DEVELOPMENT CONTROL COMMITTEE – 7TH JANUARY 2013
REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

REVOCATION OF TREE PRESERVATION ORDERS

PURPOSE OF REPORT

1.   To consider if Tree Preservation Order(s) listed in the attached appendix should be revoked due to a change in circumstances since they were originally confirmed.

BACKGROUND

2.   Section 333 of the Town and Country Planning Act 1990, gives powers to a local planning authority to revoke orders, including Tree Preservation Orders (TPOs). The procedure for such revocation is outlined in section 9 of the Town and Country Planning (Trees) Regulations 1999.

3.   Tree Preservation Orders: a guide to the law and good practice (2000)(as amended) provides guidance on the making, management and enforcement of tree preservation orders (TPO's). In that guidance Local Planning Authorities (LPA's) are advised to keep their TPOs under review.

4.   There are a number of reasons why, over time, it may become desirable to revoke a TPO, these include a change in the legislation or geographical changes. Within the Dudley Borough many TPO's were served prior to the commencement of major developments to protect the existing trees. Consequently the plan attached to the orders which were served is out of date as the original development no longer exists or has altered significantly. Whilst the TPO itself still exists and would still be valid it can lead to confusion.

5.   In addition, TPO's also may need to be revoked as part of an ongoing housekeeping programme. Trees may have been removed (with or without the consent of the LPA) or have died.

6.   By making full use of their variation and revocation powers LPAs can ensure their TPOs are brought up to date when the time is right to do so.

7.   The council is currently undergoing a systematic review of the borough's tree preservation orders, it is anticipated that new TPOs will be served to cover previously unprotected trees and some TPO's which are in existence will need to be revoked.

8.   A thorough and consistent assessment will be undertaken on each and every tree which is the subject to an existing order and on any new trees which are proposed to be protected.

FINANCE

9.   There are no direct financial consequences arising from this report.
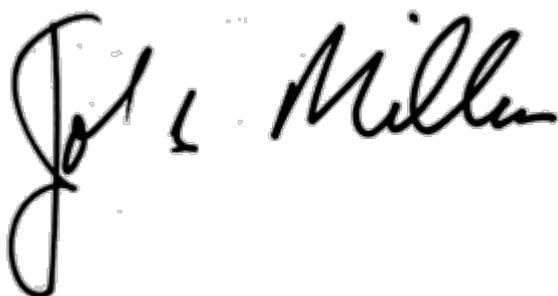
LAW

10.   The relevant statutory provisions have been referred to in paragraph 2 of this report.

EQUALITY IMPACT

11.   The proposals take into account the Council's Equality and Diversity Policy.

RECOMMENDATION

12.   It is recommended that the tree preservation orders referred to in the Appendix to this report should be revoked.

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DIRECTOR OF THE URBAN ENVIRONMENT

Contact Officer: James Dunn
                      Telephone 01384 812897
                      E-mail james.dunn@dudley.gov.uk

