

# Tree Preservation Order No 412-2018

Enter title of relevant Cabinet Member

Date: 30 July 2018

Agenda Item: 7

Contact Officer: Gareth Hare

Tel Number: 01543 308207

Email: Gareth.hare@lichfielddc.gov.uk

Key Decision? NO

Local Ward Members Cllrs David Leytham, Rob Strachan, Alan White



## 1. Executive Summary

- 1.1 To seek members decision regarding the confirmation of Tree Preservation Order 412-2018 at Homestead, 8 The Beck, Elford, Staffs B79 9BP

## 2. Recommendations

- 2.1 That the Committee confirm the Tree Preservation order with modifications.

## 3. Background

- 3.1 A tree preservation order was made on 1<sup>st</sup> March 2018 in respect of trees at Homestead, 8 The Beck, Elford, Tamworth, Staffs, B79 9BP.
- 3.2 An objection to the order was received on the 27<sup>th</sup> of March 2018 on a range of grounds
- 3.3 The objections are reproduced in full at **Appendix A** (save for material redacted for confidentiality reasons on the part of the applicant).

The objections (in italics) are detailed below and dealt with in context for ease of reference:

1. *Within the cover letter dated 1<sup>st</sup> March 2018, it states that 'The Council have made the order in pursuance of its' powers' but has neglected to give any reason or justification for serving the order.*

Whilst the cover letter states the above, the formal notice of the order (within the pack sent out to all recipients of the TPO) gives the reasons for making the order.

The TPO documents are attached at **Appendix B**.

2. The objection takes issue with the way the trees are described in the reasons for making the order and contends that the description may be *'at best misleading and at worst disingenuous'* and *'fails to recognise the true state of the trees or considers their past management which raises significant doubt over their safety and potential longevity'*.

There is no dispute that the Lime and the Sycamore within the group have been topped/lopped in the past. There is also no dispute that such treatment can lead to eventual branch failure of the growth that such an operation promotes. However this is not automatically the case. In addition it is difficult to attribute the single branch breakage given in photograph 5 of the objection within the sycamore to its previous treatment. Despite the previous works, the Sycamore has re-grown a natural crown shape

and does not appear overly dense. Branch failures attributed to topping would generally occur at the union of old wood and new growth where there is a poor attachment or decay, or as a result of branches growing too long in relation to their diameter. Having inspected the photograph in the objection and having seen the breakage on site it appears that the branch breakage is the result of a weak fork. Many trees have weak forks and suffer breakage as a result. There is no indication that these structures are widespread across the crown of either the Lime or the Sycamore or that they are directly the result of previous topping. Some damage is evident on a few branches which are defined within the objection as 'perennial cankers' attributed to abrasion. Perennial cankers are caused by either bacterial or viral agents and not –as the objection states- caused by abrasion. In any case, minor tree surgery work –crown cleaning- would be all that is required to address these localised issues.

The general information supplied within the objection in relation to the results of topping trees is broadly correct. However, the work was carried out to the trees in the region of 25 years ago and the trees have re-grown a natural looking crown and have largely stabilised in their current form. As this is the case, much of the information relating to topped trees is no longer applicable.

*3. The trees as previously mentioned suffer from significant asymmetry a result of the local growing conditions.*

Asymmetry is not a fault. The reason the trees are asymmetric and the Lime and Robinia lean away from the Sycamore is that the trees have grown as a group. Having grown as contemporaries, the Sycamore has become dominant and the Lime and Robinia, sub-dominant. The trees (as noted in the TPO notice) form a largely common crown. Therefore it is entirely appropriate to use the Group categorisation in this instance.

