

**TELFORD & WREKIN COUNCIL**

**PLANS BOARD – 17<sup>TH</sup> FEBRUARY, 2010**

**TREE PRESERVATION ORDER 2009**

**REPORT OF THE HEAD OF GOVERNANCE**

**1.0 PURPOSE**

- 1.1 To inform Members of the making of a provisional Tree Preservation Order (TPO) and to seek its confirmation.

**2.0 RECOMMENDATIONS**

**It is recommended that Members resolve to confirm the following Order without modification:-**

- 2.1 Borough of Telford & Wrekin (Trees within the Grounds of ‘Stackstones’, High Ercall, Shropshire) Tree Preservation Order 2009;**

**3.0 SUMMARY**

- 3.1 On the 26<sup>th</sup> August, 2009 a provisional Tree Preservation Order was made in respect of an orchard comprising 28 apple trees, 4 damson, trees and 1 plum tree, as indicated by a dashed line on the map (Appendix A) included in the Order and designated as a Group of trees (G1 – Appendix B).
- 3.2 On the 25<sup>th</sup> September, 2009 an objection was received to the Order from tfbc manby bowdler on behalf of the owner of the property.

**4.0 PREVIOUS MINUTES**

- 4.1 None.

**5.0 INFORMATION**

**5.1 Details of Objection submitted by the fbc manby bowdler**

- 5.1.1 Those trees identified on the map as numbers 8, 9, 10, 11, 19, 20, 21, 22, 23, 24, 25, 28, 29 and 30 (Appendix B), in the Order refers are unstable and dying. The cause of the instability is unknown but is understood to relate to root dieback. The existence of the Order would prejudice the removal of these trees, as and when they die, and the guidance on the making of Tree Preservation Orders specifically cautions against listing trees which are in the process of dying. These trees are clearly in their late period of life and, in the opinion of their client, are dying due to root dieback.

- 5.1.2 The trees are lacking in amenity value, due to the root dieback which had led to them becoming deformed. They are within a Group but contribute nothing to its function as an amenity area owing to the very substantial degree to which the trees have become crowded. They are not, therefore, growing to their best. Their client accepts that those trees which are of good amenity value are worthy of preservation under a TPO but not the others.
- 5.1.3 Some of the trees are dwarf varieties and contribute nothing to the amenity value of the orchard and it is considered that the loss of a few trees within several would not have a significant effect on the public amenity and local environment.
- 5.1.4 In conclusion, their client accepts the principle of a TPO in terms of some of the trees but would ask that the Council to re-inspect the remainder with a view to confirming his objection that they be excluded from the 'Area Order'.

## 5.2 Response of Arboricultural Officer

- 5.2.1 The comment that the trees' instability is of an unknown cause but is understood to relate to root dieback needs to be substantiated.
- 5.2.2 fbc manby bowdler state that the existence of a TPO would prejudice the removal of any of the trees as and when they die. This is not the case, although there would be a requirement to replace any such trees that were removed from or died within the grouping.
- 5.2.3 The objection that the trees are lacking amenity value due to root dieback needs to be confirmed.
- 5.2.4 An objection has been made to the inclusion of dwarf varieties of trees within the Order but this was done as they contributed to the 'group effect' and, thus, provided amenity as a group.
- 5.2.5 The objection makes reference to the 'Area Order' but this is an Order for a 'Group' of trees.

## 6.0 EQUALITY & DIVERSITY

- 6.1 Not applicable.

## 7.0 ENVIRONMENTAL IMPACT

- 7.1 The amenity value of the trees outweighs any reasons given for their removal.

## 8.0 LEGAL COMMENT

- 8.1 A Tree Preservation Order is made under the powers conferred on the Borough of Telford & Wrekin by Sections 198 201 and 203 of the Town and Country Planning Act 1990. A Local Planning Authority may

preserve trees or woodlands if it thinks it is expedient in the interests of amenity to do so.

- 8.2 The Tree Preservation Order does not preclude necessary lopping or pruning. However, it would be necessary for the Council to consent before any such work was undertaken.
- 8.3 Should an application be received for consent to fell any protected tree(s), conditions could be imposed to secure the replanting of suitable replacement trees.
- 8.4 Before confirming an Order the Council must first consider any objections which have not been withdrawn.

#### **9.0 LINKS WITH CORPORATE PRIORITIES**

- 9.1 The making of Tree Preservation Orders is an important element in the Council's priority of ensuring a sustainable environment.

#### **10.0 FINANCIAL IMPLICATIONS**

- 10.1 There are no financial implications for the Council.

#### **11.0 WARD IMPLICATIONS**

Newport and Wellington

#### **12.0 BACKGROUND PAPERS**

- 12.1 Borough of Telford & Wrekin (Trees within the Grounds of Stackstones', High Ercall, Shropshire) Tree Preservation Order 2009
- 12.2 Letter of objection dated 24<sup>th</sup> September, 2009

**Report prepared by Susan Goater, Democratic Services Officer**  
**01952-383214**  
[sue.goater@telford.gov.uk](mailto:sue.goater@telford.gov.uk)