



Walsall Metropolitan Borough Council

DEVELOPMENT CONTROL COMMITTEE:

14th March 2006.

REPORT OF THE EXECUTIVE DIRECTOR FOR REGENERATION

REVIEW OF TREE PRESERVATION ORDERS IN STREETLY.

1. PURPOSE OF REPORT

To inform the Development Control Committee of the Tree Preservation Order review currently taking place in Streetly Ward and to seek authority to make any new tree preservation orders necessary.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Note the report.
- (ii) Approve the making and confirming of replacement Tree Preservation Orders arising directly from the review of Tree Preservation Orders in Streetly Ward. The Tree Preservation Orders being reviewed are listed in the appendix to this report.

3. FINANCIAL IMPLICATIONS

Within budget. Replacing and updating existing Tree Preservation Orders is unlikely to have a significant impact on officer's workload.

4. POLICY IMPLICATIONS

Within Council policy

5. LEGAL IMPLICATIONS

Local authorities are advised to keep their Tree Preservation Orders up-to-date and under review. Updating Tree Preservation Orders ensure that changes in the legislation since 1975 which give stronger protection to trees apply consistently to all protected trees.

The owners and future owners of sites where protected trees are growing will be required to apply for Council permission if they wish to fell or prune any tree protected by an Order. Failure to do this renders anyone carrying out unauthorised works to trees liable to criminal proceedings.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

Tree Preservation Orders protect trees with amenity value irrespective of the status of the owner.

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 Streetly Ward

9. **CONSULTEES**

Owners and near neighbours will receive copies of any new Tree Preservation Orders and will be invited to make representations to the Council in either opposition or support of any replacement Tree Preservation Order.

10. **CONTACT OFFICER**

Ian McDermott - Extension: 2453

11. **BACKGROUND PAPERS**

None.

Tim Johnson,
EXECUTIVE DIRECTOR FOR REGENERATION

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REPORT DETAIL.

Background

- 1 Central government advises Local Planning Authorities (LPAs) to keep their Tree Preservation Orders under review and ensure that they are brought up-to-date when necessary. There are a number of reasons why Tree Preservation Orders should be reviewed and updated:
 - 1.1 Central government has proposed changes to legislation to render invalid all 'Area' Tree Preservation Orders to become invalid. It is unlikely that this will happen in the near future but as many large and important areas of Walsall are protected only by Area orders, a review of all Area orders is a priority.
 - 1.2 Changes to Tree Preservation Order legislation over the years means that slightly different rules apply to Tree Preservation Orders of differing ages. (The Orders in Streetly Ward date from the early 1960s to the present day.)
 - 1.3 Over 45 years an area can change considerably and Tree Preservation Order need to reflect current land ownerships. For example, where new housing has been built in former woodland, a general 'Woodland' Tree Preservation Order which does not relate to the new development needs to be re-examined. Similarly trees it is unlikely that the trees protected 30 years ago are all still alive and updating Tree Preservation Order to reflect existing tree cover is good practice.
 - 1.4 There are longstanding problems with some Tree Preservation Order records. Some may not be enforceable.
- 2 Due to a lack of resources, very little work to update the Council's Tree Preservation Orders has ever been carried out. A review of Tree Preservation Orders is long-overdue.
- 3 A desktop review was undertaken in 2005. All Tree Preservation Orders prior to 2005, a total of 657 files, were examined and analysed. The Orders were given a priority rating for review based on any inadequacies of the order and the perceived importance of the protected trees. Ancient woodlands were given top priority. It was felt that, given the high numbers of woodlands and large trees, and the current pressure for backland and infill development that Streetly Ward was an appropriate area to commence the on-site portion of the review. It is uncertain how long this portion of the review will take.
- 4 The review will involve site surveys of the old Tree Preservation Orders. Existing protected trees will be surveyed, assessed and plotted accurately. Trees which are no longer present will also be noted, together with unprotected but prominent trees which justify future protection. Photographs of the trees surveyed will be taken. Where trees are protected by inappropriate Woodland or Area Orders they will be surveyed and put into Individual or Group Orders.

- 5 A summary of the 82 Streetly Tree Preservation Orders currently being reviewed are attached as an appendix to this report.
- 6 It is expected that the review will result in a large number of new Tree Preservation Orders followed by the confirmation of the new Orders and the revocation of the old or obsolete. However, not all Orders reviewed will need to be updated.
- 7 Since the new orders will protect trees largely protected by older Tree Preservation Orders, they would not be 'emergency' Tree Preservation Orders which can be made by the Head of Environmental Regeneration under his delegated powers. The committee is requested to authorise the making and confirming of all new Tree Preservation Orders required by this review. This will ensure that new Tree Preservation Orders can be made quickly without the need to bring up to 82 (or more) individual reports to this committee. This committee would still need to approve confirmation of any new Tree Preservation Orders made where there was significant community interest. Revocation of old Tree Preservation Orders would probably need to be authorised by full Council due to the current wording of the Council's constitution.
- 8 It is therefore recommended that Development Control Committee notes this report and authorises the making and confirming of new Tree Preservation Orders generated by the ongoing review process.

