

CRAVEN DISTRICT COUNCIL

Bentham Parish

**TREE PRESERVATION ORDER
No. 235 2016**





Town and Country Planning Act 1990
The Craven District Council Tree Preservation Order No 235, 2016 (Bentham Parish)

Craven District Council in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order-

Citation

1. This Order may be cited as the Craven District Council Tree Preservation Order No 235, 2016 (Bentham Parish)

Interpretation

2. (1) In this Order "the authority" means Craven District Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall-

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

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

Dated this 15th Day of April 2016

The Common Seal of
Craven District Council
was hereunto affixed
in the presence of -



4356.


Director of Services

SCHEDULE specification of trees

Trees specified individually
(encircled in green on map)

No on Map	Description	Situation	Map Reference
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None

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

No on Map	Description	Situation	Map Reference
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A.1	Mixed Deciduous and Conifer	As shown on map	SD 7040 6929
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Groups of Trees
(within broken black line on map)

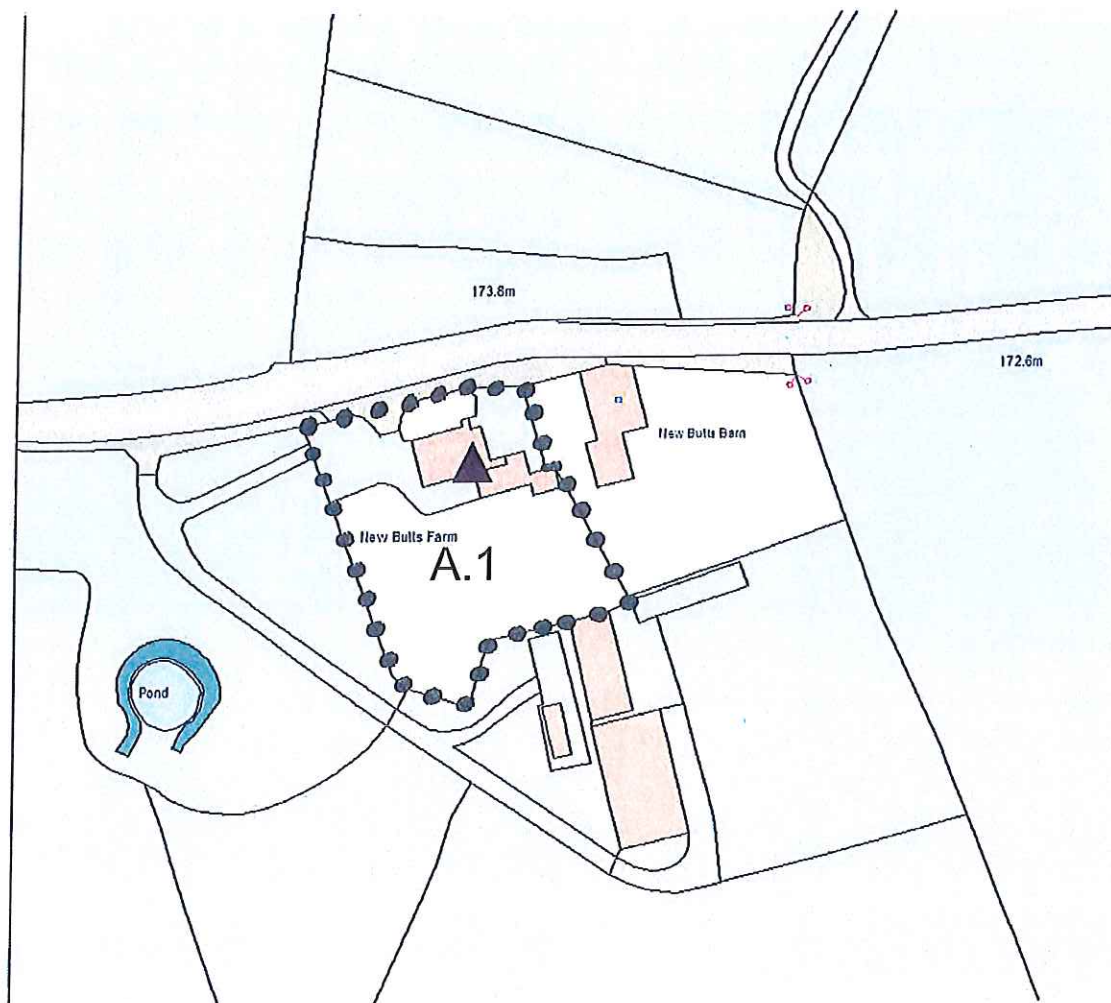
<u>No on Map</u>	<u>Description</u>	<u>Situation</u>	<u>Map Reference</u>
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None

Woodlands
(within continuous black line on map)

<u>No on Map</u>	<u>Description</u>	<u>Situation</u>	<u>Map Reference</u>
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None





IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

THE CRAVEN DISTRICT COUNCIL TREE PRESERVATION ORDER No 235, 2016 – BENTHAM PARISH

THIS IS A FORMAL NOTICE to let you know that on 15th April 2016 Craven District Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, uprooting, damaging, destroying, topping or lopping any of the trees described in the Schedule and shown on the map without the Council's consent. Anyone who carries out works prohibited by the order is guilty of an offence and can be fined up to £20,000 by a Magistrates' Court (for each tree affected). Unlimited fines can be imposed by the Crown Court.

The Council have made the Order because the Trees are visible from the road and open countryside. A threat to the Trees is perceived due to planning application 08/2016/16756.

The order takes effect, on a provisional basis, on 15th April 2016. It will continue in force on this basis for 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect permanently. Before this decision is made, the people affected by the order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any objections or other comments, please make sure the Council receives them in writing by 16th May 2016. Your comments must comply with regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to the Council's Planning Services Department at the address below. All valid objections or representations are carefully considered before a decision on whether to confirm the order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact the Council's Trees Officer on 01756 706265.

Dated: 15th April 2016

Ian Swain
Development Control Manager

Craven District Council
1 Belle Vue Square
Broughton Road
SKIPTON
BD23 1FJ

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

Objections and representations

6(1) Subject to paragraph (2), objections and representations-

(a) shall be made in writing and-

- (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or*
- (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in case of an objection, shall state the reasons for the objection.

6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

Memo



To: Michael Gane, Assistant Trees and Enforcement Officer
From: Alicia Hellawell
CC: Joanne Bosher-Norcliffe – Local Land Charges Officer;
Date: 15th April 2016
Re: **Tree Preservation Order No 235, 2016 Bentham Parish**

I enclose, for your records, a copy of the above Order which relates to Trees at land at New Butts Farm, High Bentham, LA2 7AN. I also enclose a copy of the formal notice of the making of the Order.

The Order is effective from 15th April 2016.

Copies are to be served on:

Mr Michael Evans and Elizabeth Evans
New Butts Farm
Bentham
Lancaster
LA2 7AN

Mr Robert A P Green and Julie M Green
New Butts Farm
Bentham
Lancaster
LA2 7AN

A copy has also been served via recorded delivery on:

Mr Michael Evans and Elizabeth Evans
130 Brownlow Road
Horwich
Bolton
BL6 7EH

