

# Report to Development Control Committee

Agenda  
Item:  
**ED. 10/13**

Meeting Date: 19 April 2013  
Portfolio: Economy and Enterprise  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework YES  
Public / Private Public

Title: REVOCATION OF TREE PRESERVATION ORDERS 11, 13, 41,  
85, 96, 133, 172, 192 AND 241  
Report of: Director of Economic Development  
Report Number:

## Purpose / Summary:

This report considers the revocation of Tree preservation Orders 11, 13, 96, 41, 85, 133, 172, 192 and 241 as part of the ongoing Tree Preservation Order Review

## Recommendations:

Tree Preservation Orders 11, 13, 96, 41, 85, 133, 172, 192 and 241 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. 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- 1.3** Tree Preservation Orders 11, 13, 41, 85, and 96 have been superseded by new tree preservation orders made as part of the ongoing tree preservation order review.
- 1.4** Tree Preservation Orders 133, 192 are located within the Wetheral Conservation Area. The conservation area location of the trees gives them a level of protection similar to that afforded to trees protected by tree preservation orders, including a requirement to notify the Council if work is proposed to the tree.
- 1.5** There have been no applications to carry out work to these trees since the tree preservation orders were made in 1997 and 2005 in response to development proposals. Therefore it is considered that the continuation of this double layer of protection is not necessary. A decision on whether the trees require protection by means of a tree preservation order would be made in the event of a notice of

intention to work on these trees being served on Carlisle City Council. If appropriate an accurate and up to date tree preservation order would be made.

- 1.6** Tree Preservation Orders 241 and 172 each protected one individual tree. The tree protected by Tree Preservation Order 241 was removed to implement a development consented by this Committee, and the tree protected by Tree Preservation Order 172 blew down.

## **2. PROPOSALS**

- 2.1** Tree Preservation Orders 11, 13, 96, 41, 85, 133, 172, 192 and 241 be revoked.

## **3. CONSULTATION**

- 3.1** No Consultation has been carried out.

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

- 4.1** Where protected trees remain these will continue to be protected by accurate and up-to-date tree preservation orders.
- 4.2** Unnecessary multiple layers of tree protection will be removed ensuring simpler, but no less robust, tree protection.
- 4.2** All these superseded tree preservation orders remain a land charge on the property where the trees used to exist. As a matter of good practice the tree preservation orders should be revoked, and the land charge removed.

