

DATED 29<sup>th</sup> August 2013

Wirral Borough Council

Tree Preservation Order

No. 350

TOWN AND COUNTRY PLANNING ACT 1990

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TREE PRESERVATION ORDER

relating to

Denecourt, 37 Oldfield Drive, Heswall, Wirral

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TREE PRESERVATION ORDER\TPO350\ORDER

TOWN AND COUNTRY PLANNING ACT 1990

WIRRAL BOROUGH COUNCIL

TREE PRESERVATION ORDER NO. 350

SITE: DENE COURT, 37 OLDFIELD DRIVE, HESWALL, 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. 350 Site: Denecourt, 37 Oldfield Drive, Heswall, 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 29<sup>th</sup> day of August 2013

THE COMMON SEAL of

WIRRAL BOROUGH COUNCIL

was hereunto affixed

in the presence of:-

CJD. Hughes  
Authorised Officer



NUMBER IN SEAL BOOK: 434576

**[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)

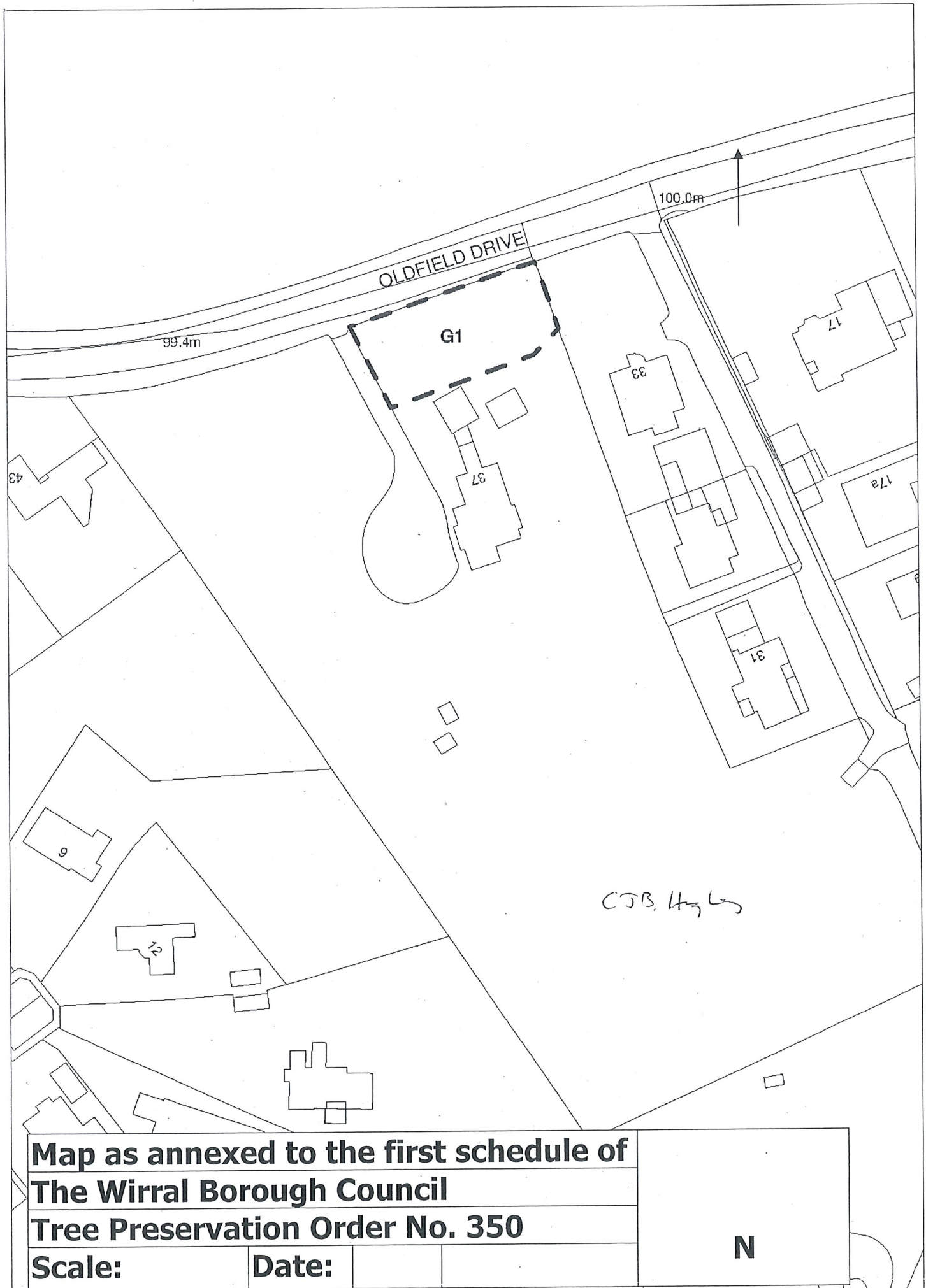
Reference on map	Description (including number of trees in the group)	Situation
G1	2 False Acacia 2 Ash 3 Sycamore 1 Birch and 1 Beech	Front garden of 37 Oldfield Drive

#### **Woodlands** (within a continuous black line on the map)

Reference on map	Description	Situation
None		

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# Tree Preservation Order Map



**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: 350**

**SITE: DENECOURT, 37 OLDFIELD DRIVE, HESWALL, WIRRAL 2013**

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**THIS IS A FORMAL NOTICE** which is served on you because on 29 August 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. A planning application has been received to develop this site. There are a number of trees to the front of this site that make a significant contribution to the character and amenity of Oldfield Drive and should be a material consideration in any development proposal. It has therefore been decided to serve a Tree preservation order on the trees.
2. Policy LAN1 - Principles for Landscape of the Unitary Development Plan for Wirral which was adopted on 11 February 2000 states:

In considering proposals for development, the Local Planning Authority will have regard to the visual impact upon the local and wider landscape and will in particular:

- (i) Protect landscapes of special character, identified as areas of special landscape value; and

Proposals will not be permitted where their visual impact would be inappropriate, in terms of the character, appearance and landscape setting of the surrounding 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) ensure that trees to be retained have adequate space in order to prevent damage to their canopy or root structures during construction and to allow for the future growth of canopy and roots to normal mature sizes;
- (iv) 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
- (v) protect trees on adjacent land which may be affected by the development proposed.

#### Informative

An amenity valuation was carried out using TEMPO (Tree Evaluation Method for Preservation Orders). This system is used as a decision guide.

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 14 October 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: 30 August 2013



Signed : .....  
Surjit Tour  
Head of Legal and Member Services  
Town Hall  
Brighton Street  
Wallasey  
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.