

DATED 24 September 2018

Wirral Borough Council

Tree Preservation Order

No. 390

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER

relating to

Land to the South East of Stanley Avenue
and the Mountwood Conservation Area

TOWN AND COUNTRY PLANNING ACT 1990

WIRRAL BOROUGH COUNCIL

TREE PRESERVATION ORDER NO. 390

SITE: LAND TO THE SOUTH EAST OF STANLEY AVENUE AND
THE MOUNTWOOD CONSERVATION AREA 2018

The Wirral Borough Council in exercise of the powers conferred on them by Sections 198 of the Town and Country Planning Act 1990 hereby make the following Order:

Citation

1. This Order may be cited as Tree Preservation Order No. 390 Site: Land to the South East of Stanley Avenue and the Mountwood Conservation Area 2018

Interpretation

2. (1) In this Order "the Authority" means the Wirral Borough Council.
(2) In this Order any reference to a number section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to Article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of Section 198 (Power to Make Tree Preservation Orders) or subsection (1) of Section 200 (Tree Preservation Orders: Forestry Commissioners) and, subject to the exceptions in Regulation 14, no person shall -
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the Authority in accordance with Regulations 16 and 17, or of the

Secretary of State in accordance with Regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to Trees to be Planted Pursuant to a Condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of Section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 24th day of September 2018

THE COMMON SEAL of

WIRRAL BOROUGH COUNCIL

was hereunto affixed

in the presence of:-

CJS Hg
Authorised Officer



[CONFIRMATION OF ORDER

[This Order was confirmed by the Wirral Borough Council without modification
on the day of

OR

[This Order was confirmed by the Wirral Borough Council, subject to modifications indicated
by
on the day of

.....
Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by Wirral Borough Council
on the day of

.....
Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

[This Order was varied by the Wirral Borough Council
on the day of
under the reference number

.....
Authorised by the Council to sign in that behalf]

[REVOCATION OF ORDER

This Order was revoked by the Wirral Borough Council
on the day of
under the reference number

.....
Authorised by the Council to sign in that behalf]

SCHEDULE

SPECIFICATION OF TREES

Trees Specified Individually (encircled in black on the map)

Reference on map	Description	Situation
None		

Trees specified by reference to an area (within a dotted black line on the map)

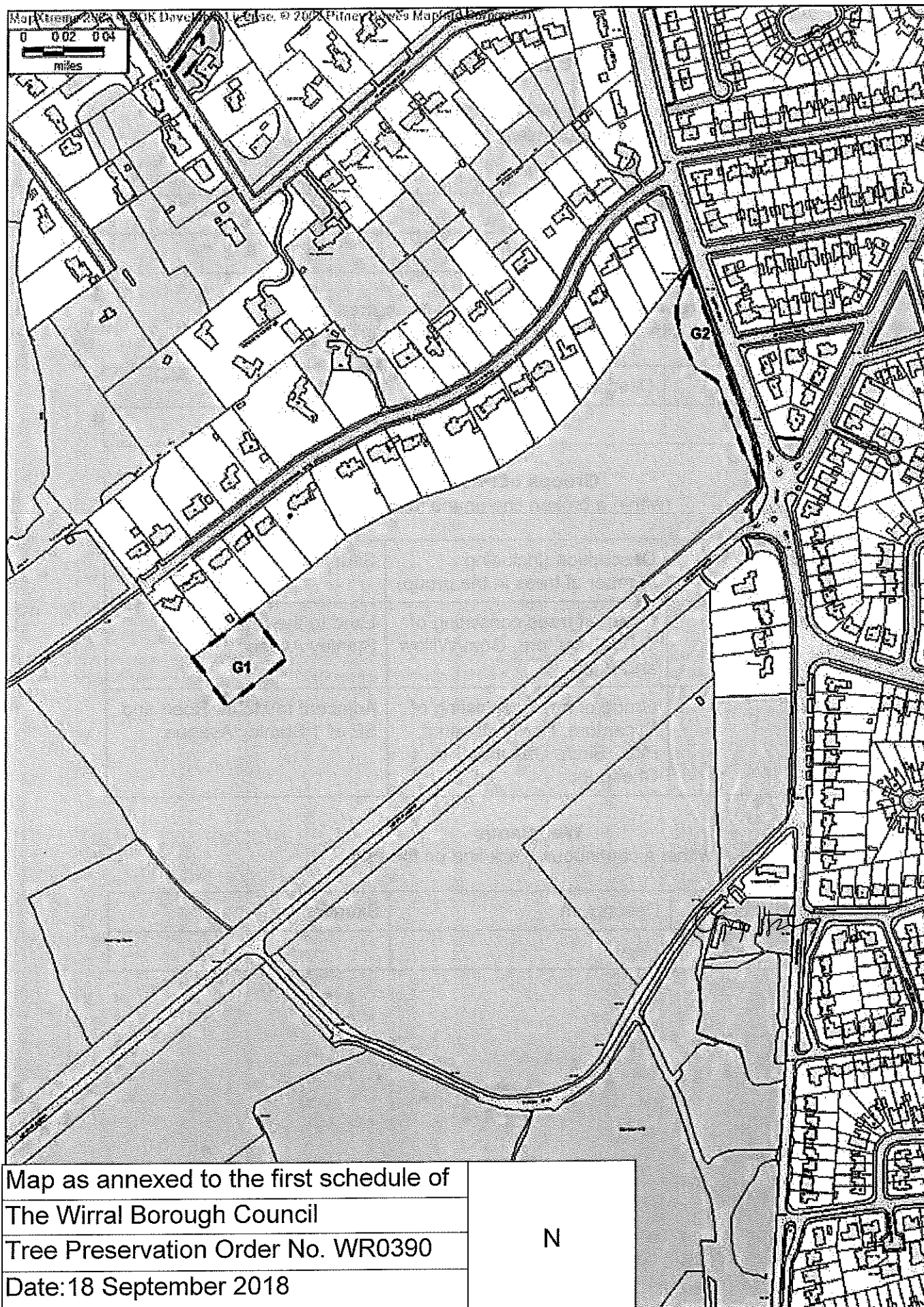
Reference on map	Description	Situation
None		

