

DEVELOPMENT CONTROL COMMITTEE – 17TH FEBRUARY 2014

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

REVOCAION 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 11 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
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 Consequently the plan attached to the orders which were served is out of date as the original development no longer exists or has altered significantly.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

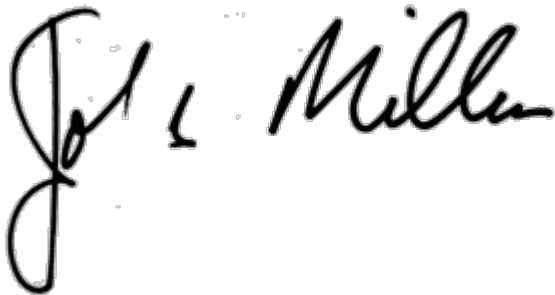
10. The relevant statutory provisions have been referred to in paragraph 2 of this report.

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
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E-mail james.dunn@dudley.gov.uk

List of Background Papers

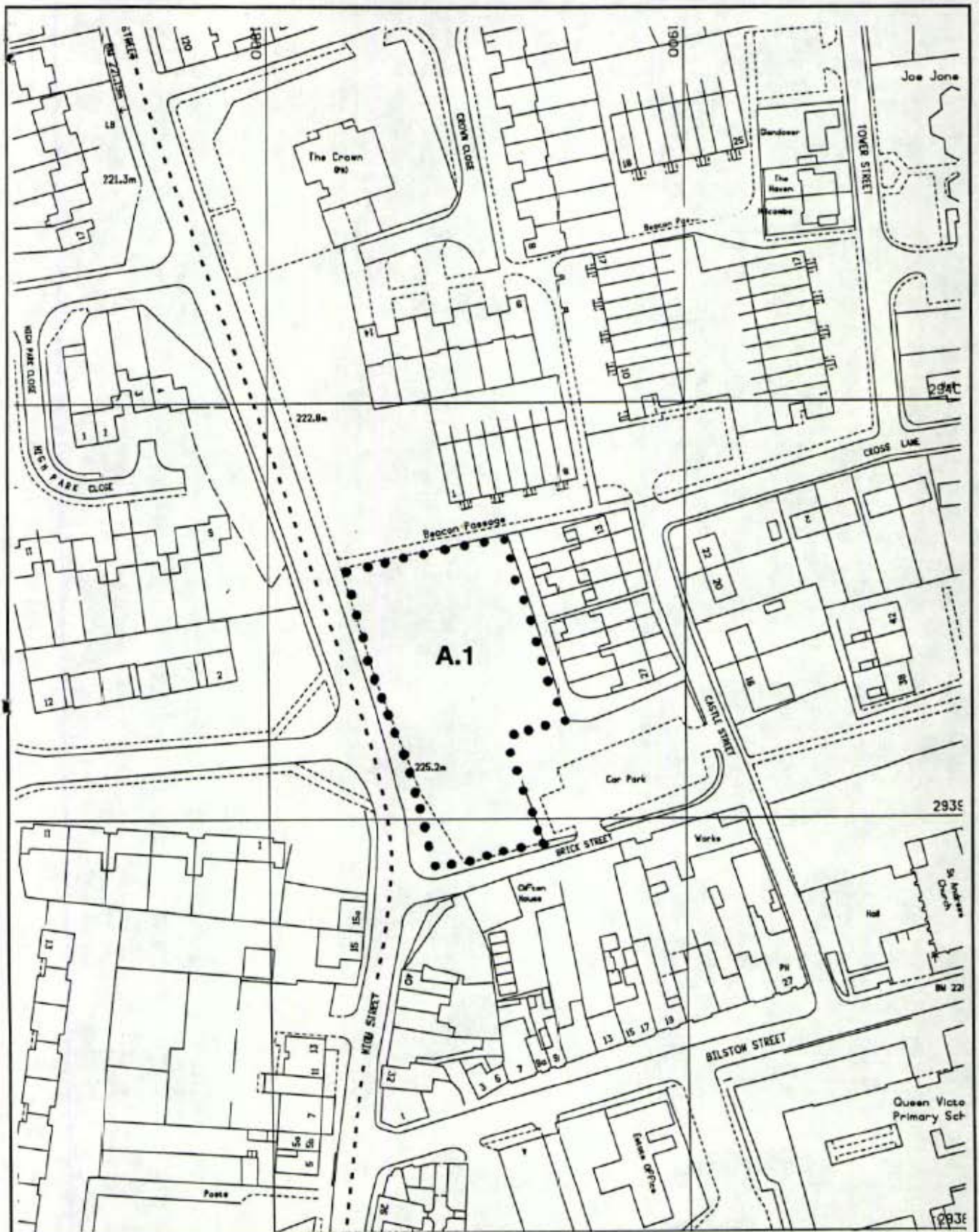
*List of Tree Preservation Orders to be revoked
Copies of TPO plans and schedules.*

