

# Report to Development Control Committee

Agenda  
Item:

**A.5**

Meeting Date: 3 October 2014  
Portfolio: Economy and Enterprise  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework YES  
Public / Private Public

Title: REVOCATION OF TREE PRESERVATION ORDERS 69  
STACKBRAES ROAD, LONGTOWN AND 166 LAND ADJACENT  
TO BRUNSTOCK COTTAGE  
Report of: Director of Economic Development  
Report Number: ED. 36/14

## Purpose / Summary:

This report proposes the revocation of Tree preservation orders 69 Stackbraes Road, Longtown, and 166 Land Adjacent to Brunstock Cottage as part of the ongoing Tree Preservation Order Review

## Recommendations:

Tree Preservation Order 69 and 166 be revoked.

## Tracking

Executive:	
Overview and Scrutiny:	
Council:	

## **1. BACKGROUND**

- 1.1** Planning Practice Guidance “Tree Preservation Orders and trees in conservation areas” advises Local Authorities to keep their Tree Preservation Orders under review, and where appropriate vary or revoke the Order.
- 1.2** Examples of reasons to vary or revoke Tree Preservation Orders include:
- (i) Land has been developed;
  - (ii) Trees, for whatever reason, no longer merit protection by an Order;
  - (iii) Trees standing when the Order was made have been removed; or
  - (iv) 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 set out in the Town and Country Planning Act 1990 SCHEDULE 1 Section 13 to put it right.
- 1.3** The land around Tree Preservation Order 69 has been developed. A number of the trees were removed to implement the development.
- 1.4** A replacement Tree Preservation Order has been made and confirmed to ensure the continuing protection of the remaining trees. One tree which wasn't previously included was added to the Tree Preservation Order.
- 1.5** During the site visit to assess Tree Preservation Order 166 it was evident a small number of trees shown on the Tree Preservation Order no longer remained on site, but other trees on site now merited protection.
- 1.6** A replacement Tree Preservation Order has been made and confirmed to ensure the continuing protection of the remaining trees, and to include new trees that merited protection.

## **2. PROPOSALS**

- 2.1** Tree Preservation Order 69 Stackbraes Road, Longtown and 166 Land Adjacent to Brunstock Cottage, Brunstock be revoked.

### **3. CONSULTATION**

- 3.1** Consultation was carried out with the property and land owners affected by Tree Preservation Order 69 Stackbraes Road, Longtown and 166 Land Adjacent to Brunstock Cottage, Brunstock.
- 3.2** No responses were received.

### **4. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1** Government guidance requires local Planning authorities to review their Tree Preservation Orders ensuring they are accurate, up-to-date and enforceable.
- 4.2** There have been changes to the tree populations protected by both Tree Preservation Orders. Some trees no longer remain, and some trees not included when the original Tree Preservation Orders were made now merit protection.
- 4.3** New up-to-date Tree Preservation Orders have been made and confirmed under the Councils scheme of delegation to protect those trees on both sites that merit protection.

### **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 and contributing to Carlisle's Healthy City objectives.

**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:**

- 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: Planning Practice Guidance: Tree Preservation Orders and trees in conservation areas.**

## **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 a maladministration complaint regarding the management of Tree Preservation Orders is upheld.