*4. The objection goes further re the group category:*

*The very fact that three trees are listed as a group suggests that there is a degree of over valuation, when in reality there is no benefit to either party and it would be straightforward to list the trees individually as the order does in its' description. This is contrary to the guidelines in the statutory instrument 2012 No 65 and within the current Planning Practice Guidance, which requires a description of the tree species and advises (sic) a description of the situation "to specify more precisely the position of the trees" which is a further basic error in the drafting of the order.*

- a) The statutory instrument requires that trees listed as a group are specified by species and number of trees within the group. This has been done correctly. The objection misinterprets the draft schedule at article 3 of the statutory instrument (**Appendix C**): for all categories it gives the option under 'Situation' (where the trees are located) to: '*complete if necessary to specify more precisely the position of the trees*' i.e. complete this section if it is necessary to provide more information on the location of the trees. There is no mandate to list all trees as individual specimens.
- b) The relevant planning practice guidance (Tree Preservation Orders and trees in Conservation Areas: Ministry of Housing, Communities and Local Government, 6 March 2014) provides this guidance on the use of the group category:

*'The group category should be used to protect groups of trees where the individual category would not be appropriate and the group's overall impact and quality merits protection.'*

The TPO does not depart from this guidance. There is no over valuation in including the trees as a group. The trees have grown together, form a common crown and function as a group. To list them or value them separately would be incorrect.

- c) An error in drafting the order was made in terms of the outline of the group. The group was defined by a dotted line when the line should have been dashed. This was caused by a corrupted file within the computer program used and has since been rectified. The reason for proposing that the order is confirmed with modifications is to allow the boundary of the group to be re-drawn with the correct dashed line. The error is one of drafting and is capable of being simply rectified as indicated. The amended TPO plan is included at **Appendix D**.

5. The objection refers to the phrase within the TPO: 'affords substantial amenity' and claims that there was no evidence to support this. However, the whole paragraph within the TPO reads: *'The trees specified within this order stand within the rear gardens of Homestead, 8 The Beck, Elford. Homesteads rear garden sides onto The Beck and the trees are therefore very prominent in the street scene. The group of trees consists of a Lime, A sycamore and a Robinia and forms a largely common crown. The group (all three trees) are mature, appear in good condition and afford substantial amenity to the area. Given that the trees are likely to have a long life expectancy and contribute amenity to the area for a substantial time it is felt prudent to serve a tree preservation order. This will ensure that the trees are retained in good condition and continue to afford amenity to the area.'*

The objection refers to the common place use of either or both photographic information or a simple amenity valuation methodology to demonstrate the value of the trees and the suitability of the trees for protection by a tree preservation order.

Photographic information is presented at Committee to assist with the decision making process. In the experience of the tree officers it is not common place to include such information within a TPO as all parties are generally familiar with the trees. The paragraph from the TPO (in italics above) constitutes the Arboricultural officers amenity assessment of the trees. The use of formalised amenity valuation systems at LDC has been assessed and discounted as it is felt that whatever system is used it is still solely reliant on the interpretation of the arboriculturalist using it.

5. A component of the objection is the use of a tree preservation order within a conservation area. There is no bar to making tree preservation orders on trees within conservation areas and there are many hundreds of trees within the District within conservation areas which are protected by tree preservation orders. Although the level of protection afforded to trees is similar, a tree preservation order allows an authority to refuse works which it considers damaging, attach conditions to a permission (i.e. that the work is carried out to a suitable standard) and in the event of felling, allows an authority to attach conditions requiring a replacement thus securing continued tree cover to provide ongoing visual amenity. Therefore, whilst a conservation area may afford some protection to a tree, the level of protection afforded by a tree preservation order is more comprehensive.

The objection goes on (variously) to touch upon the general expediency of making the order, the financial implications and the enforceability of the TPO. The Arboricultural officer is satisfied that it is expedient to make the TPO, that the financial implications are no more nor less onerous than making any other TPO and that the TPO is enforceable should such measures become necessary.

- 3.4 Applications can be made and determined under the new TPO (if confirmed) and if those applications are refused by Lichfield District Council then the applicant has recourse to appeal to the Planning Inspectorate (PINS).

Alternative Options	1. The Committee may choose not to confirm the Tree Preservation Order.
Financial Implications	1. Tree Preservation Orders make provision for the payment by the Local Planning Authority, of compensation for loss or damage caused or incurred,

	within a twelve month period from the date of their decision, as a result of their refusal of any consent under the Tree Preservation Order or their grant of consent subject to conditions. There are no financial implications in the confirmation of a Preservation Order.
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Contribution to the Delivery of the Strategic Plan	1. Assists in ensuring that Lichfield remains a clean, green and welcoming place to live.
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Equality, Diversity and Human Rights Implications	1. The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 of the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and on balance is justified and proportionate in relation to the administration of the tree preservation order.
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Crime & Safety Issues	1. N/A
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	High Court Challenge (after confirmation)	Ensuring that the TPO is within the powers of the Act and that the requirements of the Act and Regulations have been complied with in relation to the TPO.	Green

c/o Lesley Bennett - Democratic and Legal Services Officer  
Litchfield District Council  
District Council House  
Frog Lane  
Litchfield  
Staffordshire  
WS13 6YX