## **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.

**Contact Officer: Charles Bennett Ext Ext: 7535**

**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:**

- **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**

**CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's – None**

**Community Engagement – None**

**Economic Development – None**

**Governance – None**

**Local Environment** – If works are required to the trees within the Conservation Area the Council must be notified.

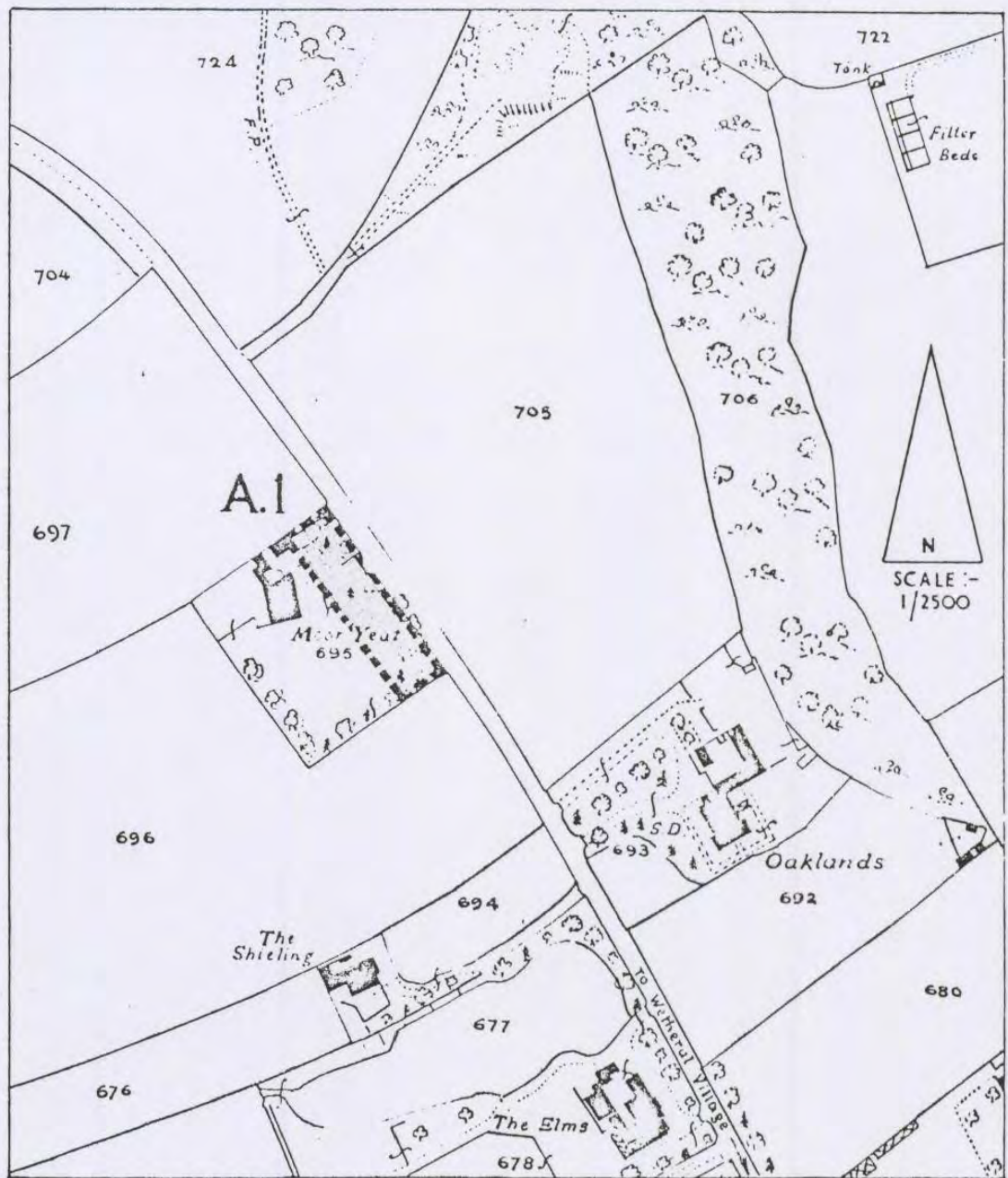
**Resources** - Financial penalties could be incurred if another maladministration complaint regarding the management of Tree Preservation Orders is upheld.