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TREE PRESERVATION ORDERS THAT ARE PROPOSED TO BE REVOKED

TPO Ref	Title	Reason for Revocation	Replacement TPO
TPO/464	The Borough of Dudley (Land at High Street, Sedgley)(D464) Tree Preservation Order 1996	<p>A recent review of this order has revealed that all of the trees subject to this order are situated within Council owned land.</p> <p>Given their location within Council owned land they are subject to the Council's Tree Strategy, which documents the circumstances in which the trees will be worked upon.</p> <p>It is not considered that the trees require the extra protection of a Tree Preservation Order as they are considered to be managed in accordance with best practice.</p>	N/A
TPO/484	The Borough of Dudley (Land at High Street, Sedgley No.2)(D484) Tree Preservation Order 1996	<p>As part of the ongoing review of our TPO records this order has been identified as one which was never served. Whilst this Order does not legally exist, it's formal revocation will assist in tidying our records.</p> <p>The trees subject to this order are also wholly within the ownership of the council. As such they are managed in accordance with best practice, and the extra protection afforded to the trees by a TPO is not required.</p>	N/A
TPO/511	The Borough of Dudley (Land at Beacon Passage, Sedgley)(D511) Tree Preservation Order 1997	<p>A recent review of this order has revealed that all of the trees subject to this order are situated within Council owned land.</p> <p>Given their location within Council owned land they are subject to the Council's Tree Strategy, which documents the circumstances in which the trees will be worked upon.</p> <p>It is not considered that the trees require the extra protection of a Tree Preservation Order as they are considered to be managed in accordance with best practice.</p>	N/A

TPO/598	The Borough of Dudley (Kettlesbank Road, Lower Gornal) (D598) Tree Preservation order 2000	<p>A recent review of this preservation order has identified the trees referred to in “Group 1” of the order are considered to be a hedge due to their planting location and past management.</p> <p>The TPO legislation specifically prohibits the protection of hedges, as they are considered distinct from trees.</p> <p>Given that the order only covers this hedge, it is considered appropriate to revoke the TPO.</p>	N/A
TPO/616	The Borough of Dudley (Priory Close, Oldswinford) (D616) Tree Preservation order 2000	<p>This order is a duplicate of an order that was served just prior to this order being served (TPO/601).</p> <p>Given that the previous order has been confirmed and is considered to be legally enforceable, and this subsequent order does not appear to have been confirmed, it is considered appropriate to revoke this order.</p>	N/A
TPO/617	The Borough of Dudley (Priory Close, Oldswinford) (D617) Tree Preservation order 2000	<p>This order is a duplicate of an order that was served just prior to this order being served (TPO/601).</p> <p>Given that the previous order has been confirmed and is considered to be legally enforceable, it is considered appropriate to revoke this order.</p>	N/A
TPO/779	The Borough of Dudley (Westdean Close, Halesowen) Tree Preservation Order 2003	<p>A recent review of this order has revealed that all of the trees subject to this order are situated within Council owned land.</p> <p>Given their location within Council owned land they are subject to the Council’s Tree Strategy, which documents the circumstances in which the trees will be worked upon.</p> <p>It is not considered that the trees require the extra protection of a Tree Preservation Order as they are considered to be managed in accordance with best practice.</p>	N/A



