

DATED 21 February 2013

Wirral Borough Council

Tree Preservation Order

No. 348

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER

relating to

40 Poplar Road, Oxton, Wirral

TREE PRESERVATION ORDER\TPO348\ORDER

TOWN AND COUNTRY PLANNING ACT 1990

WIRRAL BOROUGH COUNCIL

TREE PRESERVATION ORDER NO. 348

SITE: 40 POPLAR ROAD, OXTON, WIRRAL, 2013

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. 348 Site: 40 Poplar Road, Oxtton, Wirral, 2013

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

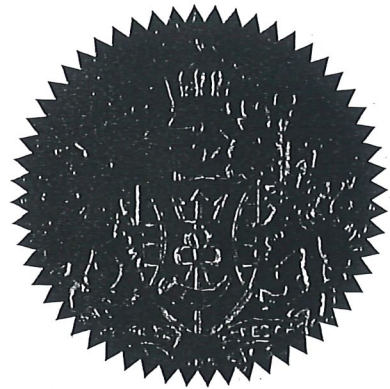
4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of Section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect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

Dated this 21st day of February 2013

THE COMMON SEAL of
WIRRAL BOROUGH COUNCIL

was hereunto affixed
in the presence of:-

CJS. H. L.
Authorised Officer



434290

[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
T1	Walnut	Situated in the front garden to the south of the front corner of the property.

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

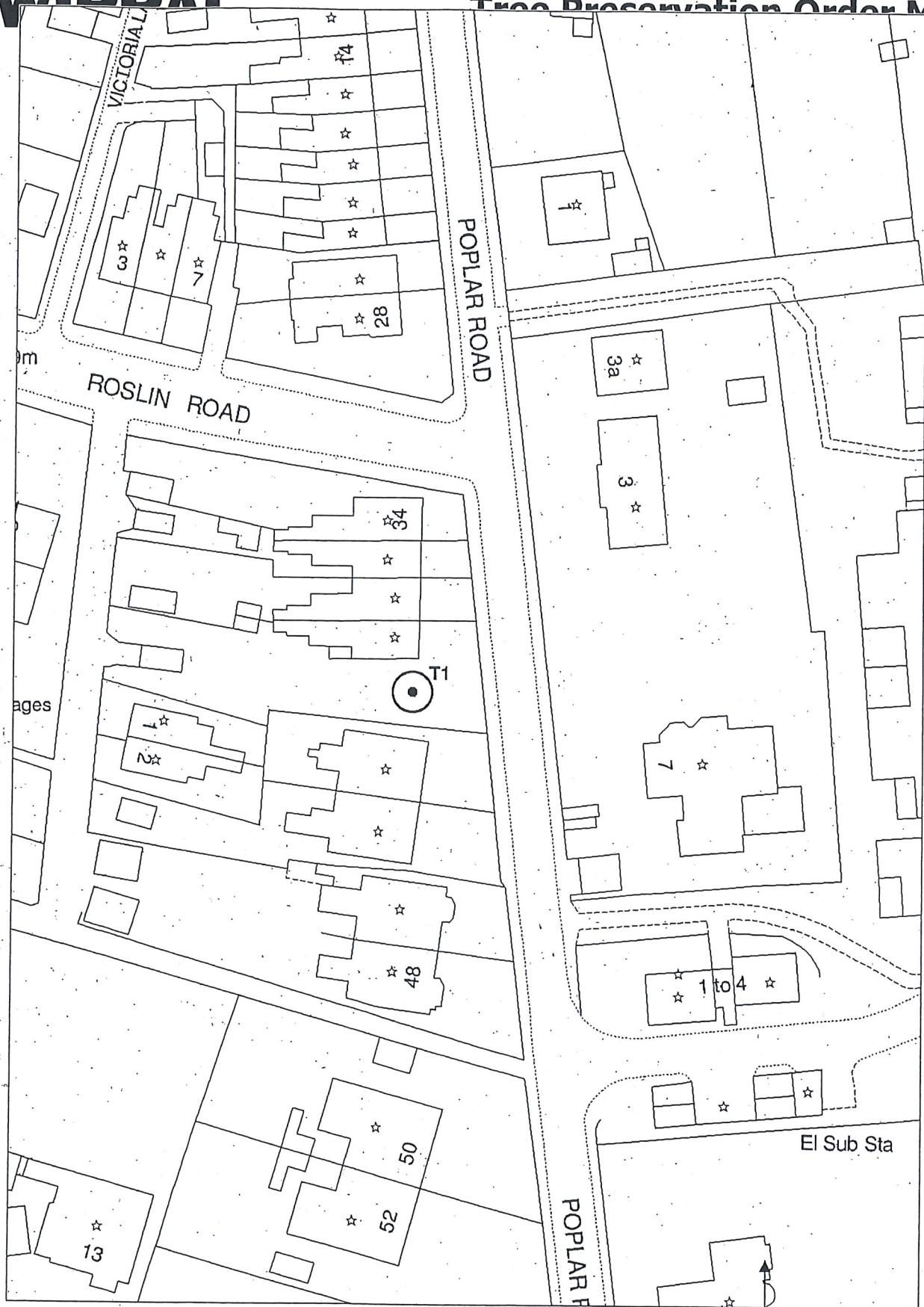
Reference on map	Description	Situation
None		

