



DEVELOPMENT CONTROL COMMITTEE: –

02 December 2010

REPORT OF HEAD OF DEVELOPMENT AND DELIVERY

CONFIRMATION OF TREE PRESERVATION ORDER 8 OF 2010 ON LAND AT PARK HALL CLOSE, WALSALL, WS5 3HQ. TO REVOKE TREE PRESERVATION ORDER 42 OF 1978.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order 8 of 2010 and subject to the confirmation of TPO 8 of 2010 to revoke Tree Preservation Order 42 of 1978.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 8 of 2010 in an unmodified form. A plan showing the Tree Preservation Order is attached to this report.
- (ii) Note that no representations have been received in respect of this Tree Preservation Order.
- (iii) To authorise the revocation of Walsall Tree Preservation Order 42 of 1978.

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 8 of 2010 is located within the Paddock Ward.

9. CONSULTEEES

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. REPORT DETAIL

- The Tree Preservation Order 8 of 2010 was made on 26 August 2010 after being authorised by this committee on 08 July 2010. It has been made following a review of the existing Tree Preservation Order on this site which was found to be out of date. The trees were protected for the following reasons:
- The trees form a prominent landscape feature in the local area and will continue to provide an important item of landscape quality in the future.
- The trees add to the amenity and diversity of the immediate area and will continue to provide an important item of landscape quality in the future.
- The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.
- The original Tree Preservation Orders 42 of 1978 required reviewing and updating.
- Tree Preservation Order 8 of 2010 incorporates the remnants of the trees covered by Tree Preservation Order 42 of 1978. In order to avoid future confusion resulting from having two orders protecting the same trees I am recommending that Tree Preservation Order 42 of 1978 be revoked once Tree Preservation Order 8 of 2010 is confirmed.

11. The minimum six week period allowed for objection to the Order expired on 07 October 2010. No representations have been received.

12. The Committee is therefore recommended to confirm Tree Preservation Order 8 of 2010 in an unmodified form and to revoke Tree Preservation Order 42 of 1978.

13. **CONTACT OFFICER**

Andrew Cook - Extension: 2447.

14. **BACKGROUND PAPERS**

File PD1/17/909 relating to Tree Preservation Order 8 of 2010.

File PD1/17/201 relating to Tree Preservation Order 42 of 1978.

Simon Tranter,
HEAD OF DEVELOPMENT AND DELIVERY