Appendix 1  
Tree Preservation Order Maps



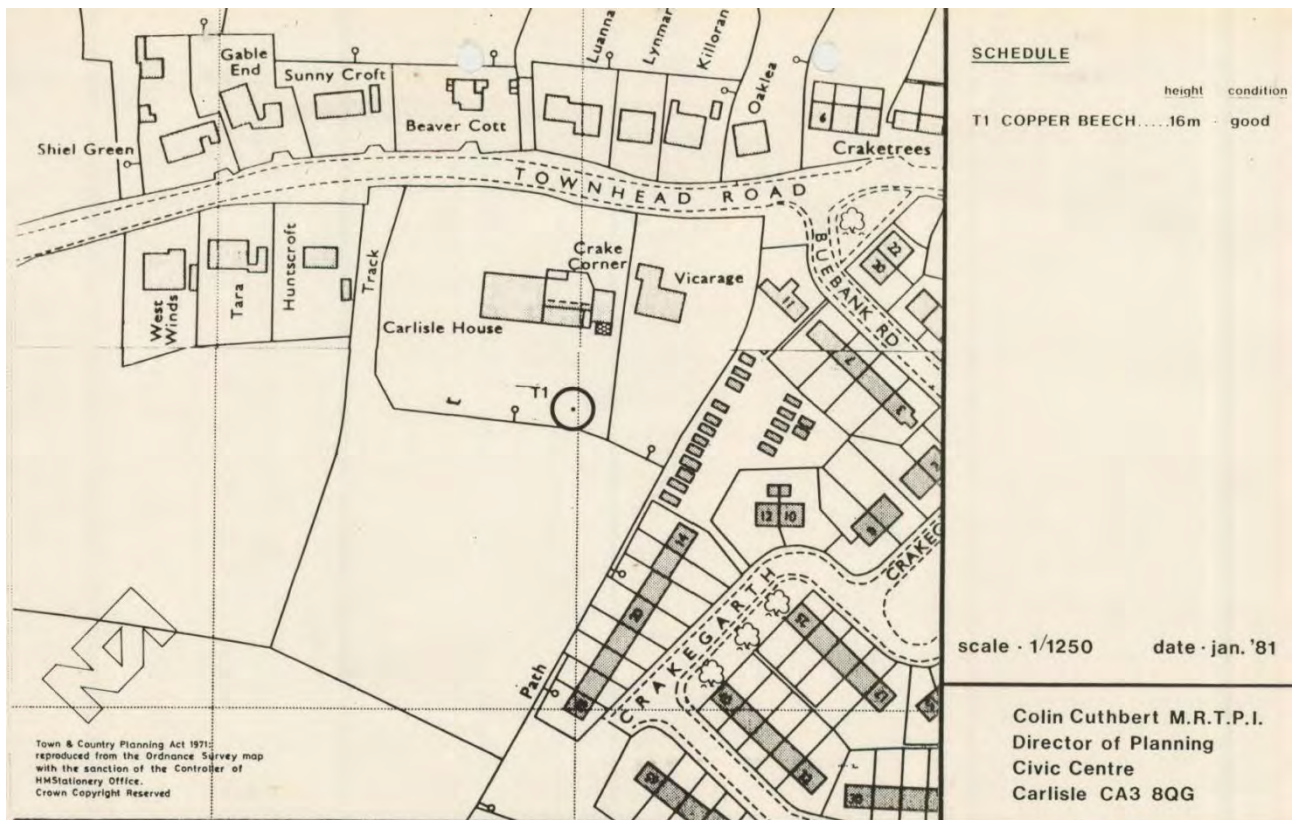
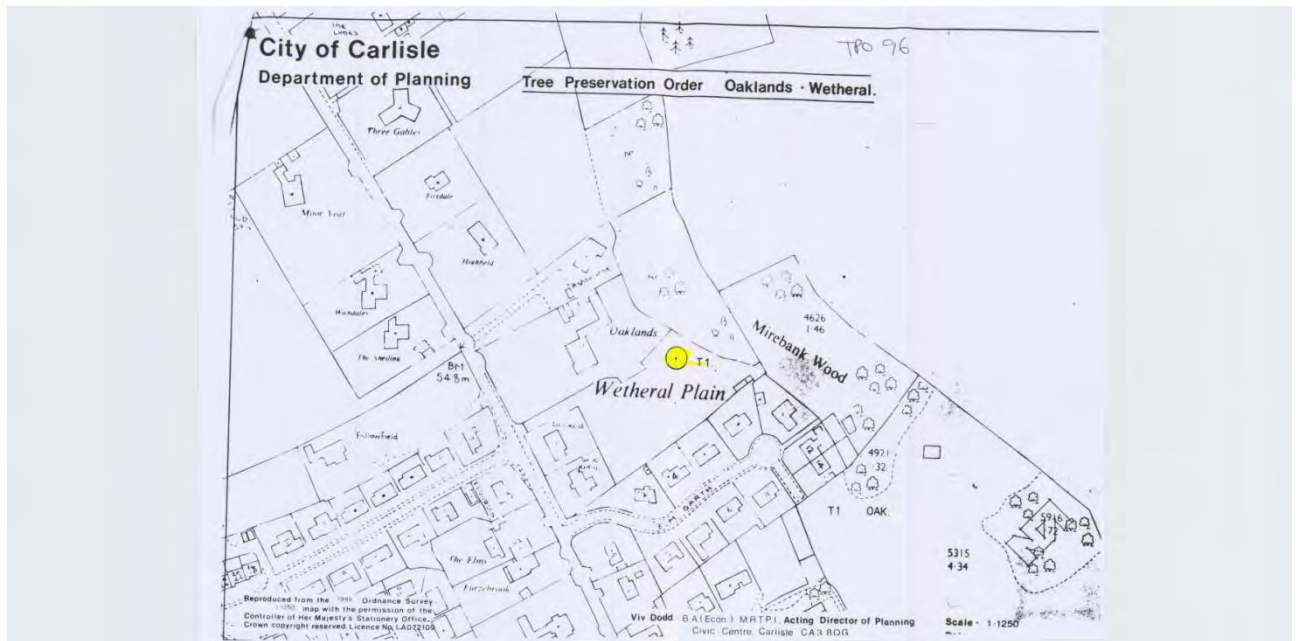


