

WIRRAL COUNCIL

PLANNING COMMITTEE

19 October 2017

SUBJECT:	Tree Preservation Order No 0378 Land Opposite Barnston Towers, 10 BARNSTON TOWERS CLOSE, BARNSTON
WARD/S AFFECTED:	Heswall
REPORT OF:	Assistant Director Environmental Services
KEY DECISION? <i>(Defined in paragraph 13.3 of Article 13 'Decision Making' in the Council's Constitution.)</i>	NO

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to inform the Committee of an objection to Wirral Borough Council Tree Preservation Order No 0378 and to recommend that the order shall be confirmed.

2.0 BACKGROUND

- 2.1 It has come to the attention of the council that new land owners intended to fell mature trees on land opposite No 10 Barnston Towers close. An existing Tree Preservation Order protects some of the trees whilst others are no longer standing. As it is unclear exactly which trees are now protected due to the passage of time it is considered expedient to serve a new order.

3.0 THE OBJECTION

- 3.1 An objection was received on the basis that the TPO plan is incorrect and not a plan from the UK land registry.

4.0 COMMENTS ON THE OBJECTION

- 4.1 With regards to the objection. A TPO plan must clearly identify the location of the trees to be protected. The Department for Communities and Local government Guidance states that The Order must also include, or have annexed to it, a map giving a clear indication of the position of the protected trees, groups of trees or woodlands. A Tree Preservation Order is a land charge and as such is not bound by current boundaries or ownership as these may change over time without affecting the status of the TPO.

Further there is already a TPO on trees at this location served in 1972 prior to the properties on Barnston Towers close being built. As it was unclear which of the existing trees was still protected by the Order a new one has been made to update the protection and remove any doubt as to which trees are protected.

5.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 5.1 There are no direct impacts for voluntary, community and faith groups.

6.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

6.1 There are no direct Resource Implications arising out of this report.

7.0 LEGAL IMPLICATIONS

7.1 The principal effect of a TPO is to prohibit the, cutting down, uprooting, topping, lopping, wilful damage, or wilful destruction of trees without the LPA's consent.

8.0 EQUALITIES IMPLICATIONS

8.1 There are no direct implications arising from these proposals which adversely affect equality and diversity.

9.0 CARBON REDUCTION IMPLICATIONS

9.1 Trees store carbon within their tissues and continually absorb carbon, helping to offset carbon emissions produced by other urban activities.

10.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

10.1 The planning implications arising from this report are outlined above and there are no direct Community Safety implications arising from this report.

11.0 RECOMMENDATION/S

11.1 That the Planning Committee Confirm the Tree Preservation Order No 0378, despite objections.

12.0 REASON/S FOR RECOMMENDATION/S

12.1 The Council has a duty to make provision for the preservation of trees and woodlands in the interests of amenity. It does this by making Tree Preservation Orders (TPO). The purpose of a Tree Preservation Order is to protect trees which make a significant impact on their local surroundings. This is particularly important where trees are in immediate danger.

Government guidance states that, 'Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to pro-actively make Orders as a precaution

In this case it was felt that as the trees do indeed have a significant amenity value, it would be expedient to pro-actively serve a TPO as a precaution.

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APPENDICES

REFERENCE MATERIAL

The following background papers have been used in the preparation of this report:
Wirral Borough Council Tree Preservation Order No.0378

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
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