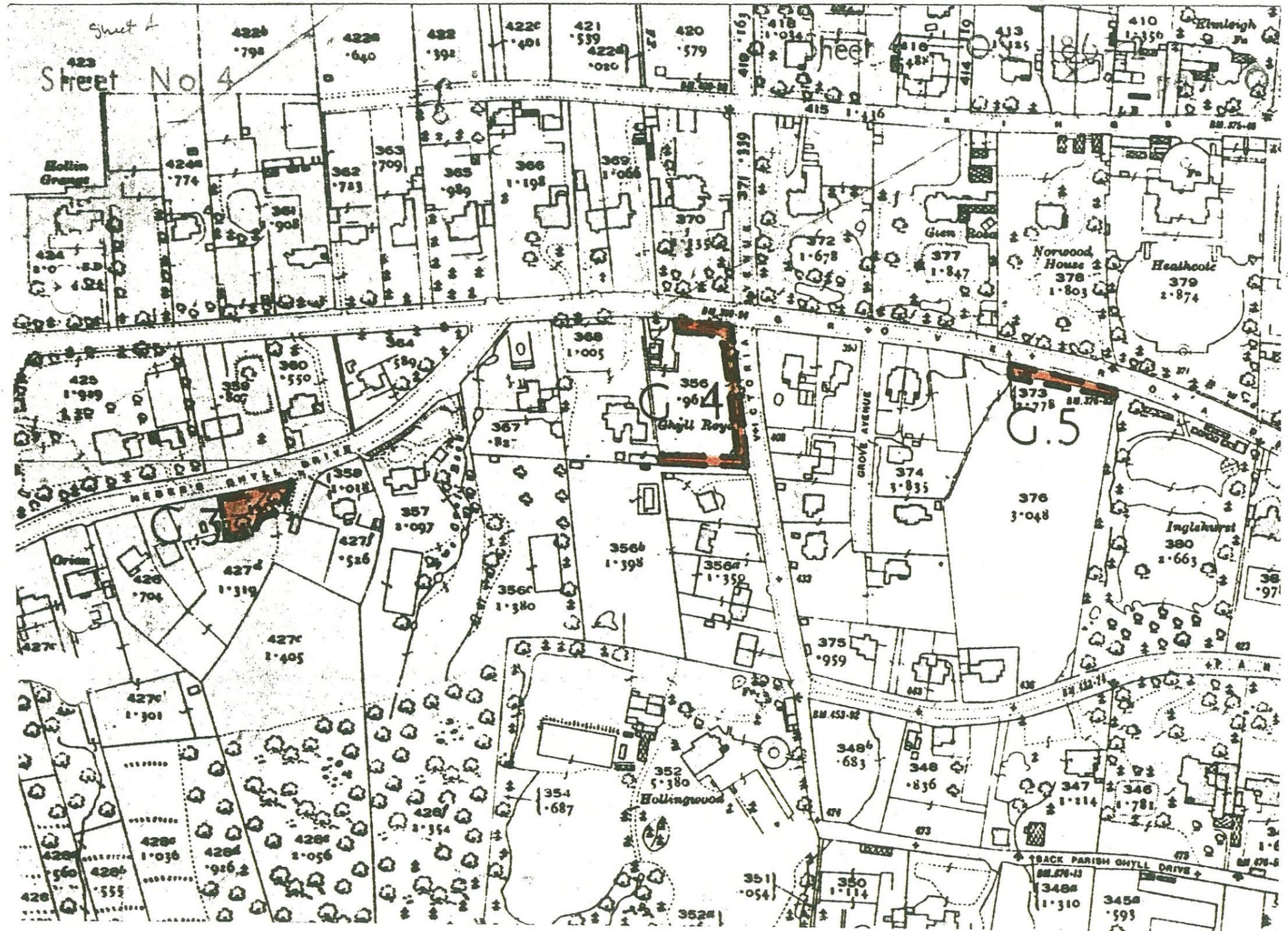
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