DUDLEY
Metropolitan Borough

ORDNANCE SURVEY
MAPPING IS BASED UPON
THE ORDNANCE SURVEY
MAP WITH THE SANCTION
OF THE CONTROLLER OF
H.M. STATIONERY OFFICE.
LICENCE NUMBER LA
078171

*Map referred to in
the Borough Council of Dudley*

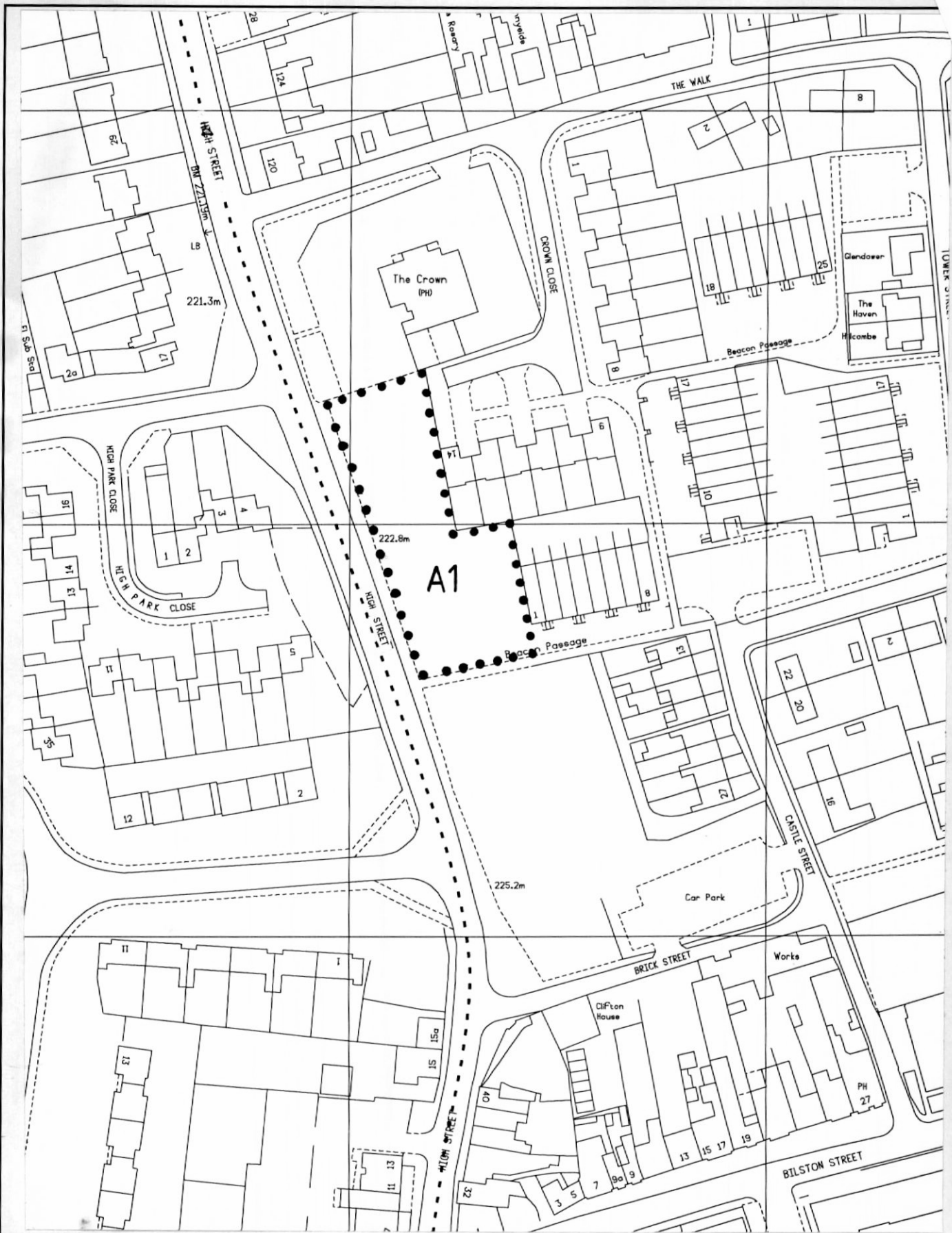
**Land at High Street,
Sedgley (D.464)**