CUMBERLAND COUNTY COUNCIL (13)  
 TREE PRESERVATION (No. 13) ORDER. 196C  
 "MOOR YEAT" WETHERAL.



EXTRACT FROM O.S. CUMB' XXIV. 6.

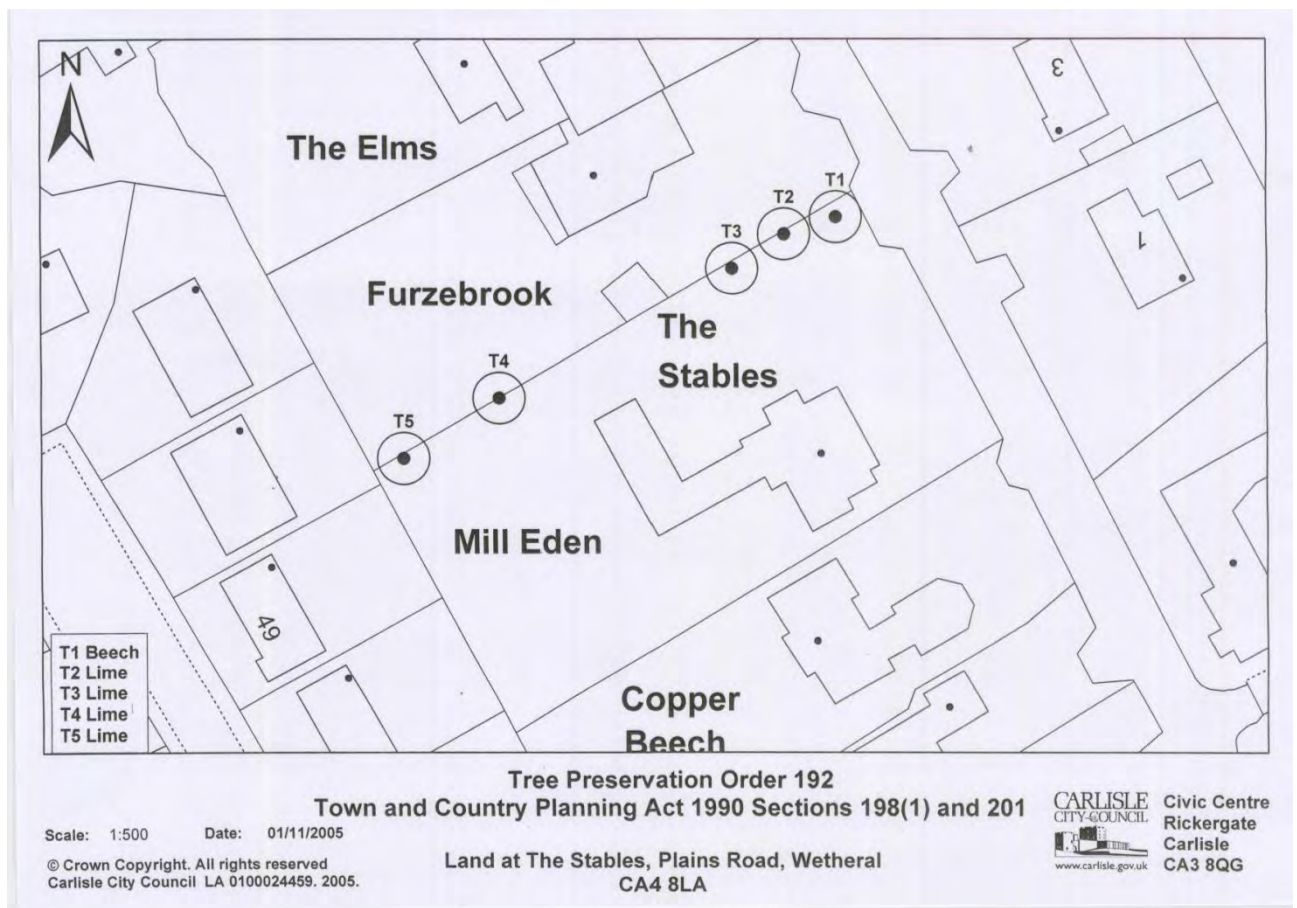
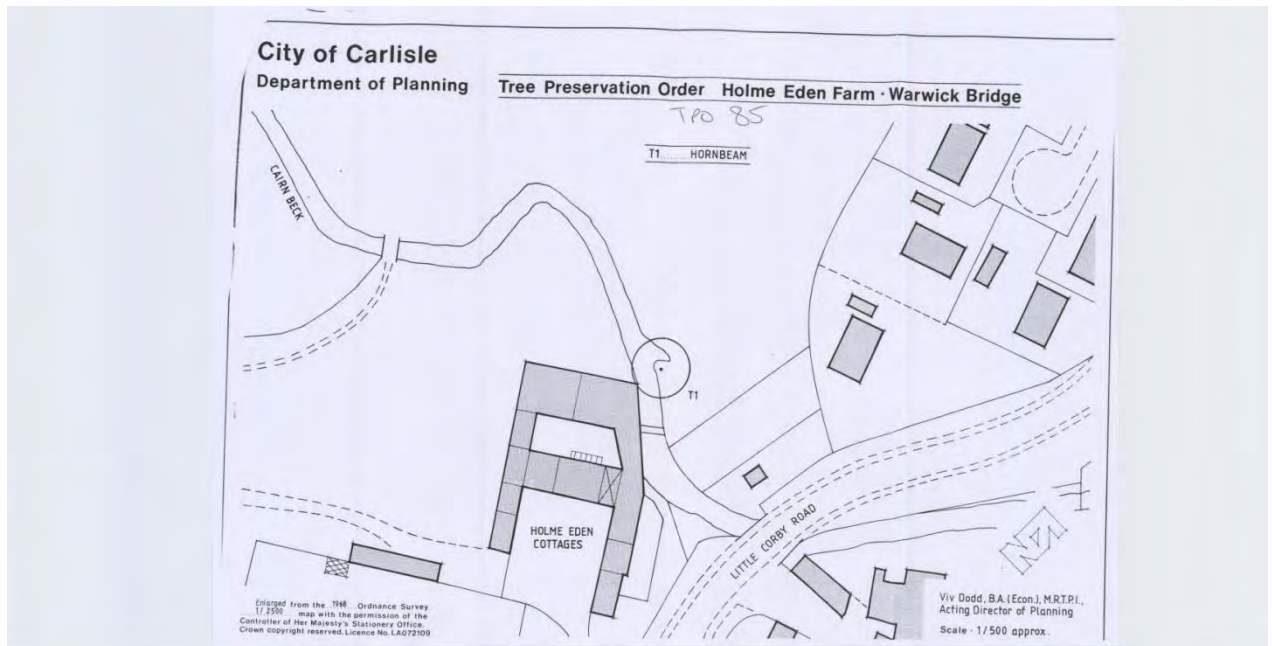
EDITION OF 1931



