



DEVELOPMENT CONTROL COMMITTEE: –

16th July 2009

REPORT OF THE HEAD OF REGENERATION – DEVELOPMENT AND DELIVERY

CONFIRMATION OF TREE PRESERVATION ORDER 5 OF 2009 ON MILLCROFT ROAD AND WHITLEY DRIVE, STREETLY.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No 5 of 2009.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 5 of 2009 in an 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 1.2.
- (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**

NOT APPLICABLE

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 5 of 2009 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**

Cameron Gibson - Extension: 2453

11. **BACKGROUND PAPERS**

File PD1/17/882 relating to Tree Preservation Order No 5 of 2009.

Simon Tranter,
HEAD OF REGENERATION – DEVELOPMENT AND DELIVERY

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**CONFIRMATION OF TREE PRESERVATION ORDER 5 OF 2009 ON
MILLCROFT ROAD AND WHITLEY DRIVE, STREETLY.**

1.0 REPORT DETAIL.

- 1.1 The Tree Preservation Order No 5 of 2009 was made on 5 March 2009. It was made as a result of an error in the title of TPO 42 of 2008. The Tree Preservation Order 42 of 2008 was served on 25th November 2008, and was part of the Streetly Tree Preservation Order Review process approved by this committee on 18 July 2006.
- 1.2 The Tree Preservation Order No 42 of 2008 served to replace and bring up to date the protection of amenity offered by elements of Tree Preservation Order 24 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 24 of 1981).
 - It has become expedient to remove some trees from protection that were covered by TPO 24 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.
- 1.3 As Tree Preservation Order No 5 of 2009 intends to address an administrative error only, the reasons for making the TPO would be the same as those for TPO No 42 of 2008.
- 1.4 The minimum six week period allowed for objection to the Order expired on 16 April 2009. No responses have been received.
- 1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 5 of 2009 in unmodified form.