



PLANNING COMMITTEE: –

08 July 2010

REPORT OF THE HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

TO REVOKE TREE PRESERVATION ORDERS:

24 OF 1981 TREES BETWEEN THORNHILL ROAD AND CHESTER ROAD, STREETLY AND 25 OF 1981 STREETLY TRIANGLE PART 3.

1. PURPOSE OF REPORT

Following the confirmation of Tree Preservation Orders 40 / 41 / 43 / 44 / 45 / 46 / 47 of 2008 and 5 of 2009 this report recommends the revocation of the now obsolete Tree Preservation Orders 24 of 1981 and 25 of 1981.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) To authorise the revocation of Walsall Tree Preservation Orders 24 of 1981 and 25 of 1981.
- (ii) Support the reasons for revoking Tree Preservation Orders 24 and 25 of 1981 as set out in the report detail, paragraph 12 & 13.

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 land charge on a number of trees identified in these Tree Preservation Orders will cease to be binding on the owners when the orders are revoked. However the revocation of these orders is subject to the confirmation of replacement orders identified in sections 1 and section 2 and the owners and future owners of the effected sites will continue to be required to apply for Council permission if they wish to fell or prune any tree protected by the new Tree Preservation Orders. 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 24 of 1981 and 25 of 1981 are 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.

REPORT DETAIL

TREE PRESERVATION ORDER REVIEW

10. The Tree Preservation Orders 24 & 25 of 1981 and the surrounding area have been re-surveyed as part of the Streetly Tree Preservation Order review.
11. 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

REASONS FOR REVOKING TREE PRESERVATION ORDERS 24 & 25 OF 1981

12. Tree Preservation Orders 24 and 25 of 1981 are both large old orders each contain over a hundred trees, and both sprawl across wide geographical areas. Since the implementation of these orders a number of significant changes have had a bearing on the effectiveness of both orders, these include:
 - Significant loss of trees from both orders. In most cases it would not be cost effective or expedient to pursue tree losses.
 - Significant changes in the condition and structure of the tree population.
 - The growth into visual prominence and high amenity value of trees that were omitted from TPOs 24 & 25 of 1981.
 - Geographic changes resulting from new developments.
 - Changes in Tree Preservation Order Legislation since 1981 now afford trees improved protection.
13. The creation and confirmation of the new Tree Preservation Orders No's 40 / 41 / 43 / 44 / 45 / 46 / 47 of 2008 and 5 of 2009 addresses the above points and render Tree Preservation Orders 24 & 25 of 1981 obsolete whilst putting the protected trees into more easily manageable units.
14. Tree Preservation orders No's 40 / 41 / 43 / 44 / 45 / 46 / 47 of 2008 and 5 of 2009 incorporate elements of the trees covered by Tree Preservation Orders 24 & 25 of 1981. For the reasons given above, and in order to avoid future confusion resulting from having overlapping orders protecting the same trees the Committee is recommended to revoke Tree Preservation Orders 24 & 25 of 1981.

15. **CONTACT OFFICER**

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16. **BACKGROUND PAPERS**

- File PDI/17/285 relating to Tree Preservation Order 24 of 1981
- File PDI/17/286 relating to Tree Preservation Order 25 of 1981
- File PDI/17/866 relating to Tree Preservation Order 40 of 2008
- File PDI/17/867 relating to Tree Preservation Order 41 of 2008
- File PDI/17/869 relating to Tree Preservation Order 43 of 2008
- File PDI/17/870 relating to Tree Preservation Order 44 of 2008
- File PDI/17/871 relating to Tree Preservation Order 45 of 2008
- File PDI/17/872 relating to Tree Preservation Order 46 of 2008
- File PDI/17/873 relating to Tree Preservation Order 47 of 2008
- File PDI/17/882 relating to Tree Preservation Order 05 of 2009

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