Tree Preservation Order 1996

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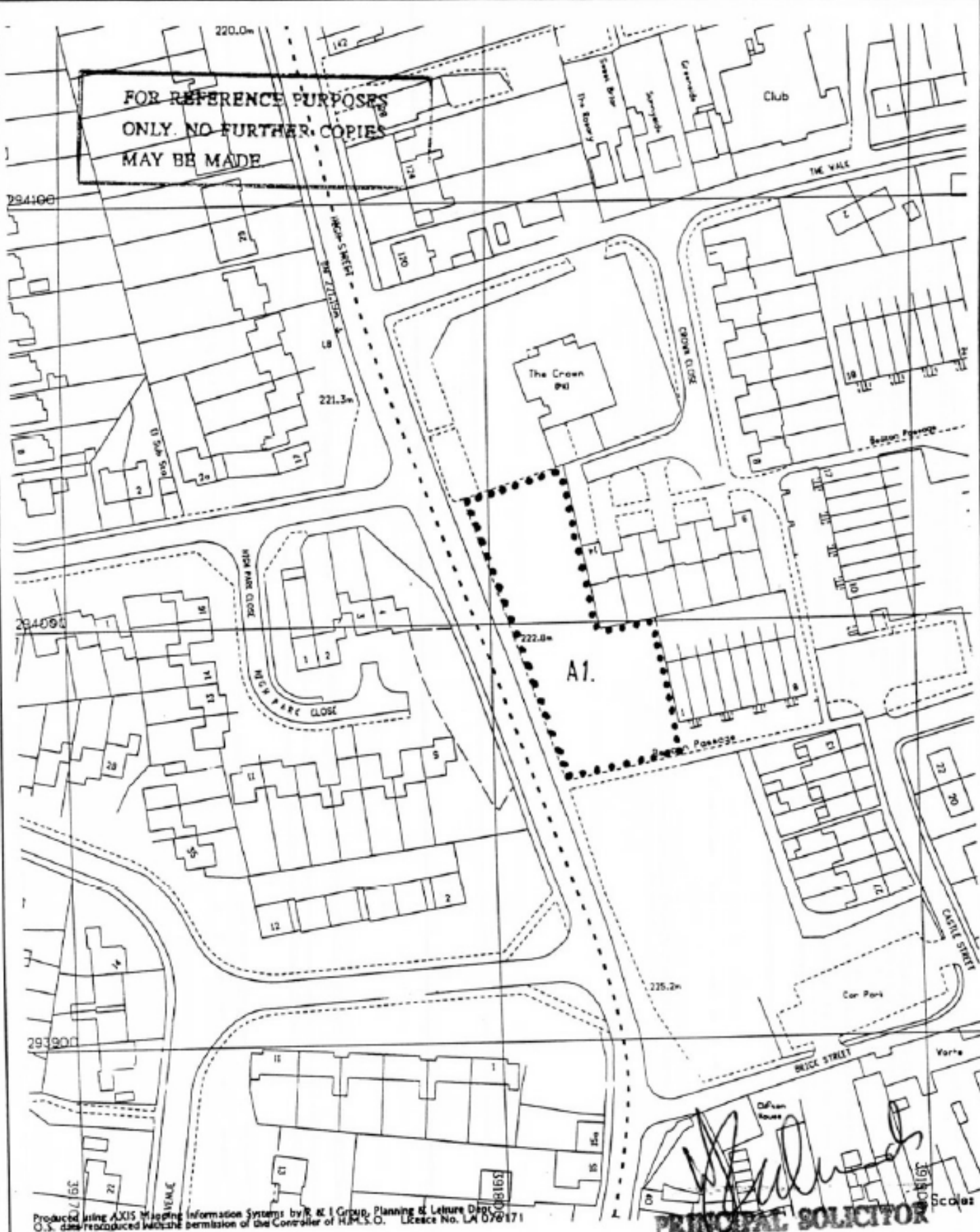