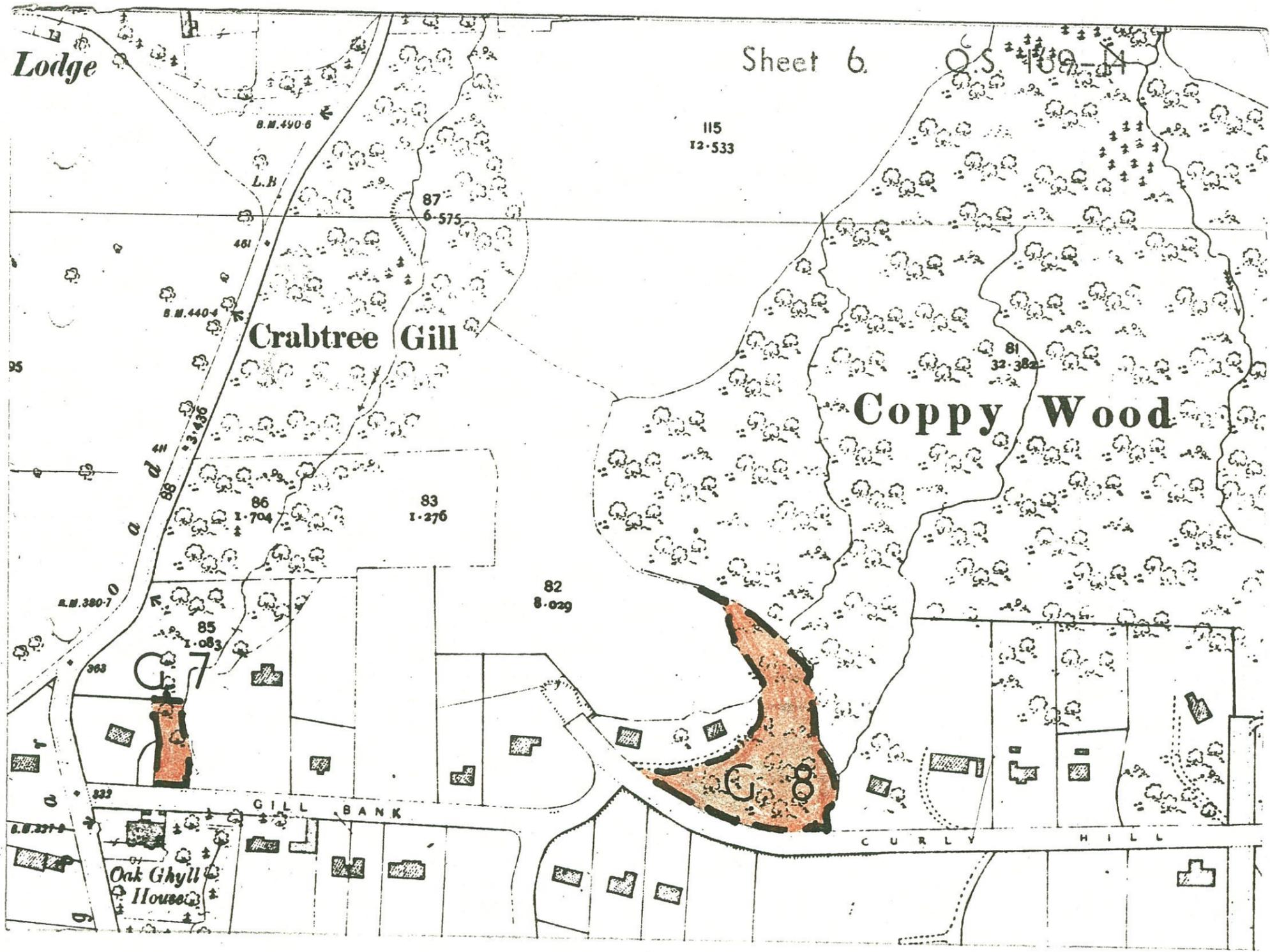
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High Springs