Groups of trees (within a broken line on the map)

Reference on map	Description (including number of trees in the group)	Situation
G1	Group of trees consisting of Oak, Sycamore, Goat Willow and Birch	Land to the rear of 41-45 Stanley Avenue
G2	Group of trees consisting of Sycamore, Horse Chesnut, Pine, Birch, Oak and Sweet Chesnut	Adjacent to Mount Road and SE of 1 Stanley Avenue.

Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
None		



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

METROPOLITAN BOROUGH OF WIRRAL

TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

WIRRAL BOROUGH COUNCIL TREE PRESERVATION ORDER NO: 390

**SITE: LAND TO THE SOUTH EAST OF STANLEY AVENUE AND THE MOUNTWOOD
CONSERVATION AREA 2018**

THIS IS A FORMAL NOTICE which is served on you because on 24 September 2018 the Council made the above Tree Preservation Order in respect of land in which you appear to have an interest.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees specified in the Schedule and shown on the map without the consent of the Council.

Some explanatory guidance on Tree Preservation Orders is provided in the enclosed leaflet, *Protected Trees: A Guide to Tree Preservation Procedures*, produced by the Department of Communities and Local Government.

The Council's grounds for making the Order are:-

The trees are prominent in long distance views from local public spaces. For example Lever Causeway, Mount Road and Storeton Hill.

The trees in Group 2 provide a visually important boundary adjacent to Mount Road.

Trees form a prominent part of the Wirral landscape and comprise an essential feature in the special character of many of Wirral's residential areas. Indeed, even where tree cover is not a distinctive characteristic of a neighbourhood, a single large

tree or group of trees can have a significant visual impact within the surrounding area.

Policy GR7 forms part of the Local Planning Authority's wider responsibility to conserve the natural beauty of the area and to provide for physical improvements to the environment. It also reflects the statutory duty to, wherever appropriate, specifically provide for the preservation and planting of trees when granting planning consent.

In addition to the powers and duties outlined above, the Local Planning Authority also has the power to issue Tree Preservation Orders where it is "expedient in the interests of amenity". Such an Order provides additional protection to selected trees and woodlands where their removal or cutting would have a significant impact on the environment. While Policy GR7 does not represent a definitive strategy for Tree Preservation Orders, the criteria related to health, size, visual value and nature conservation value will form primary considerations in the issue of new or revised Orders.

Due to potential changes to Greenbelt designations it is deemed expedient in the interests of amenity to serve an order to protect the trees, given both present and future threats, including the possibility of future changes of property ownership or management and general development pressure.

The Order includes a direction applying Section 201 of the Town and Country Planning Act 1990. This means that the Order is brought into effect provisionally immediately. The Order will continue in force for a period of up to six months from the date the Order was made, or until the Order is confirmed by the Council, whichever first occurs.

The Council will now consider whether the order should be confirmed, that is to say, whether the Order should remain in effect. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments about the Order, please do so in writing by 6 November 2018. To be valid, your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is included at the end of this notice. Your comments should be sent to the Business Services, Tree Preservation, South Annexe, Town Hall, Brighton Street, Wallasey, Wirral, CH44 8ED marked for the attention of the Tree Preservation Officer. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

A certified copy of the Order will be available for inspection at the One Stop Shop, Town Hall, Brighton Street, Wallasey during normal office hours (Monday to Friday, 9.00 am to 5.00 pm except Wednesday 10.00 am to 5.00 pm).

The Council will write to you again when a decision has been taken on whether to confirm the order. If you would like further information, or have any questions about this notice, please contact the Tree Preservation Officer, Business Services, South Annexe, Town Hall, Brighton Street, Wallasey, Wirral, CH44 8ED.

Dated: 25 September 2018



Signed :
Philip McCourt
Director: Governance and Assurance
Town Hall, Brighton Street
Wallasey, Wirral, CH44 8ED

COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Objections and representations

6(1) Subject to paragraph (2), objections and representations -

- (a) shall be made in writing and -
 - (i) delivered to the Authority not later than the date specified by them under Regulation 5(2)(c); or
 - (ii) sent to the Authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
- (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and
- (c) in the case of an objection, shall state the reasons for the objection.

(2) The Authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.