Our Ref: BA6632

Date: 27/03/2018

By email as a PDF file & by Post

Dear Sir / Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012  
TREE PRESERVATION ORDER NO.412-2018  
HOMESTEAD, 8 THE BECK, ELFORD, TAMWORTH. B79 9BP**

**SUMMARY.**

From my site visit and assessment of the supplied information in relation to legislative protection of the above-named Tree Preservation Order **TPO 412-2018**, the information provided has a range of technical errors and has been poorly prepared which could significantly complicate future management of the site for both the landowner and the local planning authority, in addition to raising doubt over the worthiness, validity or lawfulness.

The **TPO 412-2018** does not follow the guidelines set out in central government guidelines laid out in **Guidance - Tree Preservation Orders and trees in conservation areas**, which can be accessed at <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>.

Principally, the documentation contains technical errors in the way it is presented and the rationale for serving the order in relation to the Group Order G1 TPO No.412-2018.

- The TPO does not reasonably represent the current state of trees on site.
- The area highlighted G1 includes trees with short safe life expectancies.
- The area highlighted G1 includes trees with structural defects.
- The trees on site are currently protected by virtue of being within a Conservation Area.

**OBJECTION**

I write as Arboricultural advisors to Mr & Mrs Crutchley, Homestead, 8 The Beck, Elford, Tamworth, B79 9BP, in relation to the Tree Preservation Order (TPO) No.412-2018 referred to above, to which I object, in accordance with the statutory provision set out in regulation 6 of the Town and Country Planning Act 1990 Town and Country Planning (Tree Preservation) (England) Regulations 2012.



**Barnes & Associates**  
Rivermead, Skelton Road, Langthorpe, North Yorkshire, YO51 9BZ  
Tel: 01423 322 371 Mobile: 07831 530 563  
[enquiries@barnesassociates.co.uk](mailto:enquiries@barnesassociates.co.uk)



Our objection relates to the current condition of the trees and the claims made in the order.

The grounds of our objection are as follows: -

The cover letter dated 1<sup>st</sup> March 2018, attached **TPO NO.412-2018** states - The council have made the order *'in pursuance of its powers'* but has neglected to give any reason or justification for serving the order.

Within the fourth paragraph of TPO No.412-2018, the order states *'the trees are very prominent from the street scene'*, which is correct bearing in mind two of the trees overhang the highway.

However, the within the fourth paragraph the TPO No412-2018, the order states, *'The group (all three trees) are mature, appear to be in good condition and afford a substantial amenity to the area'* which I am afraid is at best misleading and at worst disingenuous. The trees are mature and by this are large, but size alone does not qualify a tree for protection under the Tree Preservation Legislation. The order fails to recognise the true state of the trees or considers their past management, which raises significant doubt over their safety and potential longevity. The trees closest to the highway have been historically topped/lopped which has left them predisposed to branch failure, evidence of which can be seen in the central Sycamore tree currently. In addition to this the subordinate trees the Lime and Robinia, have developed in a competitive low light environment and as a result suffer from significant canopy asymmetry which in the case of the Lime has forced the tree to develop into the highway. A further issue related to the poor growing conditions has resulted in the Lime and Robinia being supported by main stems which lean significantly away from the dominant Sycamore.