DUDLEY
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LICENCE NUMBER LA
078171

*Map referred to in
the Borough Council of Dudley*
**Land at High Street,
Sedgley No.2 (D484)**
Tree Preservation Order 1996

grid ref:
918 940
scale:
1:1250
drg no.:
A:2238

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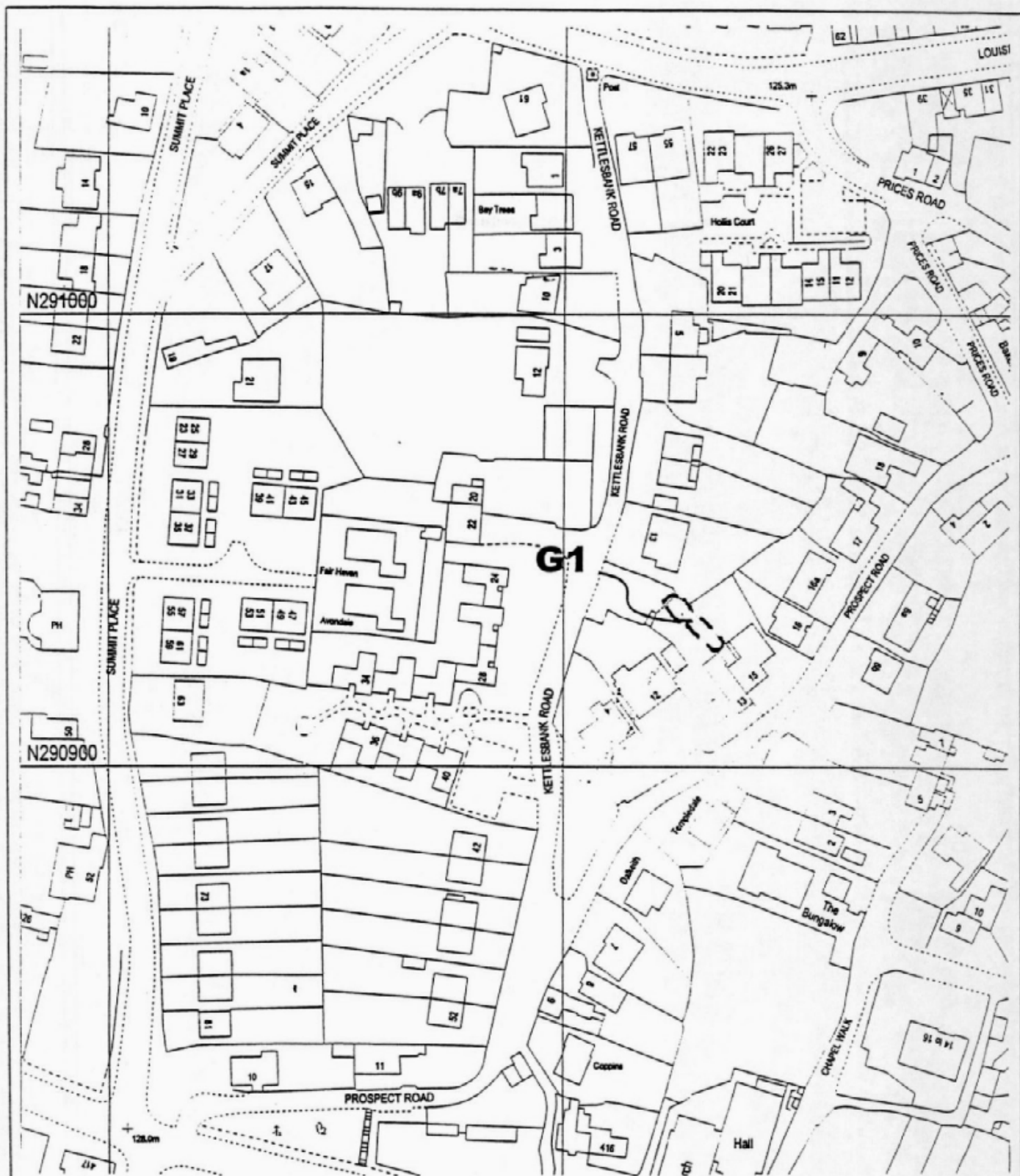
[Signature]
PRINCIPAL SOLICITOR

