

Report to Development Control Committee

Agenda
Item:
A.2

Meeting Date: 30 August 2013
Portfolio: Economy and Enterprise
Key Decision: Not Applicable:
Within Policy and
Budget Framework YES
Public / Private Public

Title: REVOCATION OF TREE PRESERVATION ORDERS 1, 9, 20,
AND 23
Report of: Director of Economic Development
Report Number: ED 22/13

Purpose / Summary:

This report considers the revocation of Tree preservation Orders 1, 9, 20, and 23 as part of the ongoing Tree Preservation Order Review

Recommendations:

Tree Preservation Orders 1, 9, 20, and 23 be revoked.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

- 1.1** Government guidance contained within the document *Tree Preservation Orders: A Guide to the Law and Good Practice*, which carries the weight of a Government Circular, states at paragraph 4.2 “Local Planning Authorities are advised to keep their Tree Preservation Order records under review. By making full use of their variation and revocation powers Local Planning Authorities can ensure their TPO’s are brought up to date when the time is right to do so. There are a number of reasons why, over time, it may become desirable to vary or revoke a Tree Preservation Order.”
- 1.2** Examples of reasons to vary or revoke Tree Preservation Orders include:
- (i) Changes to legislation. E.g.; changes to the scheme of grants and licences managed and issued by the Forestry Commission. Where local Planning Authorities have not updated their Tree Preservation Orders they should consider doing so; and
 - (ii) Geographical changes. Development that has taken place since the making of the Tree Preservation Orders has resulted in the maps attached to the original Orders bearing little comparison with a modern map of the area; trees standing at the time the Tree Preservation Order was made might have been removed.
 - (iii) Errors within the Tree Preservation Order may come to light. When an error comes to light the Local Planning Authority should consider using its variation and revocation powers to put it right.
- 1.3** Tree Preservation Orders 1, 9, 20, and 23 are historic rural woodland orders.
- 1.4** The management of such woodlands has changed significantly in the intervening years and should rest with the Forestry Commission, who would licence the felling, and ensure restocking by way of the woodland grants schemes.
- 1.5** Should an application be submitted to carry out woodland management this would be determined by the Forestry Commission in consultation with the City Council. Any felling licence granted by the Forestry Commission would take precedence over the tree preservation order.

- 1.6** Whilst the tree preservation orders would not prevent good woodland management in accordance with the Forestry Commissions guidelines and policies they do create an extra layer of unnecessary bureaucracy and unnecessarily complicate any management of the woodland.

2. PROPOSALS

- 2.1** Tree Preservation Orders 1, 9, 20, and 23 be revoked.

3. CONSULTATION

- 3.1** No Consultation has been carried out. However, the landowners where known, have been sent correspondence advising them that the tree preservation orders are being reviewed.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** The tree preservation orders will not prevent good woodland management which should be a matter for the Forestry Commission.
- 4.2** The Forestry Commission through its grant aided schemes are the appropriate authority to ensure good woodland management. Any scheme approved by the Forestry Commission would take precedence over the tree preservation order.
- 4.3** Whilst any scheme agreed by the Forestry Commission takes precedence, the tree preservation orders impose an extra layer of bureaucracy.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1** Helps create a pleasant environment in which to live and work and engendering a pride in place.

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**Appendices Appendix 1 Tree Preservation Order Maps
attached to report:**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

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CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – None

