



DEVELOPMENT CONTROL COMMITTEE: –

6th January 2009

REPORT OF THE HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

CONFIRMATION OF TREE PRESERVATION ORDER 31 OF 2008 40 BLACKWOOD ROAD, STREETLY AND THE REVOCATION OF TREE PRESERVATION ORDER 40 OF 1981.

1. PURPOSE OF REPORT

To seek the confirmation with of the Tree Preservation Order 31 of 2008, and subject to the confirmation of Tree Preservation Order 24 of 2008 to revoke Tree Preservation Order 40 of 1981.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 31 of 2008 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 1.4.
- (iii) Note that no representation has been received in respect of this Tree Preservation Order.
- (iv) To authorise the revocation of Walsall Tree Preservation Order 40 of 1981 upon the confirmation of Tree Preservation Order 31 of 2008.

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 31 of 2008 and 40 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.

10. **CONTACT OFFICER**

Dougald Purce - Extension: 2594

11. **BACKGROUND PAPERS**

- File PDI/17/857 relating to Tree Preservation Order 31 of 2008
- File PDI/17/301 relating to Tree Preservation Order 40 of 1981

Simon Tranter

HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

DEVELOPMENT CONTROL COMMITTEE: –

6th JANUARY 2009

**CONFIRMATION OF TREE PRESERVATION ORDER 31 OF
2008 AT 40 BLACKWOOD ROAD, STREETLY AND
REVOCATION OF TREE PRESERVATION ORDER 40 OF 1981.**

REPORT DETAIL.

TREE PRESERVATION ORDER REVIEW

- 1.1 The Tree Preservation Order 31 of 2008 was served on 7th October 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 31 OF 2008

- 1.3 Since the creation of the original Tree Preservation Order (TPO 40/1981) the tree population at 40 Blackwood Road has changed considerably both in terms of condition and aesthetic value. The creation of TPO 31 of 2008 identifies specific trees for protection whilst releasing numerous now poor specimens from the old order (TPO 40 of 1981).
- 1.4 This new Tree Preservation Order (TPO 31 of 2008) serves to replace and bring up to date the protection of amenity offered by elements of Tree Preservation Order 40 of 1981 and was made for the following reasons:

Due to changes in the age classification and condition of the tree population covered by Tree Preservation Order 40 of 1981 it is no longer deemed expedient to maintain that order. The purpose of this new order is it to ensure that some continued amenity is provided by trees at 40 Blackwood Road through the retention of key trees, and where necessary replacement plantings when they are eventually removed.

- 1.5 The minimum six week period allowed for objection to the Order expired on the 18th November 2008. No representation has been received in respect of this Tree Preservation Order.

**REASONS FOR REVOKING TREE PRESERVATION ORDER
40 OF 2008**

- 1.6 Tree Preservation Order 40 of 1981 is an old area order. It is now considered best practice that the area classification should only be used in emergencies, and then only as a temporary measure until the trees in the area can be assessed properly and reclassified. In the creation of Tree Preservation Order 31 of 2008 to replace Tree Preservation Order 40 of 1981 best practice is being followed.
- 1.7 Preservation order 31 of 2008 incorporates elements of the trees covered by Tree Preservation Order 40 of 1981. For the reasons given above and in order to avoid future confusion resulting from having two orders protecting the same trees I am recommending that Tree Preservation Order 5 of 2008 be revoked once Tree Preservation Order 19 of 2008 is confirmed.
- 1.8 The Committee is therefore recommended to confirm Tree Preservation Order No 31 of 2008 in an un-modified form and to revoke Tree Preservation Order 40 of 1981.

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Birch	On Plot of land to the front of 40 Blackwood Road
T2	Oak	At the eastern end of the rear garden of No 40 Blackwood Road
T3	Beech	Towards the north-west corner of the rear garden at 40 Blackwood Road
T4	Pine	Towards the north-west corner of the rear garden at 40 Blackwood Road (the northern most of two pines)

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
None		

Groups of trees

(within a broken black line on the map)

Reference on map	Description	Situation
None		

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
None		