



PLANNING COMMITTEE: –

31 March 2011

REPORT OF HEAD OF DEVELOPMENT & DELIVERY

**NON CONFIRMATION OF TREE PRESERVATION ORDER 1 OF 2011 ON
LAND AT 57, WALSALL WOOD ROAD, WALSALL, WS9 8QZ.**

1. PURPOSE OF REPORT

To report to the committee on progress with Tree Preservation Order 1 of 2011 made under emergency procedures.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Note the report.
- (ii) Consider the representation received.
- (iii) Allow Tree Preservation Order 1 of 2011 to lapse.

3. FINANCIAL IMPLICATIONS

Within budget.

4. POLICY IMPLICATIONS

Within Council policy.

5. LEGAL IMPLICATIONS

If a Tree Preservation Order is not confirmed it will cease to protect the trees it covers.

6. EQUAL OPPORTUNITY IMPLICATIONS

The procedures for making Tree Preservation Orders are prescribed by detailed legislation and guidance on trees which merit protection so there are no direct equal opportunity implications.

7. ENVIRONMENTAL IMPACT

Tree Preservation Orders have a positive environmental impact as legal tools to protect tree cover in the area.

8. **WARD(S) AFFECTED**

Tree Preservation Order 1 of 2011 is located within the Aldridge Central & South Ward.

9. **CONSULTEES**

None.

10. **CONTACT OFFICER**

Andrew Cook – Extension: 2447

11. **BACKGROUND PAPERS**

- Tree Preservation Order 1 of 2011 file PDI/17/921

Simon Tranter

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REPORT DETAIL.

- 1 Most Tree Preservation Orders are made through delegated emergency powers which allow officers to respond quickly when important trees are under threat and justify protection through a Tree Preservation Order. Tree Preservation Orders made through emergency powers are made quickly often with limited access to inspect the trees due to the need to avoid alerting landowners who may take action to remove a tree before an Order can be made. A newly made Tree Preservation Order is provisional and the Council must confirm any Order within 6 months for it to become permanent. Any Order which is not confirmed within this period lapses and no longer protects the trees involved. New Tree Preservation Orders are confirmed by this committee and in a few cases this committee is recommended not to confirm Orders made under emergency powers where factors subsequently come to light making an Order undesirable or unnecessary.
- 2 Tree Preservation Order 1 of 2011 was made on 11 January 2011 in response to a request from the owner of 57 Walsall Wood Road for a Tree Preservation Order to prevent a neighbour lopping a prominent oak tree in his garden. During the initial site visit, the tree was assessed only from 57 Walsall Wood Road to ensure neighbours did not become aware of the proposed Tree Preservation Order and carry out work before it could be made.
- 3 Subsequently an objection to the Tree Preservation Order was received from the owner of a neighbouring property at Stowaway, Hobs Hole Lane who had wanted the tree to be lopped in the first place. The objection was made on the grounds that the tree was a danger and dropped branches and leaf litter onto his property in windy weather. The objector was also concerned that the tree is only a short distance from his property.
- 4 The Council's tree officer visited the objector on 26 January 2011 to discuss the concerns and view the tree from this neighbouring property. During the site visit it was clear that the crown of the tree only extended a limited amount and that a Tree Preservation Order to prevent damaging pruning was not required. If the objector prunes the tree back to his garden boundary, as allowed under common law, the works would not be detrimental to the health or appearance of the tree.
- 5 It is therefore recommended that the Tree Preservation Order is not confirmed and is allowed to lapse.

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Tree Preservation Order 1 of 2011 on land at 57, Walsall Wood Road, Walsall, WS9 8QZ.

