

Report of	Meeting	Date
Head of Governance	Development Control Committee	5 March 2013

PROPOSED REVOCATION OF TREE PRESERVATION ORDER NO 2 (CLAYTON-LE-WOODS) 2012

PURPOSE OF REPORT

- To consider formal revocation of the Tree Preservation Order No 2 (Clayton-Le-Woods) 2012.

RECOMMENDATION(S)

- That Tree Preservation Order No 2 (Clayton-Le-Woods) 2012 is revoked to allow a fresh order to be made to protect the trees covered by the Order.

EXECUTIVE SUMMARY OF REPORT

- Formal revocation of Tree Preservation Order No 2 (Clayton-Le-Woods) 2012.
- The Town and Country Planning (Tree Preservation) (England) Regulations 2012/605 (The Regulations) came into force 6 April 2012. In accordance with The Regulations any confirmation of an order as an unopposed order after the period of 6 months from the date that the order is made ceases to have legal effect. The time for confirmation of the Order as an unopposed order had lapsed. Thereby the protection conferred on the trees covered by the Order has lapsed.
- Revocation of Tree Preservation Order No 2 (Clayton-Le-Woods) 2012 is necessary to allow a fresh Tree Preservation Order to be made, Tree Preservation Order No.2 (Clayton-Le-Woods) 2013, which will protect the trees covered by the order with provisional force for a 6 month period from the date that the Order is made.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	x	A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

7. The Order was made on the 3 February 2012 pursuant to the Town and Country Planning (Trees) Regulations 1999 as amended by the Town and Country Planning (Trees) (Amendments) (England) Regulations 2008. The Order was made because on the assessment of the Council's Planning Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public
8. Due to land ownership issues it has not been possible to serve a copy of the order on all those with an interest in the land within the 6 months from the date on which the order was made.
9. The Town and Country Planning (Tree Preservation) (England) Regulations 2012/605 came into force on 6 April 2012. The Regulations now enforce differ from the Town and Country Planning (Trees) Regulations 1999 As amended by the Town and Country Planning (Trees) (Amendments) (England) Regulations 2008 in that Part 2 Regulation 4 of The Regulations state that the Order must be confirmed no later than the expiration of the period of six months beginning with the date on which the order is made. Part 7 Regulation 26 applies transitional provisions to orders made before the Regulations came into force which have not been confirmed. Part 7, Regulation 26 2 (b) confirms that Order must be confirmed with 6 months from the date of commencement.
10. The Order was made on 3 February 2012 and was not confirmed within 6 months from the date that the order was made or commencement. As a Tree Preservation order must be confirmed within a 6 month time limit from the date that the order is made or commencement, any confirmation made thereafter will cease to have legal effect. Therefore it is not open to the Council to confirm the order an unopposed.
11. It is proposed that Tree Preservation Order No 2 (Clayton-Le-Woods) 2012 be revoked as it does not have legal force and the Council cannot confirm the order as unopposed to give the order permanent legal effect as it is outside the 6 month time limit imposed by The Regulations.
12. The Council's Planning Officer has assessed the trees and confirms that the trees continue to make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.
13. Upon revocation of Tree Preservation Order No 2 (Clayton-Le-Woods) 2012 a new Tree Preservation Order will be made, Tree Preservation Order No.2 (Clayton-Le-Woods) 2013 which will protect the trees with provisional force for a 6 month period, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Orders without first having obtained lawful permission.

IMPLICATIONS OF REPORT

14. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	

No significant implications in this area	x	Policy and Communications	
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COMMENTS OF THE STATUTORY FINANCE OFFICER

1. If the trees were to be lopped or pruned or chopped in breach of the order the Council would incur staff costs in any criminal investigation and prosecution. Staff costs in the Planning Department are also involved when dealing with applications for consent to work to protected trees.

COMMENTS OF THE MONITORING OFFICER

2. The legal effect of the order are addressed within the body of the report.

There are no background papers to this report.

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