TREE PRESERVATION ORDER COMMITTEE – 7th JANUARY 2013

TREE PRESERVATION ORDERS THAT ARE PROPOSED TO BE REVOKED

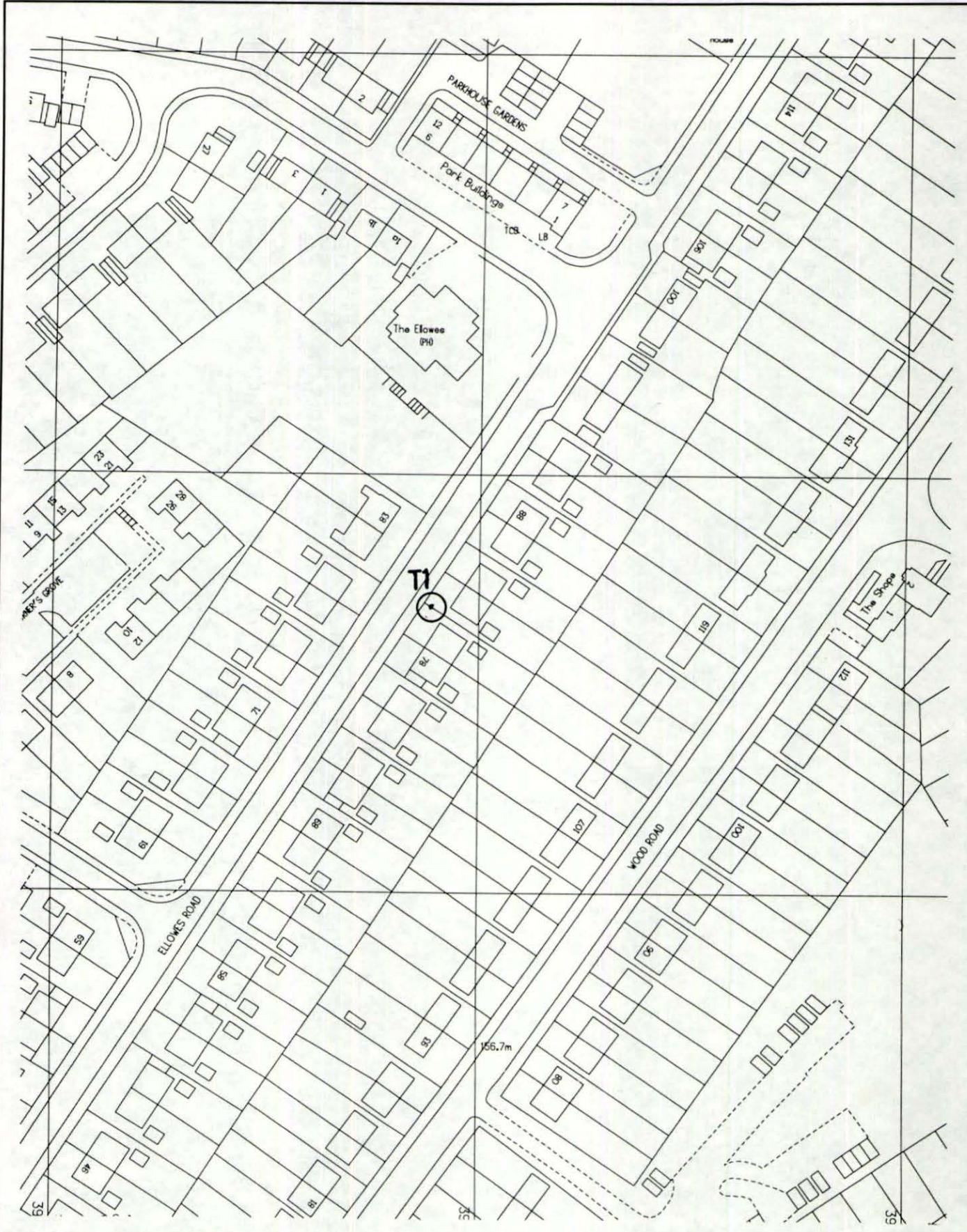| TPO Ref	Title	Reason for Revocation	Replacement TPO
TPO/453	The Borough of Dudley (80/82. Ellowes Road, Lower Gornal) Tree Preservation Order 1995	The tree protected by this order was felled with permission following the submission of a TPO application (P11/1506). Due to the nature of the site no replacement tree was required. As no trees are now protected by the order it is requested that the order is revoked for general house keeping purposes.	**N/A**

Dated 10th November   1995

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TOWN AND COUNTRY PLANNING ACT 1990

The Borough of Dudley
(80/82 Ellowes Road, Lower Gornal) (D:453)
Tree Preservation Order 1995

PARKHOUSE GARDENS

Park Buildings

The Ellowes
(PH)

WOOD ROAD

ELLOWES ROAD

The Shops

T1

156.7m

Map referred to in
the Borough Council of Dudley

80/82 Ellowes Road,
Lower Gornal (D.453)

Tree Preservation Order 1995

grid ref:

912 917

scale:

1:1250

drg no.:

A:2207

FIRST SCHEDULE

Trees specified individually.

No. of Map.	Description	Location
T.1.	Maple	80/82 Ellowes Road Lower Gornal.

Trees specified by Areas

None

Groups of Trees

None

Woodlands

None