



DEVELOPMENT CONTROL COMMITTEE: –

10 September 2009

REPORT OF THE HEAD OF DEVELOPMENT AND DELIVERY

CONFIRMATION OF TREE PRESERVATION ORDER 46 OF 2008 ON LAND AT 7 to 11 ROWTHORN CLOSE, STREETLY.

1. PURPOSE OF REPORT

To seek the confirmation of Tree Preservation Order 46 of 2008.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 46 of 2008 in unmodified form. A plan showing the Tree Preservation Order is attached to this report.
- (ii) Support the reason for making the Tree Preservation Order set out in the report detail, paragraph 1.4.
- (iii) Note that no representations have been received in respect of this Tree Preservation Order.

3. FINANCIAL IMPLICATIONS

Within budget, in general, new Tree Preservation Orders generate additional applications for consent and increase officers' workload.

4. POLICY IMPLICATIONS

Within Council policy – YES

5. LEGAL IMPLICATIONS

The owners and future owners of this site will be required to apply for Council permission if they wish to fell or prune any tree protected by

the Tree Preservation Order. Failure to do this renders anyone carrying out unauthorised works to trees liable to criminal proceedings.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

Tree Preservation Orders are made to protect trees that meet published criteria. Therefore they can be served on any property owner in the borough.

7. **ENVIRONMENTAL IMPACT**

The management of Walsall's tree cover through the administration of the Tree Preservation Order system has positive implications in protecting trees for their visual and environmental benefits. Removal of protected trees is often necessary because trees have a finite lifespan and may also cause nuisance or damage. In these instances the Council has to decide whether the removal of protected trees is justified. In the event that felling a tree is permitted, the Council can secure replacement planting to maintain tree cover.

8. **WARD(S) AFFECTED**

The Tree Preservation Order 46 of 2008 is located within Streetly Ward.

9. **CONSULTEES**

Owners and near neighbours were sent copies of the Tree Preservation Order and invited to make representations to the Council in either opposition or support of this Tree Preservation Order. Any response is described within the report.

10. **CONTACT OFFICER**

Andrew Cook - Extension: 2447

11. **BACKGROUND PAPERS**

- File PDI/17/286 relating to Tree Preservation Order 25 of 1981
- File PDI/17/872 relating to Tree Preservation Order 46 of 2008.

Simon Tranter
HEAD OF DEVELOPMENT AND DELIVERY

DEVELOPMENT CONTROL COMMITTEE: –

10 September 2009

CONFIRMATION OF TREE PRESERVATION ORDER 46 OF 2008 ON LAND AT 7 TO 11 ROWTHORN CLOSE, STREETLY.

REPORT DETAIL.

TREE PRESERVATION ORDER REVIEW

- 1.1 The Tree Preservation Order 46 of 2008 was served on 25 November 2008. It is part of the Streetly Tree Preservation Order Review process approved by this committee on 18 July 2006.
- 1.2 The Tree Preservation Order Review is being undertaken in two phases; the first phase was a desk assessment of all Walsall Council's Tree Preservation Orders and is now complete. The second phase seeks to bring up to date or correct inadequacies in the Tree Preservations Orders as identified in the first phase. In some instances this is relatively straightforward; but with many of the larger and older orders site changes or changes to the tree populations necessitate the creation of updated Tree Preservation Orders and the revocation of the old ones. The review is focused on systematic work in Streetly Ward, although Tree Preservation Orders in other parts of the borough have been reviewed as problems or inaccuracies come to light

MAKING TREE PRESERVATION ORDER 46 OF 2008

- 1.3 Along with TPOs 44 / 46 & 47 of 2008 this new TPO 46 of 2008 is a part replacement for the older order No 25 of 1981. The older order TPO 25 of 1981 included over 80 individual trees and five areas over a wide geographical area across a number of streets and cul-de-sacs. The loss of 39 trees from TPO 25 of 1981 coupled with the orders age, size, the condition of its tree population and changes (development) in the local area have greatly reduced the viability of TPO 25 of 1981 leading to the need for the replacement orders No's 41 / 44 /46 & 47 of 2008.
- 1.4 This new Tree Preservation Order No 46 of 2008 serves to replace and bring up to date the protection of amenity offered by elements of Tree Preservation Order 25 of 1981 and was made for the following reasons:
 - There have been changes in legislation since the original Tree Preservation Order was created.
 - There have been changes to the tree population with a considerable loss of trees from the original Tree Preservation Order (TPO 25 of 1981).
 - It has become expedient to remove some trees from protection that were covered by TPO 25 of 1981 whilst other unprotected trees in

the area merit inclusion in a new order to ensure the continuity of the areas tree lined aspect.

- The process of review and the creation of new Tree Preservation Orders seek to stem the loss of prominent and potentially valuable amenity trees, with a view to retaining a long-term tree population and the overall leafy aesthetic that makes Streetly distinctive within the Borough of Walsall.

- 1.5 The minimum six week period allowed for objection to the Order expired on the 6th January 2009. No representations have been received in respect of this Tree Preservation Order.
- 1.6 The Committee is therefore recommended to confirm Tree Preservation Order No 46 of 2008 in an un-modified form.

TREE PRESERVATION ORDER 46 of 2008 – No 7 to 11 ROWTHORN CLOSE, STREETLY.

