

COPY.

URBAN DISTRICT COUNCIL OF OTLEY

TOWN AND COUNTRY PLANNING (INTERIM DEVELOPMENT) ACT 1943.

OTLEY (NO.1.) INTERIM PRESERVATION ORDER 1944.

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In exercise of the powers conferred on the Council by Section 8 of the Town and Country Planning (Interim Development) Act 1943, The Urban District Council of Otley hereby orders as follows:-

1. This Order may be cited as the Otley (No. 1.) Interim Preservation Order 1944.
2. In this Order the following expressions have the meanings hereby assigned to them respectively:-

"The Minister" means the Minister of Town and Country Planning.

"The Council" means the Urban District Council of Otley.

"The areas" mean (a) the area of land on Chevin Side Otley, shewn on the plan annexed to this Order being thereon coloured pink and surrounded by a red line, and (b) the area of land mainly to the south, but partly to the north of Leeds Road, Otley, shown on the plan annexed to this Order, being thereon coloured green and surrounded by a green line.

3. The following provisions shall have effect in regard to the areas referred to in this Order:-

(1) No person shall cut down, lop, top or wilfully destroy any tree except:-

(a) in compliance with an obligation imposed by or under any Act of Parliament; or

(b) in pursuance of a power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act 1908; or

(c) in the case of a public or local authority or statutory undertakers, in the exercise of any powers conferred on the authority or undertakers by or under any Act of Parliament; or

(d) where the tree is dying or dead or has become dangerous; or

(e) to such an extent as may be necessary to prevent its constituting a nuisance, or permissible in pursuance of a right to abate a nuisance; or

(f) with the consent or in accordance with conditions of the Council:

provided that, if the Council do not notify their refusal to consent to the cutting down, lopping, topping or destruction of any such tree within one month from the date on which they received an application for consent, their consent shall be deemed to have been given.

(g) under an order on an appeal made under Sub paragraph 2 of this Order.

(2) Any person aggrieved by the refusal of the Council to consent to the cutting, lopping, topping or destruction of any such tree or by any condition imposed upon the grant of any such consent, may, within 28 days of the date of such refusal or consent, appeal to the Minister, whose decision shall be final.

(3) The Council may, upon the refusal of any consent <sup>or upon granting any such consent</sup> subject to conditions make a contribution towards any damage or expense likely to be incurred by reason of their decision.

4. A person who contravenes this Order shall be liable on summary conviction to a fine not exceeding fifty pounds and in the case of a continuing offence to a further fine not exceeding forty shillings for each day during which the offence continues after conviction therefor.

Dated this Twelfth day of July 1944.

THE COMMON SEAL OF THE URBAN DISTRICT

COUNCIL OF OTLEY

was hereunto affixed in the presence of:-

(Signed) D.H. Smallwood.

Chairman.

(Signed) F. Laughey.

Clerk.

B110.

(23rd October, 1944)

The Minister of Town and Country Planning in exercise of the powers given to him by the proviso to sub-section (3) of Section 8 of the Town and Country Planning (Interim Development) Act, 1943, hereby approves the above Order provisionally.

Given under the Official Seal of the  
Minister of Town and Country Planning  
this twentythird day of October  
one thousand nine hundred and forty four.

(Signed) Blaise Gillie.

Authorised by the Minister to sign in that behalf.