APPENDIX: SCHEDULE OF ALL TREE PRESERVATION ORDERS IN STREETLY WARD TO BE REVIEWED.

1974/4	42 Hardwick Road
1975/1	Streetly Wood
1975/13	Foley Wood Close
1975/6	Highgate, Streetly
1976/17	Bush Grove, Pelsall
1976/18	r/o 39 Foley Road East
1976/20	2a Manor Road, Streetly
1976/21	r/o 63 Wood Lane, Streetly
1976/22	r/o 181 Longwood Road, Aldridge
1976/23	94, Thornhill Road, Streetly
1976/24	18/25 Astor Road, Streetly
1976/25	r/o Telephone Exchange, Hardwick Road, Streetly
1976/31	Kingscroft/ 91 Chester Road
1977/29	232a Chester Road, Streetly
1977/4	Bridle Lane Service, Station, Bridle Lane
1978/14	Land off Oaklands Drive, Streetly
1978/16	Kimberley Close, Streetly
1978/37	150 Foley Road West
1979/20	Site off 150, Thornhill Road, Streetly
1979/21	40 Middleton Road, Streetly
1979/27	39 Foley Road East, Streetly
1979/28	adjacent to 30 Foley Road East, Streetly
1979/29	Bridle Wood/ Bridle Lane, Streetly
1979/33	Superceded-13/1984
1979/5	79 Inglewood Grove, Streetly
1980/15	43/45 Middleton Road, Streetly
1980/3	Trees at and adjacent to: Redhouse, Highgate, Streetly
1981/23	Streetly Triangle
1981/24	Streetly Triangle
1981/25	Streetly Triangle
1981/26	Void
1981/30	88/88A/88B/73 Wood Lane, Streetly
1981/37	Inglewood Grove, Streetly
1981/40	40 Blackwood Road, Streetly
1981/9	Streetly Triangle
1982/2	144/146 Foley Road West, Streetly
1982/4	19/21a Foley Road, East
1982/9	Adjacent to Icknield Close, Streetly
1983/1	319-333 Chester Road, Streetly
1983/13	B.I.P Site, Aldridge Road, Streetly
1983/25	The Spinney, Streetly Wood
1984/13	118 Thornhill Road, Streetly
1986/9	Hingleys Covert, Hardwick Wood and Land Adjacent
1988/3	land fronting 285-291 Chester Road, Streetly
1988/6	Land adjacent to Aldridge Road, Streetly
1989/16	334 Chester Road, Streetly
1989/4	Land at former school site: Egerton Road, Streetly
1990/11	r/o 415 Chester Road, Streetly
1990/5	Bryants Development, Little Hardwick Road, Streetly
1991/8	St. Anne's R.C. Primary School, Blackwood Road, Streetly
	Streetly Methodist Recreation Centre, Carlton Avenue,
1992/5	Streetly

1994/17	76 Hardwich Road/Thistledown Close, Streetly
1994/19	250a Chester Road, Streetly
1994/22	43 Foley Road East, Streetly- Unconfirmed
1994/23	170 Foley Road West, Streetly
1994/7	Highgate House, No.6, Highgate
1994/9	170 Foley Road West, Streetly
1995/4	1 Woodcote Way, Streetly- Unconfirmed
1996/8	Links Views, off Thornhill Road, Streetly
1997/9	r/o 85-89 Chester Road, Streetly
2000/10	Cullins, Streetly Wood
2000/12	r/o 25-27 & 31 Middleton Road, Streetly
2000/13	The Pines, Streetly Wood
2000/18	vicinity of 384-386 Aldridge Road, Sutton Coldfield
2000/21	Denehurst, Streetly Wood
2000/5	Stonethwaite, Streetly Wood
2000/8	Woodleigh, Streetly Wood
2000/9	The Cedars, Streetly Wood
2001/2	Castleguard, Streetly Wood
2001/6	Delabole, Streetly Wood
2002/5	120 Foley Road West, Streetly
2002/6	130-140 Chester Road, Streetly
2003/5	Site of Buccaneer P.H, Chester Road
2004/1	r/o 16 Carlton Avenue, Streetly
2004/18	34&36 Featherston Road, Streetly
2004/5	238-248 Chester Road, Streetly
2005/17	Foley Wood, Foley Road West
2005/19	74-78 Thornhill Road, Streetly
2005/2	39a. 41 & 43 Foley Road East, Streetly
2005/3	220-224 Chester Road, Streetly
2005/8	8 Foley Road East, Streetly (Lapsed)
2005/9	172 Thornhill Road, Streetly