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

Reference on map	Description (including number of trees in the group)	Situation
None		

Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
None		



**Map as annexed to the first schedule of
The Wirral Borough Council
Tree Preservation Order No. 348**

Scale:

Date:

2012

N

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: 348

SITE: 40 POPLAR ROAD, OXTON, WIRRAL 2013

THIS IS A FORMAL NOTICE which is served on you because on 21 February 2013 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:-

1. The Town and Country Planning Act 1990 makes a special provision for trees in conservation areas which are not the subject of a Tree Preservation Order. Under Section 211 anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the Local Planning Authority six weeks' prior notice (a "Section 211 notice"). The purpose of this requirement is to give the Local Planning Authority an opportunity to consider whether a Tree Preservation Order should be made in respect of the tree. A notification to fell one Walnut tree standing in the Oxtan Conservation Area has been received.
2. The Council has a duty to make provision for the preservation of trees and woodlands in the interests of amenity. It does this by making Tree Preservation Orders (TPO). The purpose of a Tree Preservation Order is to protect trees which make a significant impact on their local surroundings.

The Walnut is clearly visible from the road and contributes considerably to the amenity and character of Poplar Road. The reasons for the removal rely on a presumed planning permission, which may or may not be granted. The TPO will allow the tree to be considered as part of any future planning application.

By virtue of its size and unusual species it makes a valuable contribution to the landscape character of Poplar Road and the Oxtou Conservation Area.

3. Policy GR7 - Trees and New Development

In assessing the protection to be given to trees on development sites the Local Planning Authority will consider the general health, structure, size and life expectancy of trees, their visual value within the locality and their value for nature conservation and will require that buildings, structures and hard surface areas are sited in order to:

- (i) substantially preserve the wooded character of the site or of the surrounding area;
- (ii) provide for the protection of trees of greatest visual or wildlife value and other vigorous healthy trees;
- (iii) prevent the removal of trees by occupiers of the development to obtain reasonable sunlight to habitable rooms, secure an open unshaded garden area, or to remove perceived dangers to life and property; and
- (iv) protect trees on adjacent land which may be affected by the development proposed.

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 12 April 2013. 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

Regeneration, Housing and Planning Department, North 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).

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, Regeneration, Housing and Planning Department, North Annexe, Town Hall, Brighton Street, Wallasey, Wirral, CH44 8ED.

Dated: 1 March 2013



Signed :
Surjit Tour
Acting Director of Law, HR and Asset Management
Town Hall
Brighton Street
Wallasey
CH44 8ED

TREE PRESERVATION ORDER\TPO348\NOTICE

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.