Lodge

Sheet 6.

O.S. 109-14

115
12-533

Crabtree Gill

Coppo Wood

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1-704

83
1-276

82
8-029

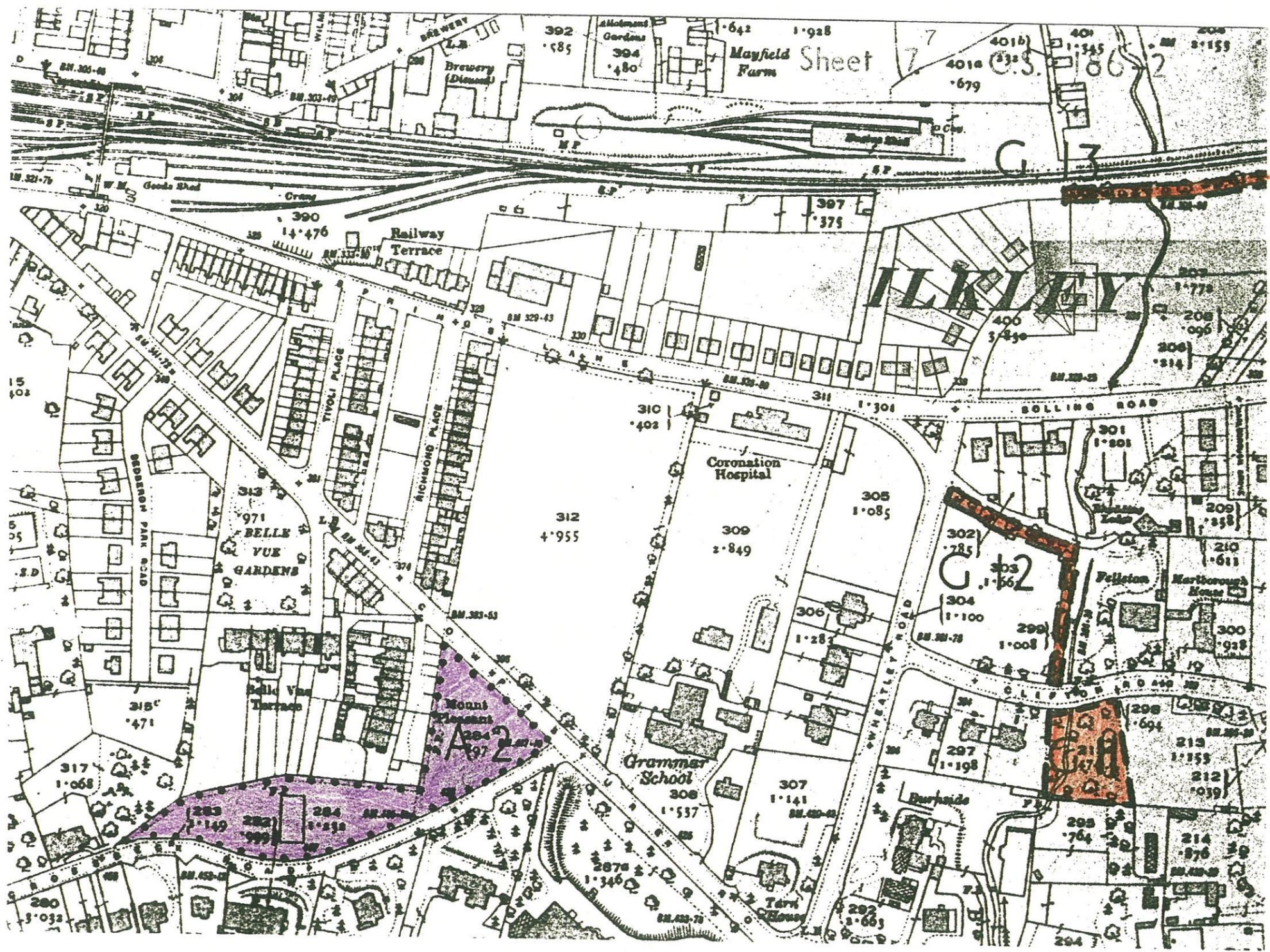
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7