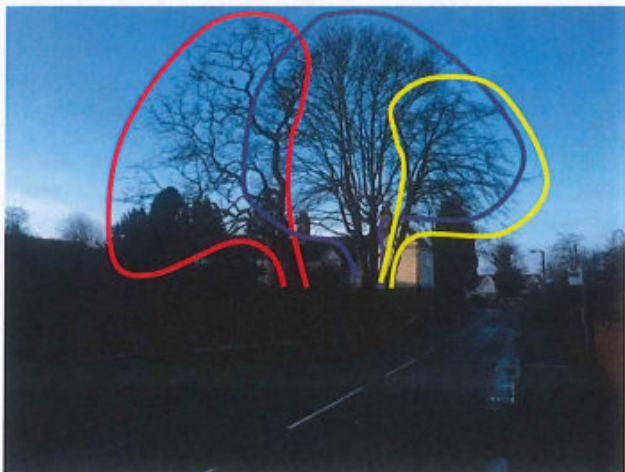
Unfortunately, the TPO No.412-2018 simply claims that the trees *'afford substantial amenity'* appears plausible for the reasons stated above but there is no evidence to quantify these claims. There was no information supplied to quantify this and this statement alone is not sufficient justification for a Tree Preservation Order as outlined in the legislation. As a general point it is common place for a planning authority to issue either or both photographic information or a simple amenity valuation methodology to demonstrate both the value of trees and the suitability of the trees for protection by a Tree Preservation Order – neither appear to have been undertaken or included in this case.

This in addition to other technical issues within the documentation raises significant doubts over the valuation of the trees and both the validity of the TPO and the authority's rationale. The very fact that three trees are listed as a group suggests that there is a degree of over valuation, when in reality there is no benefit to either party and it would be straightforward to list the trees individually as the order does in its description. This is contrary to the guidelines in the **statutory instrument 2012 No. 605** and within the current Planning Practice Guidance, which requires a description of the tree species and advises a description of the situation *"to specify more precisely the position of the trees"* which is a further basic error in drafting of the order.

This error is further compounded by the quality of the mapping which shows the Group G1 outlined by a dotted line, when in fact the map within the order should be drawn with a dashed line (dotted lines are used to identify an Area as set out within the legislation). This error is contrary to the guidelines in the **statutory instrument 2012 No. 605** and within the current Planning Practice Guidance, which is a further basic error in drafting the order and raises significant doubt over the validity of the order.

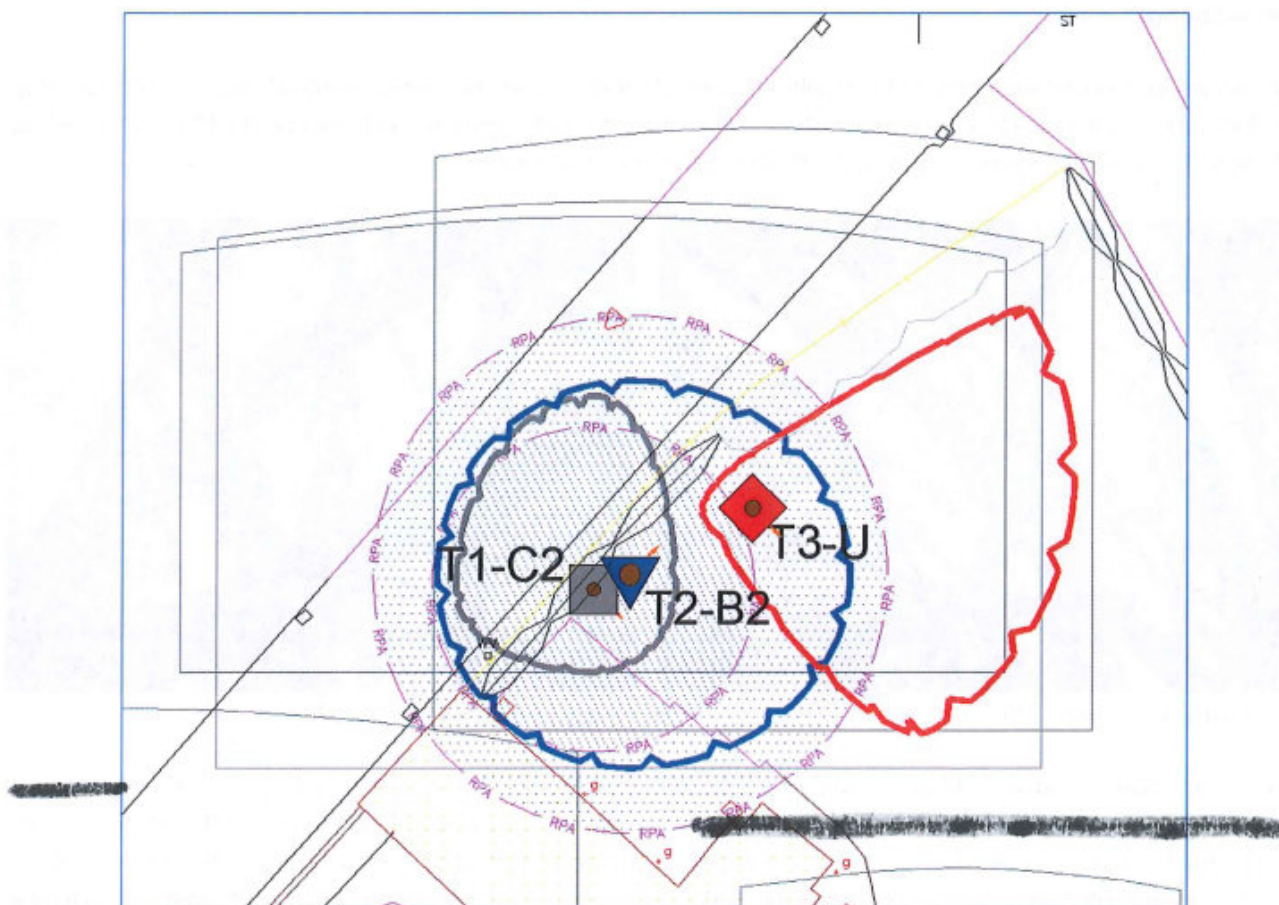
In addition to the technical errors from the Arboricultural aspects, problems within the drafting of the order, the whole principal of serving a Tree Preservation Order on this land appears fatally flawed when the trees are assessed arboriculturally.