DUDLEY
 Metropolitan Borough
 ORDNANCE SURVEY
 MAPPING IS BASED UPON
 THE ORDNANCE SURVEY
 MAP WITH THE SANCTION
 OF THE CONTROLLER OF
 H.M. STATIONERY OFFICE.
 LICENCE NUMBER LA
 076171

*Map referred to in
 the Borough Council of Dudley,*
**BEACON PASSAGE
 SEDGLEY (D.511)**

Tree Preservation Order 1997

ord ref:
918 939
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1:1250
 ord no.:
A:2264



**Map referred to in the Borough Council of Dudley
 KETTLES BANK ROAD LOWER GORNAL
 Tree Preservation Order 2000 No D598**

ORDNANCE SURVEY MAPPING IS BASED UPON THE ORDNANCE SURVEY MAP WITH THE
 SANCTION OF THE CONTROLLER OF H M STATIONERY OFFICE .
 LICENCE NUMBER LA 076171

DRAWING A2351

GRI D REF 910910

SCALE 1/ 1250



Map referred to in the Borough Council of Dudley
 Tree Preservation Order 2000 No D616
 PRIORITY CLOSE OLDSWINFORD

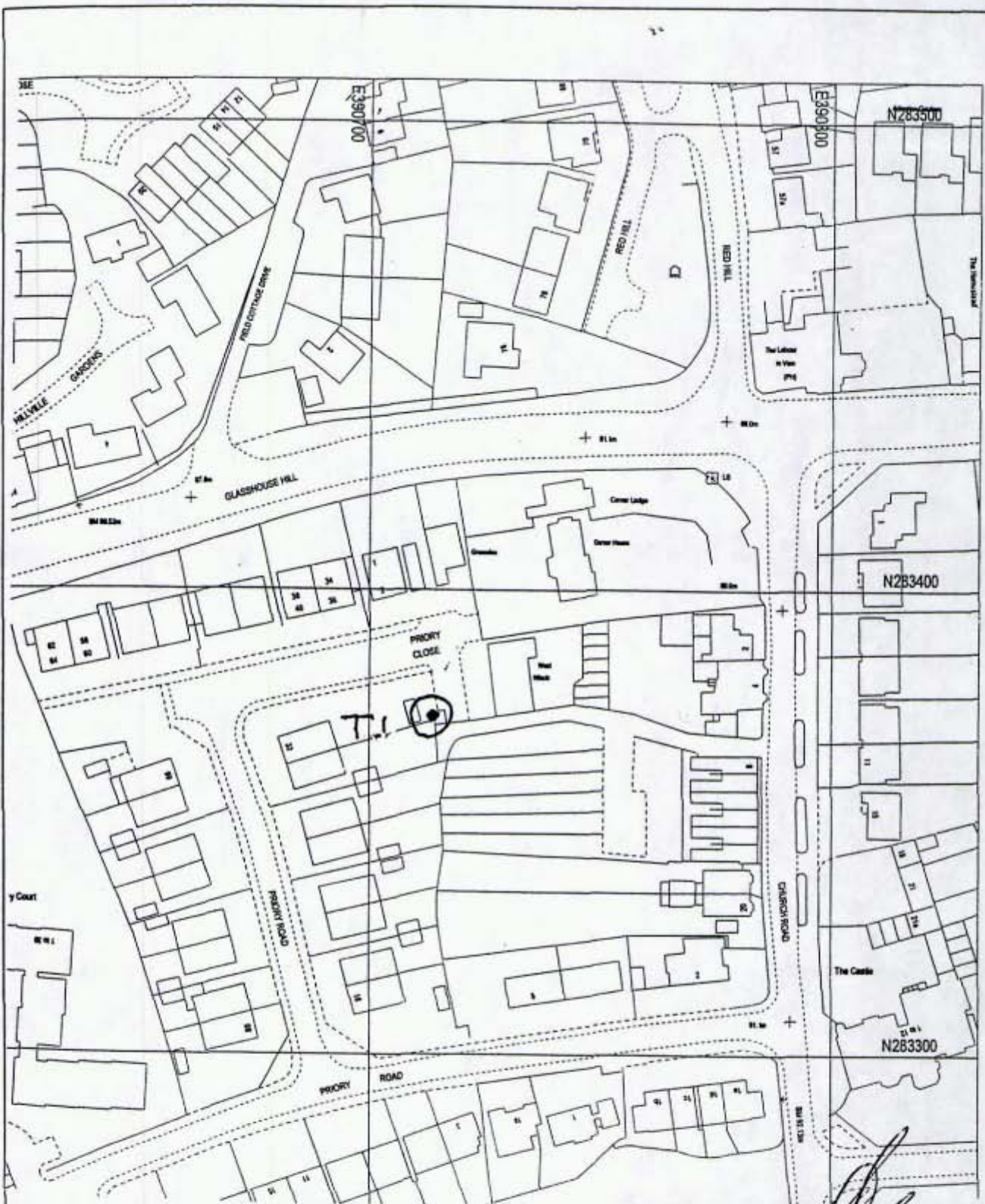
[Handwritten Signature]