GILL BANK

CURLY HILL

Oak Ghyll House





G.14

ST. JOHN'S ROAD

School

Vicarage

DENTON ROAD

LONGCROFT

Wildcroft 132
2'731

127
1'705

Wheatley Lawn
123
2'930

WHEATLEY

G.16

Whinbrae

130
1'576

G.15

A.3

71
1'305

ELL ROAD

CONSTABLE ROAD

ROMBARD ROAD

017 LANE

203
1'022

202
1'078

201
1'059

200
1'074

199
1'370

198
1'590

142
1'536

140
5'023

140A
1'575

143
1'860

143B
1'737

145
1'287

209
1'578

211
1'317

132A
1'945

212
2'954

131
1'924

128
2'347

213
1'022

214
2'170

122
2'003

116A
1'437

116B
1'132

116C
1'080

116
1'660

114
1'148

45
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47A
1'601

46
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56
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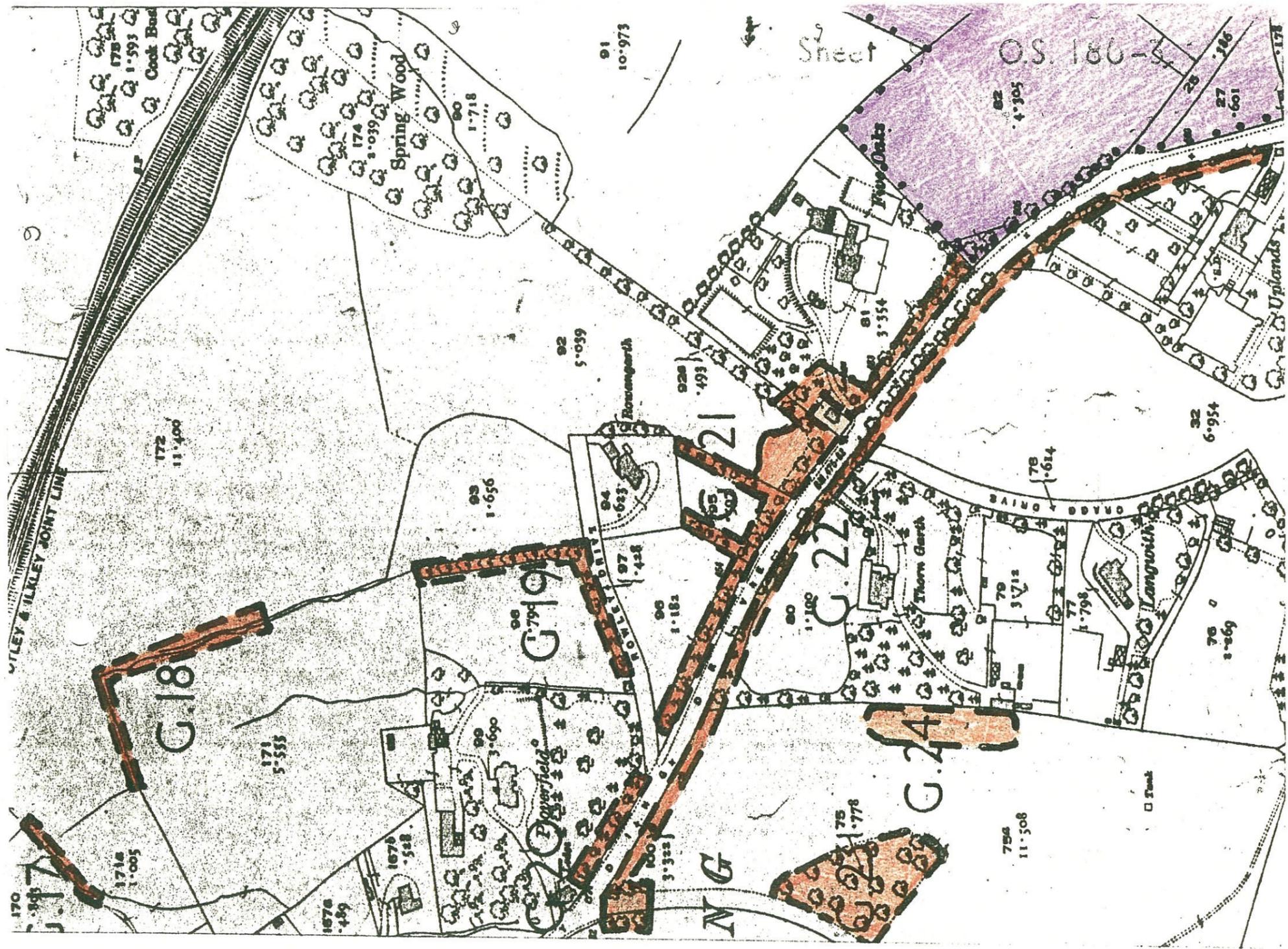
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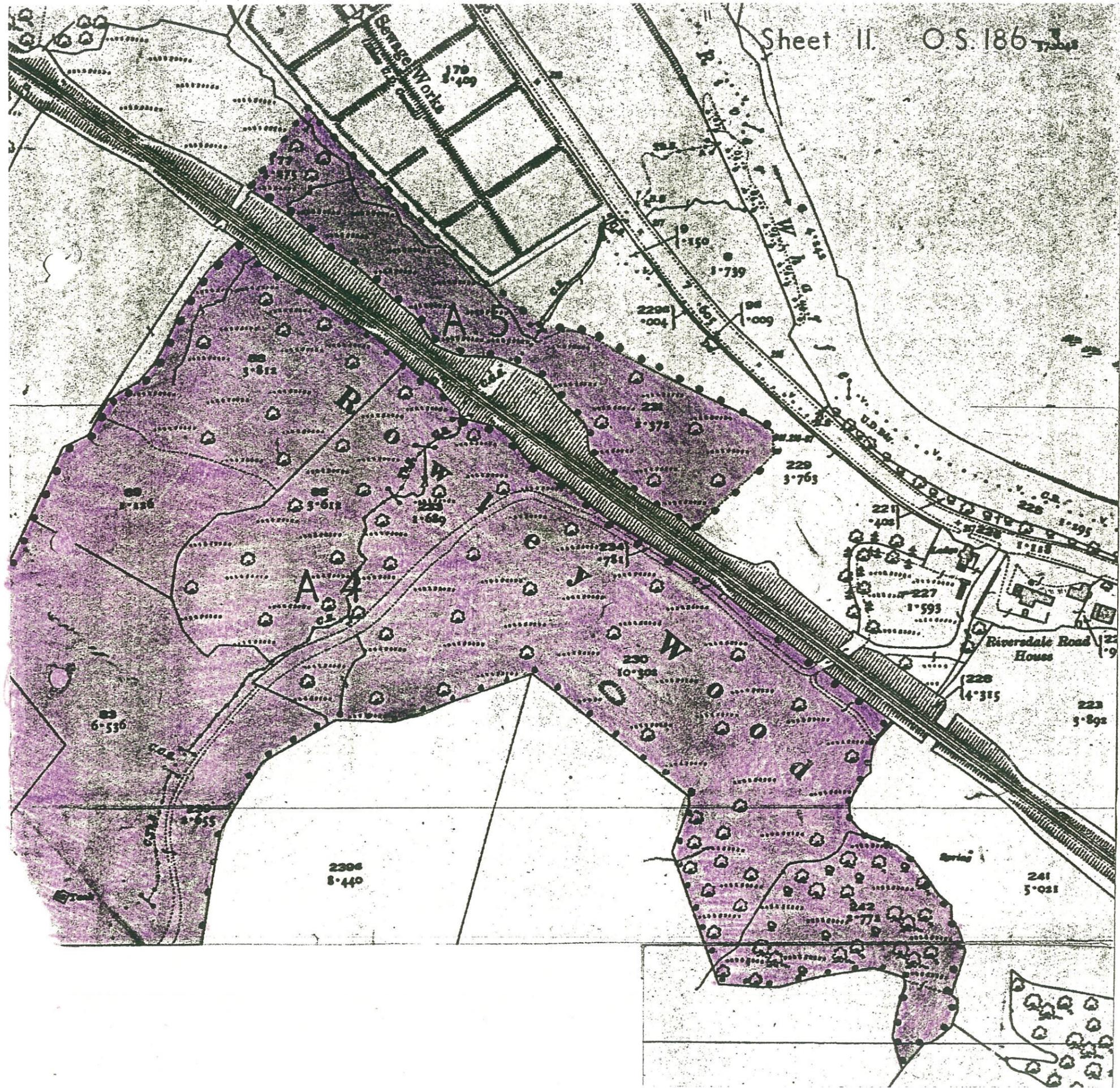
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1'669

