



Walsall Metropolitan Borough Council

DEVELOPMENT CONTROL COMMITTEE: –

31st January 2006.

REPORT OF THE EXECUTIVE DIRECTOR FOR REGENERATION

CONFIRMATION OF TREE PRESERVATION ORDER 17 OF 2005 ON FOLEY WOOD, STREETLY.

1. **PURPOSE OF REPORT**

To request from this Committee the confirmation of the Tree Preservation Order No.17 of 2005.

2. **RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 17 of 2005 in unmodified form. A plan showing the trees is attached to this report.
- (ii) Support the reason for making the Tree Preservation Order set out in paragraph 1.2.
- (iii) Note that 2 representations have been received in respect of this Tree Preservation Order.

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 17 of 2005 is 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 both opposition and support of this Tree Preservation Order. Any response is described within the report.

10. **CONTACT OFFICER**

Ian McDermott - Extension: 2447

11. **BACKGROUND PAPERS**

None

Tim Johnson,

EXECUTIVE DIRECTOR FOR REGENERATION

DEVELOPMENT CONTROL COMMITTEE: –

31st January 2006

TREE PRESERVATION ORDER 17 OF 2005 ON FOLEY WOOD, STREETLY.

REPORT DETAIL.

Background Reasons for the Making of this TPO.

Enquiries from residents about the likelihood of development on this site prompted investigations into the existing Woodland Tree Preservation Order (Aldridge Brownhills 10 of 1964) on Foley Wood. It came to light that the existing order may not be enforceable. This has necessitated the remaking of this order to protect the trees.

The Committee recommended the serving of Tree Preservation Order No 17 of 2005 at the 28th June 2005 Committee for the following reasons which are still valid.

- *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.*
- *The Council's Unitary Development Plan identifies policies for protection of trees and green spaces*

The Site

The site is at Foley Wood on Foley Road West, Streetly.

The Surrounding Area

The surrounding area is predominantly residential in nature.

The Trees

The trees are described in the First Schedule.

UDP Policies

The relevant policy for tree protection is ENV19 Existing Woodlands, Trees and Hedgerows. This policy seeks to provide implementation of the objectives of the UDP. Particularly in regard to providing; *a means of protecting trees and woodlands.* The Policy states that; *the council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.*

Relevant Guidance

Guidelines for the making of TPOs are currently contained in the Town and Country Planning Act 1990 (the Act) and the Department of the Environment, Transport and the Regions (DETR); Tree Preservation Orders: The Law and Guide to Good Practice, (2000). Which states that the Local Planning Authority (LPA) may make TPOs if it appears 'expedient in the interests of amenity' to do so. The guidance states that "TPOs should be used to protect selected trees if their removal would have a significant impact on the environment and its enjoyment by the public." The Circular goes on to state that "trees may be worthy of preservation for their intrinsic beauty or their contribution to the landscape." It also states that the benefit of the trees may be present or future.

Future Management of the Order

In regard to trees which overhang adjacent property. The Council will consider if trees should be pruned or felled and replacement planting undertaken. The Council employ a fully qualified officer to deal with these issues and the officer will visit a site and discuss any tree problems with the owner / occupier to assist in the management of the trees.

Consultation

The minimum six week period allowed for objection to the Order expired on 31st August 2005. Two responses have been received from local residents fully supporting the making of the order.

