



DEVELOPMENT CONTROL COMMITTEE: –

6th January 2009

REPORT OF THE HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

CONFIRMATION OF TREE PRESERVATION ORDER 24 OF 2008 AT 1 AND 2 INGLEWOOD GROVE, STREETLY AND REVOCATION OF TREE PRESERVATION ORDER 37 OF 1981.

1. PURPOSE OF REPORT

To seek the confirmation with modifications of the Tree Preservation Order 24 of 2008, and subject to the confirmation of Tree Preservation Order 24 of 2008 to revoke Tree Preservation Order 37 of 1981.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 24 of 2008 in a modified form (See report detail for information on the modification). 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 37 of 1981 upon the confirmation of Tree Preservation Order 24 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 24 of 2008 and 37 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 PD1/17/298 relating to Tree Preservation Order 37 of 1981
- File PD1/17/850 relating to Tree Preservation Order 24 of 2008

Simon Tranter

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REPORT DETAIL.

TREE PRESERVATION ORDER REVIEW

- 1.1 The Tree Preservation Order 24 of 2008 was served on 24th July 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 24 OF 2008

- 1.3 Of the original twenty two trees covered by Tree Preservation Order 37 of 1981, eleven have been lost with little record of when or why, and with only one successful replacement planting. The majority of the remaining trees are of mixed quality with as many well managed trees of quality existing outside TPO 37 of 1981 as there are in it.
- 1.4 This new Tree Preservation Order serves to replace and bring up to date the protection of amenity offered by elements of Tree Preservation Order 37 of 1981 and was made for the following reasons:

“Due to changes in the tree population covered by Tree Preservation Order 37/1981 and the overall tree population in Inglewood Grove, it is no longer expedient to maintain that order. The purpose of this new order (TPO 24 of 2008) is it to ensure the continued amenity provided by the tree lined entrance to Inglewood Grove through the retention of trees already present and if necessary replacement plantings when they are eventually removed”.

- 1.5 The minimum six week period allowed for objection to the Order expired on the 4th September 2008. No representation has been received in respect of this Tree Preservation Order.
- 1.6 Due to an administration error, the details of trees T2 and Tree T3 were mixed up on the original order. Schedule 1 of Tree Preservation Order 24 of 2008 has therefore been corrected to reflect accurately the trees on the ground.

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

- 1.7 Tree Preservation order 24 of 2008 incorporates the remnants of the trees covered by Tree Preservation Order 37 of 1981. In order to avoid future confusion resulting from having two orders protecting the same trees I am recommending that Tree Preservation Order 37 of 1981 be revoked once Tree Preservation Order 24 of 2008 is confirmed.
- 1.8 The Committee is therefore recommended to confirm Tree Preservation Order No 24 of 2008 in a modified form and to revoke Tree Preservation Order 37 of 1981.