67
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53
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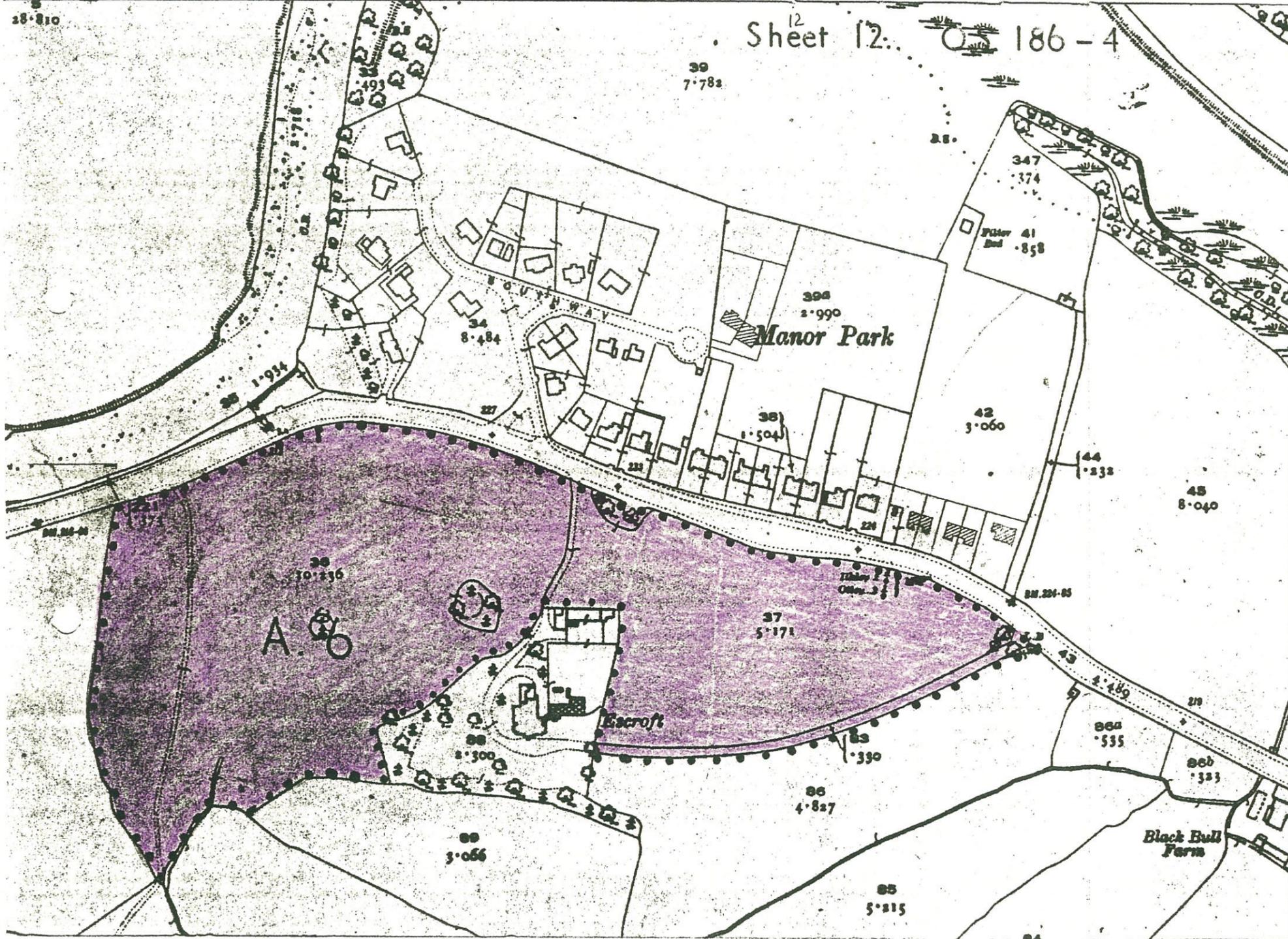




28-810

Sheet 12... 186-4

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7-782



Black Bull Farm

Manor Park

A. O.

Biscroft

Filter Bed

