

DATED 22 October 2019

Wirral Borough Council

Tree Preservation Order

No. 402

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER

relating to

South of Ditton Lane/Ditton Lane Nature Area,
Moreton, Wirral

TOWN AND COUNTRY PLANNING ACT 1990

WIRRAL BOROUGH COUNCIL

TREE PRESERVATION ORDER NO. 402

SITE: SOUTH OF DITTON LANE/DITTON LANE NATURE AREA,
MORETON, WIRRAL 2019

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. 402 Site: South of Ditton Lane/Ditton Lane Nature Area, Moreton, Wirral 2019

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.

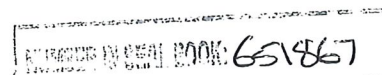
Dated this 22nd day of October 2019

THE COMMON SEAL of
WIRRAL BOROUGH COUNCIL

was hereunto affixed

in the presence of:-

CSB Hughes
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)

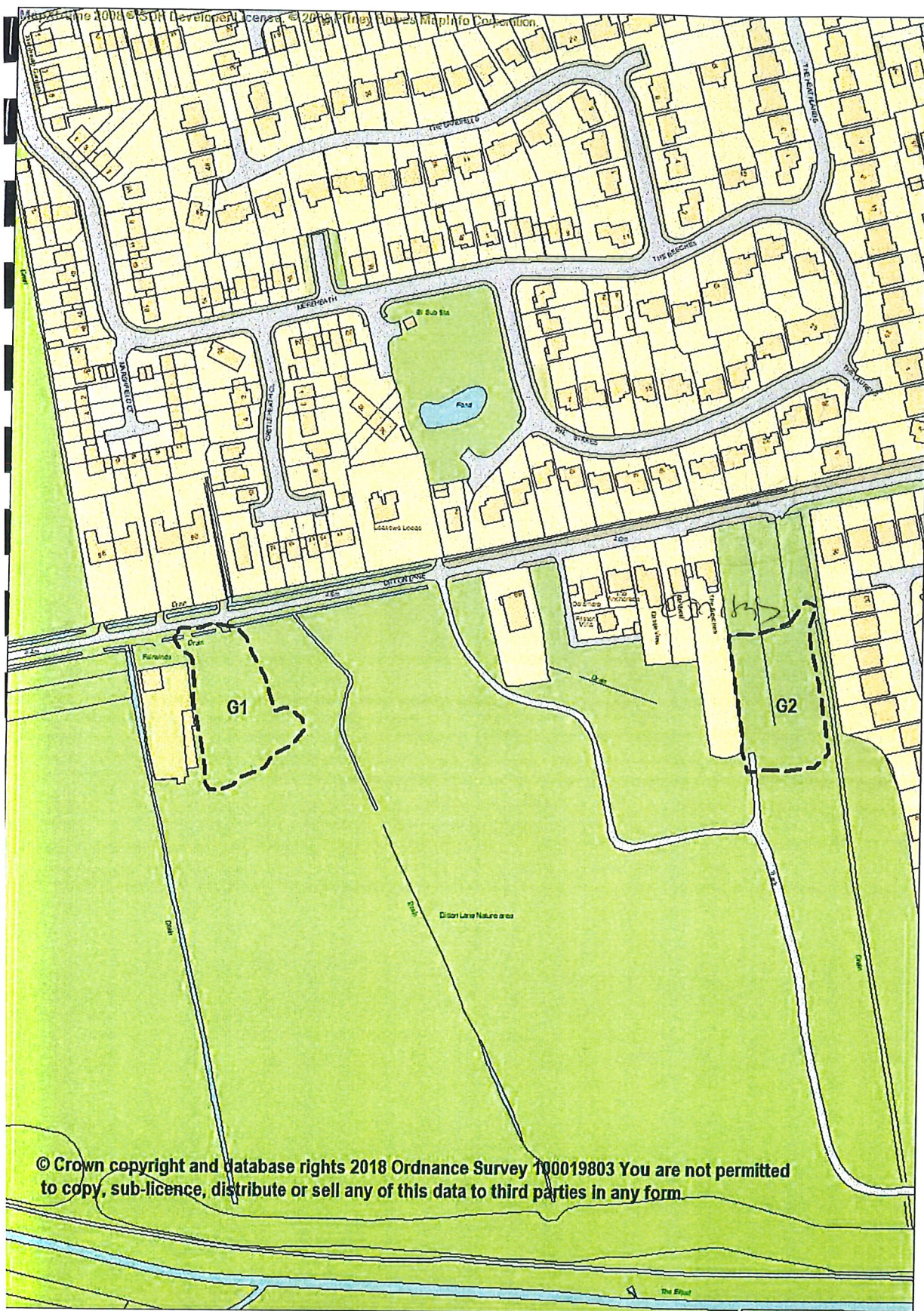
Reference on map	Description	Situation
None		

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 Goat Willow, Grey Willow, Ash, White Willow and Crack Willow	Standing south of Ditton Lane opposite No. 92 Ditton Lane
G2	Group of Poplar and Sycamore and Willow	Standing to the south of Ditton Lane and west of Cheltenham Crescent

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. WR0402

Date: 17 October 2019

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: 402

**SITE: SOUTH OF DITTON LANE/DITTON LANE NATURE AREA, MORETON, WIRRAL
2019**

THIS IS A FORMAL NOTICE which is served on you because on 22 October 2019 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:-

There is concern that local land for sale may be developed. The land is part of a local nature 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. Policy GR7 does not, however, provide a blanket protection for all trees. Instead, it provides for the circumstances of each site to be considered in terms of its importance within the surrounding area. The objective of Policy GR7 is to ensure that issues related to the health, size, visual significance and the wildlife value of trees are properly assessed before development is permitted or refused.

In accordance with Policy GR7, trees or woodlands possessing significant visual or wildlife value will normally be retained. However, where it proves necessary to permit the loss of trees, Policy GR7 also requires applicants to undertake replacement planting, especially in order to preserve the wooded character of a site or neighbourhood or in order to protect the

amenity of adjacent property.

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.

Trees make a major contribution to the quality of the Wirral's environment as well as benefiting wildlife and improving air quality.

The site contains several groupings of trees which are a valuable amenity feature of the site. Some of these are typical of wet woodland which forms part of the character of the area.

The tree or trees make a valuable contribution to the amenity and landscape character of the local area and stand adjacent to and within a local nature area.

Informative

An amenity valuation was carried out. 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 4 December 2019. 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: 22 October 2019



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