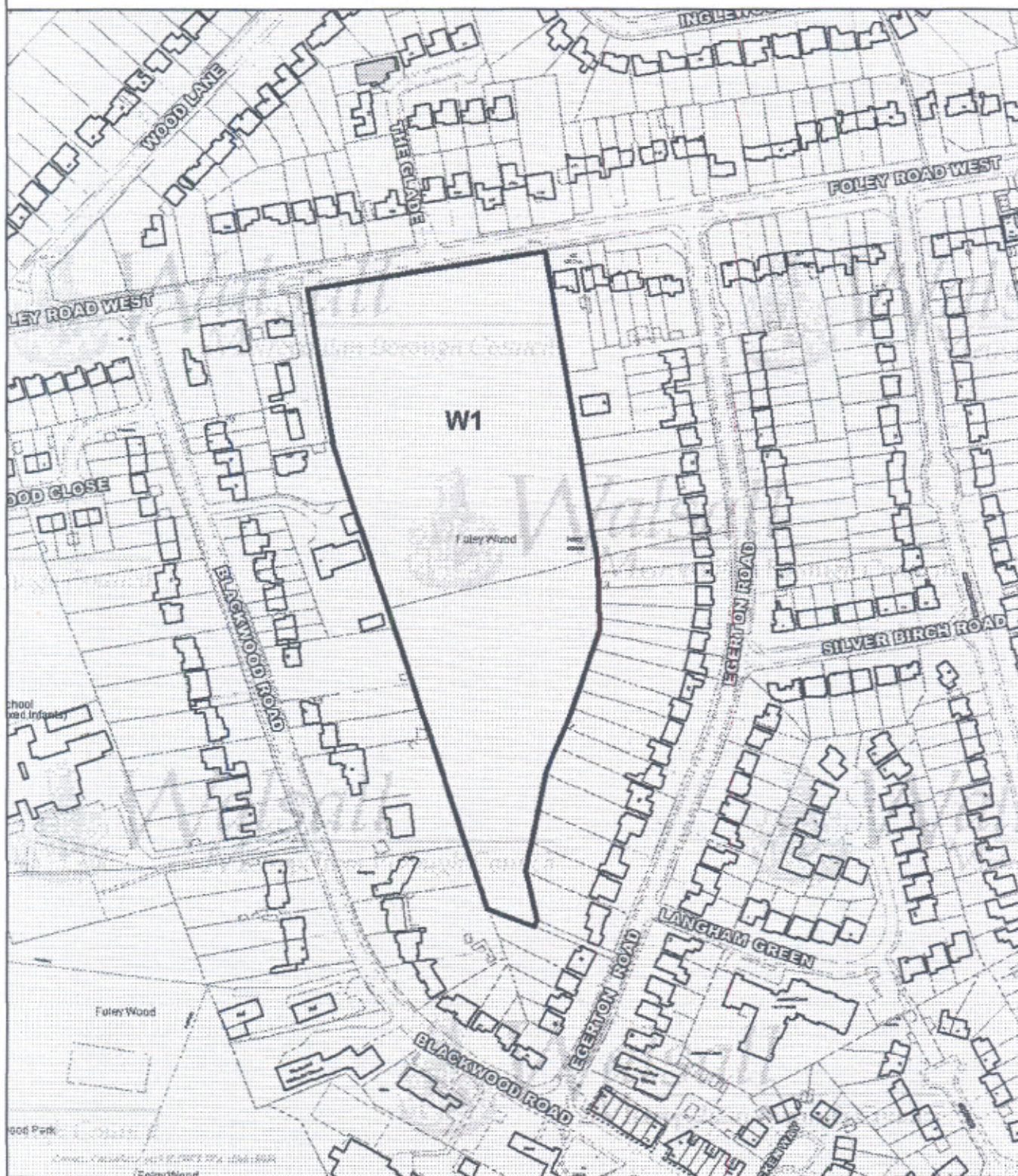
Conclusions

The trees in question are worthy of protection for their contribution to the local landscape, particularly in breaking up the visual roof-scape and providing a quality environment. The trees are a component part of the quality of the local landscape. They will, in the future, also provide a mature visual and wildlife amenity feature that will add quality directly to the local area along with other trees. It is therefore considered expedient in the interests of the amenity of the area to secure the long-term retention of the amenity using a TPO.

Recommendations

That Tree Preservation Order No. 17 of 2005 should be confirmed in unmodified form.

Foley Wood, Foley Road West, Streetly. TPC 17 OF 2005



Walsall
Metropolitan Borough Council

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