

	TYPED	ORIGINATOR	HEAD OF SERVICE	A.D.	DIRECT-ORATE LEAD OFFICER	LEGAL
INITIALS	JWD		JRP	SJH		KE
DATE	07/11/07		23/11/07	27/11/07		27/11/07

FINANCE	CABINET MEMBER APPROVAL	PLAN/OHP APPENDICES/ PRIVATE SESSION		BACKGROUND/ PRESS RELEASE/LEADER	
AU					
20/11/07					



Agenda Item No. 6

TREE PRESERVATION ORDERS COMMITTEE

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

CONFIRMATION OF TREE PRESERVATION ORDERS

PURPOSE OF REPORT

1. To consider whether or not the attached Tree Preservation Order(s) should be confirmed with or without modification in light of the objections that have been received.

BACKGROUND

2. Section 198 of the Town and Country Planning Act 1990, provides that, where it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.
3. A tree preservation order may, in particular, make provision—
 - (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;
 - (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;

- (c) for applying, in relation to any consent under the order, and to applications for such consent, any of the provisions of this Act mentioned in subsection (4), subject to such adaptations and modifications as may be specified in the order.
4. Section 201 of the Town and Country Planning Act 1990 allows for the Council to make a direction that the order shall take effect immediately for a provisional period of no more than six months.
 5. For a Tree Preservation Order to become permanent it must be confirmed by the local planning authority. At the time of confirmation any objections that have been received must be taken into account. The Town and Country Planning (Trees) Regulations 1999 sets out the procedure for confirming Tree Preservation Orders and dealing with objections.
 6. If the decision is made to confirm a Tree Preservation Order the local planning authority may choose to confirm the order as it is presented or subject to modifications.
 7. New Tree Preservation Orders are served when trees are identified as having an amenity value that is of benefit to the wider area.
 8. When determining whether a tree has sufficient amenity to warrant the service of a preservation order it is the council's procedure to use a systematic scoring system in order to ensure consistency across the borough. In considering the amenity value of a tree factors such as the size; age; condition; shape and form; rarity; prominence; screening value and the presence of other trees present in the area are considered.
 9. The council is currently undergoing a systematic review of the borough's Tree Preservation Orders resulting in a need for new orders. Orders will also be served where there is a logistical or procedural benefit for doing so. Often with the older orders throughout the borough new orders are required to replace them in order to regularise the levels of protection afforded to trees.
 10. Where new orders are served to replace older orders, the older orders will generally need to be revoked. Any proposed revocation of orders shall be brought before the committee under a separate report.

FINANCE

11. There are no direct financial consequences arising from this report although the Committee may wish to bear in mind that the refusal or approval subject to conditions, of any subsequent applications may entitle the applicant to compensation for any loss or damage resulting from the Council's decision (Section 203 of the Town and Country Planning Act 1990)

LAW

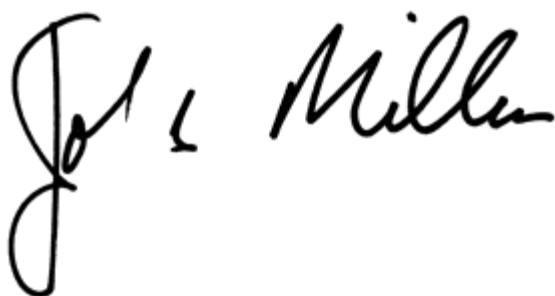
12. The relevant statutory provisions have been referred to in paragraphs 2, 4 and 10 of this report.

EQUALITY IMPACT

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

RECOMMENDATION

14. It is recommended that the Tree Preservation Order(s) referred to in Appendix 1 of this report should be confirmed.



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DIRECTOR OF THE URBAN ENVIRONMENT

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List of Background Papers

*Appendix 1 – The Borough of Dudley (15 Sandhurst Road, Wordsley) (TPO/WOR/0015)
Tree Preservation Order 2007 - TPO plan and schedule.*

Appendix 2 - Copies of objections from Owner / Occupiers of 13 & 76 Sandhurst Road

Appendix 3 – Tree Preservation Officer's response to objections.