The trees as previously mentioned suffer from significant asymmetry a result of the local growing conditions, to give some understanding of this, I have outlined the separate canopies on the photographs 1 and 2 below. The Lime is coloured yellow, Sycamore coloured purple and the Robinia coloured Red. From these photographs it can be clearly seen that the Sycamore is dominate and the Lime & Robinia are subordinate.



Photograph 1 - taken 05/03/2018 looking south west. Photograph 2 - taken 18/03/2018 looking north east.

The issue of dominance of the Sycamore (referred to as T2 below) is further reinforced when looking at the trees in plan view, as shown below which is an extract from a recent BS5837 tree survey plan, which includes the trees referred to a G1.





The Lime and Sycamore have been historically harshly lopped, commonly referred to as being topped. I have indicated the position of this reduction using the dashed red line on photograph 3 opposite.

Topping, often removes 50 to 100 percent of the leaf-bearing crown of a tree. Because leaves are the food factories of a tree, removing them can temporarily starve a tree. The severity of the pruning triggers a sort of survival mechanism that causes a tree to produce multiple shoots below each topping cut and comes at great expense to the tree. These shoots develop from buds near the surface of the old branches. Unlike normal branches that develop in a socket of overlapping wood tissues, these new shoots are anchored only in the outermost layers of the parent branches.

The new shoots grow quickly, as much as three (3) meters in one year, in some species. Unfortunately, the shoots are prone to breaking, especially during windy conditions. The irony is that while the goal was to reduce the tree's height to make it safer, it has been made more hazardous than before and as a result the tree requires periodic assessment and intervention.

The current stage of recovery growth as expected as resulted in branch failures being seen in the canopy, photograph 4 below shows a limb of approximately 150mm in diameter which has failed and is laid in the canopy – indicated by the red arrows below.

In addition, the competitive recovery has resulted in areas of abrasion which has caused perennial open cankers to develop as indicated on photograph 5 below which shows limbs of approximately 250mm – indicated by the blue arrows below, these limbs have open decayed sections and is therefore predisposed to failure.



Photograph 3 - taken 18/03/2018



Photograph 4 - taken 18/03/2018



Photograph 5 - taken 18/03/2018

From conversations with Mr & Mrs Crutchley, I understand that the Tree Preservation Order (TPO), was served [REDACTED] which is unusual considering the trees and the site are already protected by virtue of being located within the Elford Conservation Area and therefore having very similar levels of protection and potential fines if the Conservation Area is contravened and Mr & Mrs Crutchley, are fully aware of this having previously applied for tree works.