 CHIEF SURVEYOR
 PRINCIPAL SURVEYOR

ORDNANCE SURVEY MAPPING IS BASED UPON THE ORDNANCE SURVEY MAP WITH THE
 SANCTION OF THE CONTROLLER OF H M STATIONERY OFFICE.
 LICENCE NUMBER LA 076171

DRAWING A2354

GRID REF E33908

SCALE 1/1250



Map referred to in the Borough Council of Dudley
 Tree Preservation Order 2000 No D 617
 PRORY CLOSE OLDSWINFORD

[Handwritten Signature]
CHIEF SURVEYOR

ORDNANCE SURVEY MAPPING IS BASED UPON THE ORDNANCE SURVEY MAP WITH THE
 SANCTION OF THE CONTROLLER OF H M STATIONERY OFFICE .
 LICENCE NUMBER LA 076171

DRAWING A2354

GRI D REF 833908

SCALE 1/ 1250



**Map referred to in the Borough Council of Dudley
 Tree Preservation Order 2003 No779
 Westdean Close, Halesowen**

ORDNANCE SURVEY MAPPING IS BASED UPON THE ORDNANCE SURVEY MAP WITH THE
 SANCTION OF THE CONTROLLER OF H M STATIONERY OFFICE .
 LICENCE NUMBER LA 076171

DRAWING A2362

GRID REF

SCALE 1/1250