**TOWNHEAD ROAD (No. 2) T.P.O. DALSTON**

TP0  
41







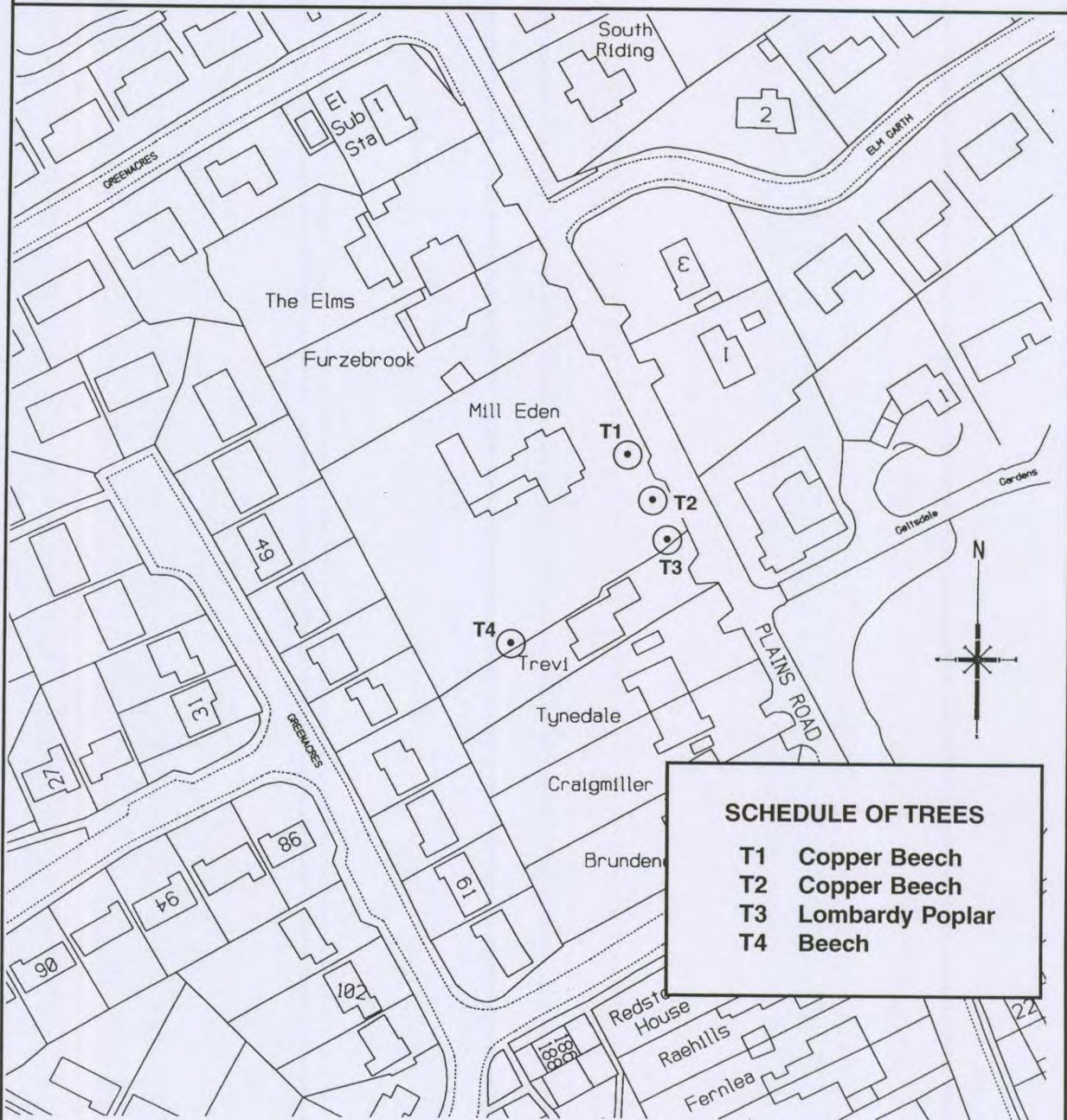
# City of Carlisle

## Department of Environment and Development

Town and Country Planning Act 1990 Sections 198 (1) and 201

**TREE PRESERVATION ORDER NUMBER 133 - (as modified)**

Mill Eden, Plains Road, Wetheral, Carlisle.



### SCHEDULE OF TREES

- |    |                 |
|----|-----------------|
| T1 | Copper Beech    |
| T2 | Copper Beech    |
| T3 | Lombardy Poplar |
| T4 | Beech           |

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Scale 1:1250  
Date October 1997  
Grid Reference 346315E 555093N