I appreciate, that the protection of trees is a duty of the LPA under the Town and Country Planning act 1990, though this aims to encourage rational discussion and consideration of trees within the design process. Legislation indicates that protection should be used to protect healthy trees that are likely to have a reasonable safe useful life expectancy. Generally, those classified with a condition rating of (A) Excellent & (B) Good (as detailed within BS5837) are typically worthy of TPO protection. Those classified (C) Fair are generally poorer and therefore unlikely to qualify for a TPO on grounds of poor appearance, management issues or unlikely to have a sufficient safe life expectancy. Those trees classified (U) are Unsuitable for retention, as these trees generally contain structural defects, have a short safe useful life expectancy or are dangerous and therefore would not qualify for a TPO as indicated within the legislation.

On a general point the presence of a TPO might be served upon development sites for the above reasons. It can however only be regarded as a material consideration within the planning process, as should in fact any other tree or significant natural feature. The fact a tree has a TPO, within the planning process, cannot be used as a means of preventing development. Any trees protected or otherwise, which are located on or close to the site can be expected to be regarded as a material consideration or offer a design constraint within the development process, though typically constraints can be acknowledged though appropriate site protection or the adoption of appropriate build methods.

Such factors can be detailed within appropriate planning conditions or offset through appropriate mitigation tree planting or other landscaping, which at this early stage would appear to offer opportunities for at least 8 new trees and further landscape improvements to improve the setting and privacy for the site. It is worth noting that even if the Lime and Robinia were removed to benefit the Sycamore which is in keeping with good arboricultural practice, this would provide a replacement to removal ratio of 4 to 1 which by any standard would typically be considered a nett gain in planning and landscape planning terms.

I am currently contracted to provide Tree Protection information to help inform the design through the planning process and this information will be made available and accompany the scheme as the design is finalised, in the meantime I have included for your information, details separately of our Tree Survey & Constraints Plan BA6632TS, which is prepared in line with BS5837:2012.

From my assessment of the site only the Sycamore within G1, would meet the requirement of the legislation in terms of amenity, suitability and longevity. However please note this would only be the case if the tree is formatively pruned and the immediately defective material within the canopy is removed, until then the tree offers a foreseeable elevated risk of harm, through an increased potential for main leader and branch failure.

## **CONCLUSION**

The order appears to have been placed with little consideration of the guidelines given in either the Statutory Instrument, the guidance provided by central government.

In addition, the way in which the order has been prepared and served including the series of errors fatally undermines its validity and its worthiness should be brought into question.

In serving the TPO no. 412-2018, the authority has not followed guidance in the legislation, misinterpreted the state of the trees on site and it has ignored basic arboricultural best practice by disregarding existing structural issues which are clearly visible in the trees.

The TPO G1 412-2018, is expected to significantly complicate site management and appears not to consider the current condition of the trees.

The lack of supportive information detailing either the value of the trees or the threat offered to the trees is of concern and is a requirement, repeatedly referred to within both the legislation and government guidance.

I wonder whether it is expedient in the interests of amenity to serve the order and wonder if the Tree Preservation Order is simply being made from a strategic perspective to gain control over the site, which is beyond the aims of the legislation.

I am sure that you would not wish your authority to stand accused of misusing its statutory powers and, so we are confident that you will realise the difficulties of including the trees listed as G1 within the Tree Preservation Order TPO G1 412-2018 in light of the information within this objection.

The problems associated with this order are of concern in the current financial climate, where such actions prove costly to both the site owner having to object to a tree preservation order which has no legal basis, particularly when there is no supportive information into the value of the trees or a rationale to the order. In addition, this would appear to be an unreasonable cost to the Local Authority, through wasted officer and potentially councillor time.

Considering the foregoing, it is not considered expedient in the interests of amenity to make the order as required by the Town and Country Planning Act 1990 (as amended) or in line with the guidelines set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Accordingly, I ask that the provisional Tree Preservation Order is either allowed to lapse or ideally this should be revoked and removed from public record considering it has no legal status to enable normal management of the trees on site which are currently the subject of protection under the Conservation Area.

Should the authority choose to confirm the TPO, following consultation, could I suggest that the order is reissued with a suitable notice period to identify the worthwhile trees and better represent the state of the tree cover on the site. This will avoid imposing a cumbersome, yet unenforceable Tree Preservation Order which will have significant management difficulties.