Community Engagement – None

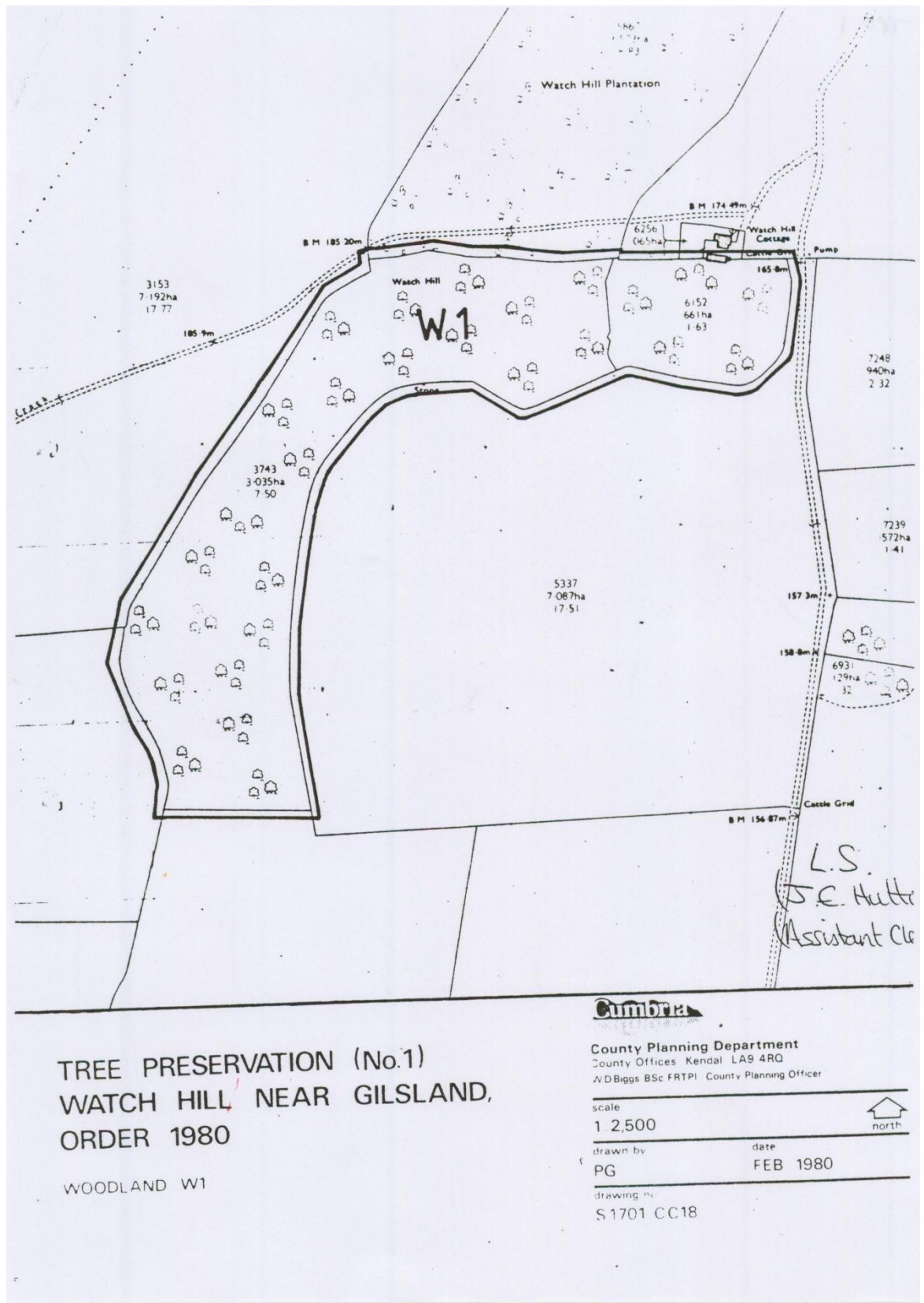
Economic Development – None

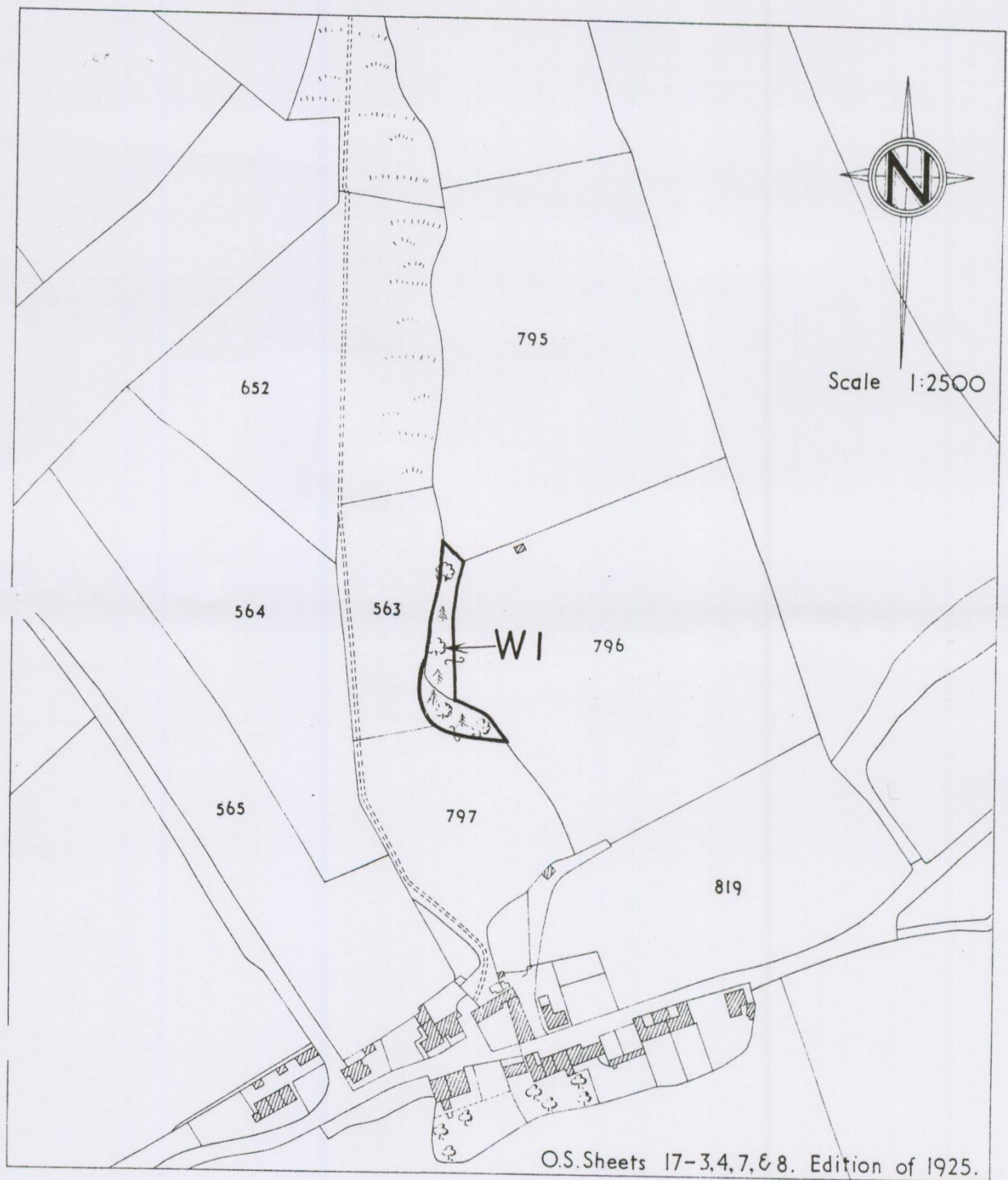
Governance – None

Local Environment – None.

Resources - Financial penalties could be incurred if another maladministration complaint regarding the management of Tree Preservation Orders is upheld.

Appendix 1 Tree Preservation Order Maps





CUMBERLAND COUNTY COUNCIL (GALLOWBERRY,
IRTHINGTON) TREE PRESERVATION (No. 9.) ORDER 1955.