Director of Environment and Development :  
M. Battersby C Eng MICE FIHT

*This is the  
Confirmed  
map.*



## City of Carlisle

Department of Environment and Development

Town and Country Planning Act 1990 Sections 198(1) and 201

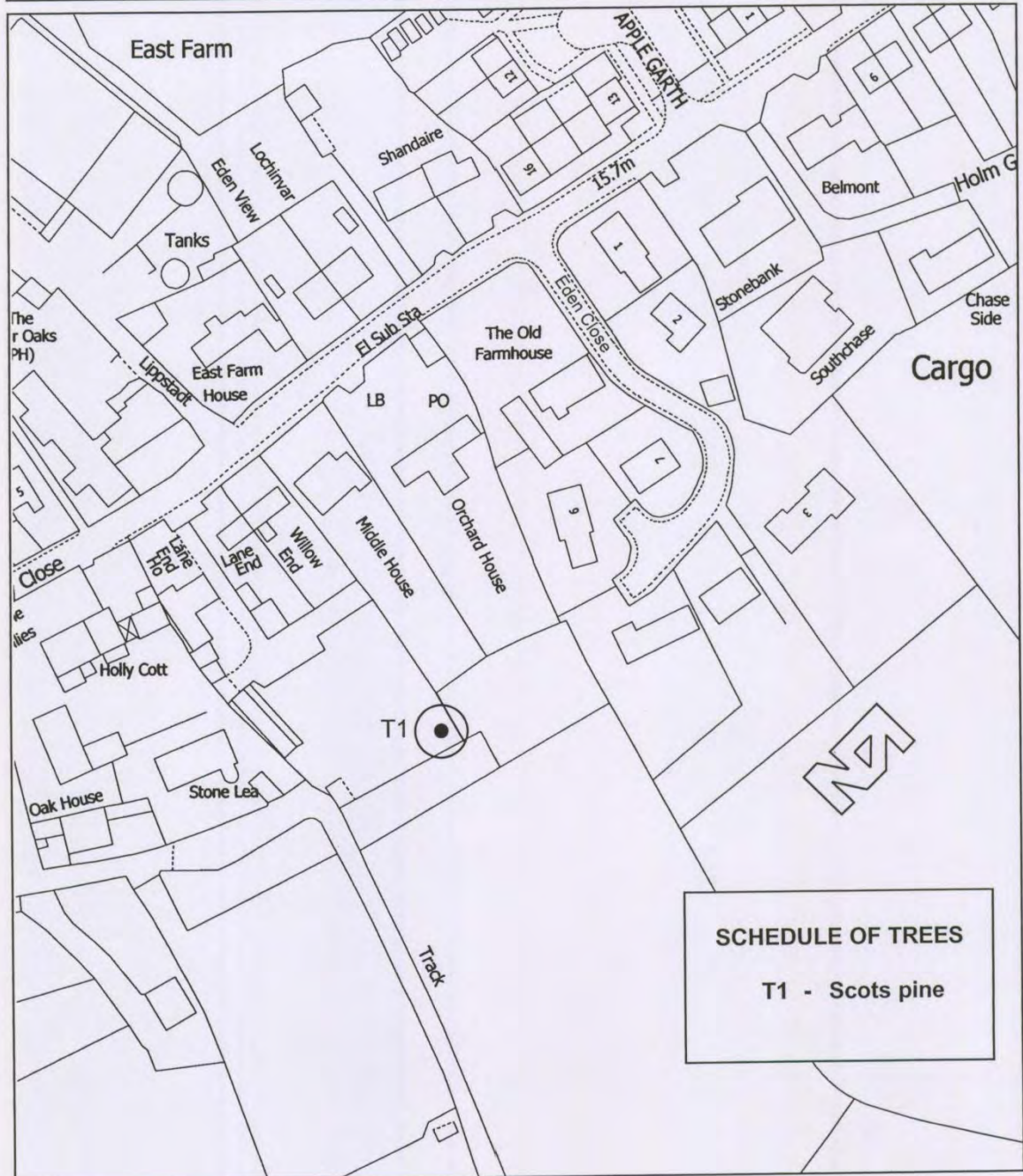
Tree Preservation Order Number 172

Land to the rear of Willow End, Cargo

CARLISLE  
CITY COUNCIL



www.carlisle.gov.uk



### SCHEDULE OF TREES

T1 - Scots pine

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Scale 1:1250

Date August 2002

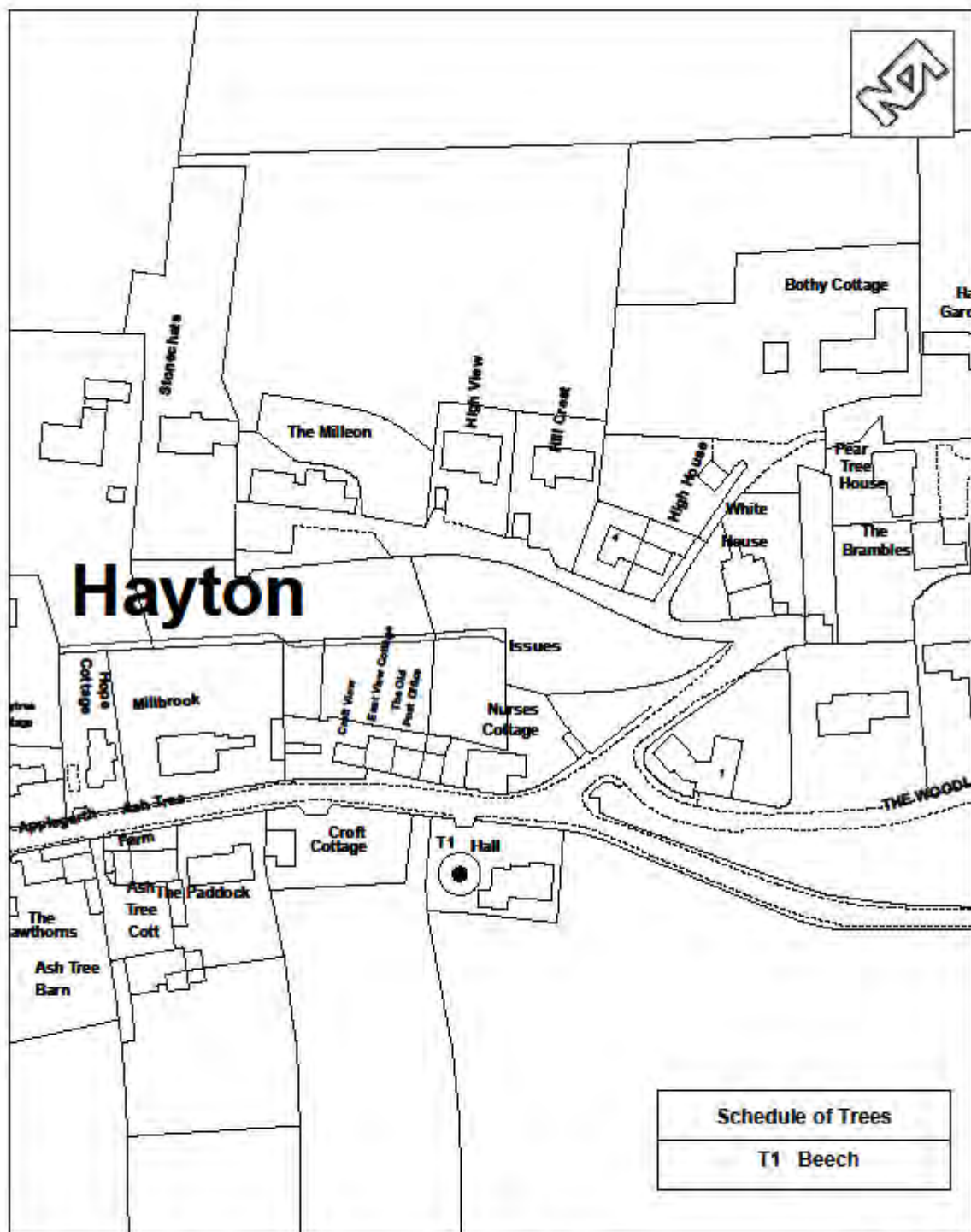
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Director of Environment and Development:

M. Battersby C Eng MICE FIHT

Head of Planning Services

Alan Eales DipTP MRTPI



Town and Country Planning Act 1990 Sections 198(1) and 201

**Tree Preservation Order Number 241**  
**Reading Room, (Memorial Hall), Hayton, Carlisle**



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 Carlisle City Council LA 0100024459. 2009

Date: 9 April 2009 1:1,250 [www.carlisle.gov.uk](http://www.carlisle.gov.uk)  
 Planning & Housing Services, Civic Centre, Carlisle, CA3 8QG