

CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- 27 January 2012

Agenda Item No:-
ED.02/12

Public

Title:- **REVOCATION OF TREE PRESERVATION ORDER 12**

Report of:- **Director of Economic Development**

Report reference:- **ED.02/12**

Summary:-

This report considers the revocation of Tree preservation Order 12 as part of the ongoing Tree Preservation Order Review

Recommendation:-

Tree Preservation Orders 12 Paving Brow, Brampton be revoked.

Contact Officer: Charles Bennett

Ext: 7535

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: The Town and Country Planning Act 1990; DETR Tree Preservation Orders A Guide to the Law and Good Practice

1. BACKGROUND INFORMATION AND OPTIONS

- 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. There have been important changes to the Model Orders of the years. 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 A file audit revealed there was no confirmed copy of the Order, or any record that the Order had been confirmed, that is made permanent. Also, geographical changes had occurred with the building of properties along Paving Brow, and the creation of the Brampton Conservation Area. A copy of the plan that accompanies the Order is at Appendix 1
- 1.4 Following on from the file audit a site visit was carried out to determine which trees, if any, remained and if they merited protection.
- 1.5 A number of existing significant trees within the locations covered by the Order were identified. These trees are all located within the Brampton Conservation Area. As such they enjoy protection similar to that enjoyed by trees subject to a tree preservation order.

2. CONSULTATION

2.1 No Consultation has been carried out

2.2 No consultation is proposed.

3. RECOMMENDATIONS

3.1 Tree Preservation Orders 12 Paving Brow, Brampton be revoked.

4. REASONS FOR RECOMMENDATIONS

4.1 The Tree Preservation Order does not protect the trees it was intended to. Those trees of amenity value that remain are protected by the Brampton Conservation Area.

5. IMPLICATIONS

- Staffing/Resources – None
- Financial –Financial penalties could be incurred if another maladministration complaint regarding the management of Tree Preservation Orders is upheld.
- Legal – None
- Corporate – None
- Risk Management – None
- Equality and Disability – None
- Environmental – If works are required to the trees within the Conservation Area the Council must be notified.
- Crime and Disorder – None
- Impact on Customers – Tree Preservation Orders are a land charge. The land charge remains even if the trees have gone. It is not appropriate to retain the land charge where the tree does not remain.

Impact assessments

Does the change have an impact on the following?

Equality Impact Screening	Impact Yes/No?	Is the impact positive or negative?
Does the policy/service impact on the following?		
Age	No	
Disability	No	
Race	No	
Gender/ Transgender	No	
Sexual Orientation	No	
Religion or belief	No	
Human Rights	No	
Health inequalities	No	
Rurality	No	

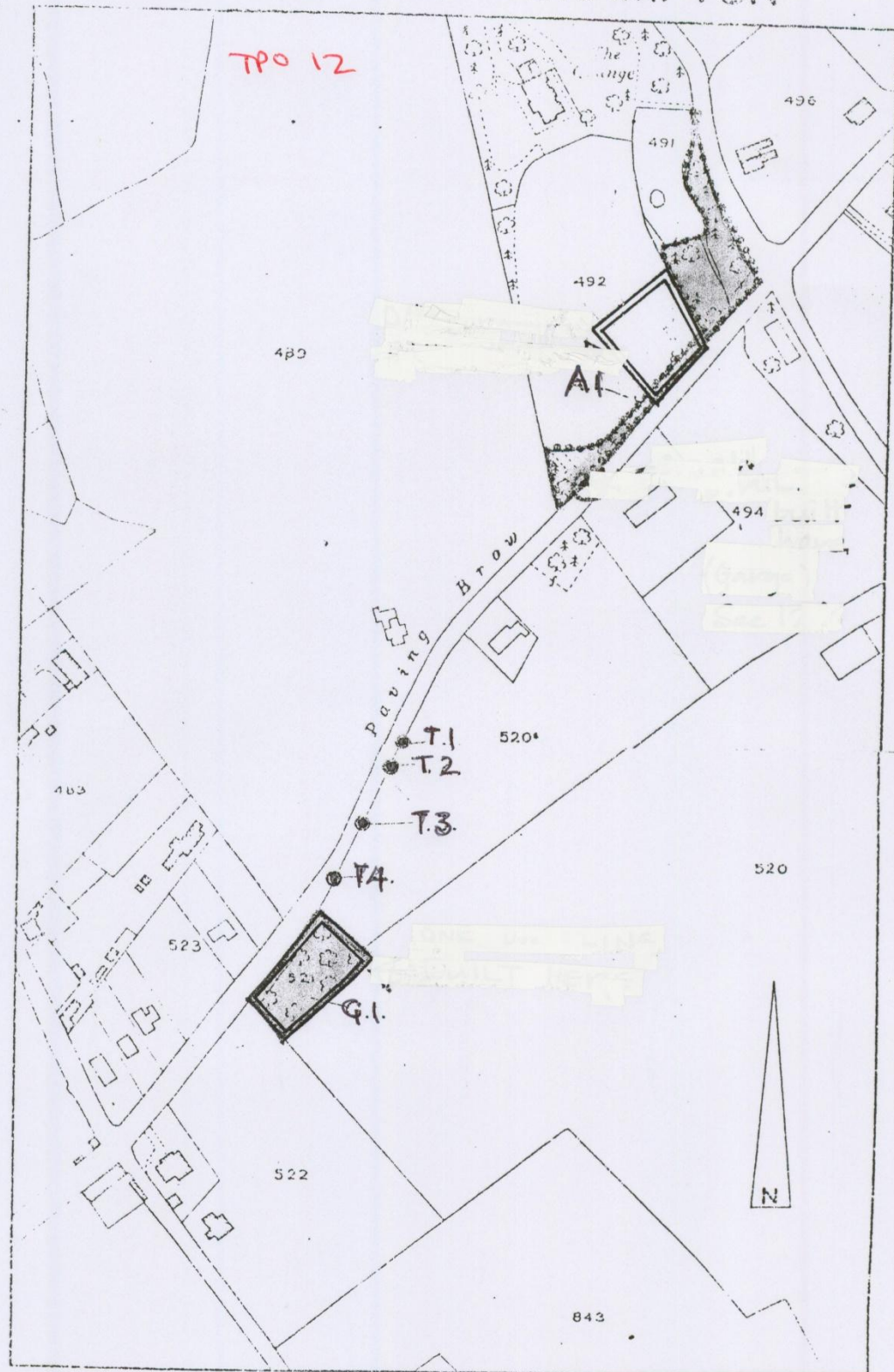
If you consider there is either no impact or no negative impact, please give reasons:

....The revocation of the Tree Preservation Order is a matter of good practice and does not affect equality matters.....

If an equality Impact is necessary, please contact the P&P team.

TREE PRESERVATION No.12 ORDER 1958 HAVING BROW - BRAMPTON

(12)



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