
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	10 JUNE 2008	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPEN
MEMBERS' CONTACT POINT:	KIM PARKES	DOC:
SUBJECT:	The making of a woodland tree preservation order (No. 300)	REF:
WARD AFFECTED:	ASTON	TERMS OF REFERENCE: DC01

1.0 Recommendations

- 1.1 That this Tree Preservation Order be confirmed.

2.0 Purpose of Report

- 2.1 To consider confirmation of this Tree Preservation Order.

3.0 Detail

- 3.1 This Tree Preservation Order was made on 22 January 2008 in respect of a mixed species woodland.

The Order was made for the following reason:

'The woodland makes a valuable contribution to the visual amenity of the area, being visible from several adjacent properties and public rights of way. The woodland has been subject to recent tree felling and is thus under threat. The Council therefore considers the making of the order is necessary to protect the high amenity value of the remaining trees.'

- 3.2 Comments have been received from Park Home Legal Services on behalf the land owners) stating that:

- The placing of the order has not taken into account national policy.
- Material considerations are not taken into account.
- There is a strong possibility that the decision will be biased.

- 3.3 In answer to the comments made the Council's Consultant Arboriculturist makes the following comments:

- The Council has a duty to make a TPO if it considers it expedient to do so. In this case there was a reported incidence of tree felling which caused the LPA to assess the amenity value of the trees on the site. Having concluded that the trees had amenity value the LPA considered it expedient to make the order.

- There is no evidence that, as a result of the TPO, the owner will be unable to adequately maintain trees as required by the Mobile Homes Act.

4.0 Planning Assessment

- 4.1 It is expedient in the interests of amenity to make this tree subject to a tree preservation order.

5.0 Conclusions

- 5.1 It is expedient in the interests of amenity to preserve.

6.0 Financial Implications

- 6.1 None.

7.0 Corporate Implications

- 7.1 None.

8.0 Community Implications

- 8.1 None.

9.0 Background Implications

- 9.1 22 January 2008 Tree Preservation Order.
9.2 4 March 2008 letter from Park Home Legal Services.