Further to the above, I request that you advise me in writing of your authority's procedure and timeline for considering objections to this TPO and confirm that you have taken this objection into account in applying your statutory powers under S.197 & S.198 of the Town & Country Planning Act 1990 (as amended).

Please contact me should you wish to discuss this matter further, or should you have any queries in relation to the foregoing.

Yours Sincerely



Ian Barnes  
Arboricultural Association Registered Consultant  
Chartered Environmentalist,  
Chartered Horticulturalist

Appendix B

Your ref

Our ref TPO 412/2018

Ask for Lesley Bennett

Email [lesley.bennett@lichfielddc.gov.uk](mailto:lesley.bennett@lichfielddc.gov.uk)



District Council House, Frog Lane  
Lichfield, Staffordshire WS13 6YX

Customer Services 01543 308000  
Direct Line 01543 308072

The Owner/Occupier

Homestead

8 The Beck

Elford

Tamworth

Staffs

B79 9BP

1<sup>st</sup> March 2018

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

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

**LICHFIELD DISTRICT (Whittington and Streethay Ward)**

**TREE PRESERVATION ORDER NO. 412 – 2018**

**TREES AT: HOMESTEAD, 8 THE BECK, ELFORD, TAMWORTH, B79 9BP**

The Lichfield District Council in pursuance of its powers as District Planning Authority under Sections 198 to 201 of the Town and Country Planning Act 1990, has made the above Tree Preservation Order and a formal Notice is enclosed together with a copy of the Order.

Yours faithfully

Lesley Bennett  
Democratic and Legal Services Officer



**IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**

TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)  
REGULATIONS 2012

**LICHFIELD DISTRICT COUNCIL  
(Whittington and Streethay Ward)**

**TREE PRESERVATION ORDER: 412 – 2018  
TREES AT HOMESTEAD, 8 THE BECK ELFORD TAMWORTH STAFFS B79 9BP**

THIS IS A FORMAL NOTICE to let you know that on 1<sup>st</sup> March 2018 the Council made the above Tree Preservation Order.

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

Some explanatory guidance on tree preservation orders is given in the enclosed copy of the leaflet, *Protected Trees: A Guide to Tree Preservation Procedures*, produced by the Department for Communities and Local Government.

The trees specified in this order stand within the rear gardens of Homestead, 8 The Beck, Elford. Homestead's rear garden sides onto The Beck and the trees are therefore very prominent in the streetscene. The group of trees consists of a Lime, a Sycamore and a Robinia and forms a largely common crown. The group (all three trees) are mature, appear in good condition and afford substantial amenity to the area. Given that the trees are likely to have a long life expectancy and contribute amenity to the area for a substantial time it is felt prudent to serve a tree preservation order. This will ensure that the group of trees are retained in good condition and continue to afford amenity to the area.

The Order will take effect, on a provisional basis, on 1<sup>st</sup> March 2018. It will continue in force on this basis for a further 6 months or until the Order is confirmed by the Council, whichever first occurs.

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. 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, please make sure we receive them in writing by 29<sup>th</sup> March 2018 (28 days after notice date). Your comments must comply with Part 2 (6) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Mr C. N. Turner, Director – Transformation and Resources, Lichfield District Council, District Council House, Frog Lane, Lichfield, Staffordshire, WS13 6YU. All valid objections or representations are carefully considered before a decision on whether to confirm the order is made.

The Council will write to you again when that decision has been made. In the meantime if you would like any further information or have any questions about this letter, please contact Lesley Bennett at the above address – telephone number 01543 308072.

Dated: 1<sup>st</sup> March 2018

Signed:



Director of Transformation and Resources

**COPY OF PART 2 (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 such objections or representations are made; and*
- (c) *in the case of an objection, shall state the reasons for the objection.*

6 (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.*

**LICHFIELD DISTRICT COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING**  
**(TREE PRESERVATION) (ENGLAND)**  
**REGULATIONS 2012**  
**LICHFIELD DISTRICT**  
**(Whittington and Streethay Ward)**

**TREE PRESERVATION**  
**ORDER NO. 412 - 2018**



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

**Town and Country Planning Act 1990**

**TREE PRESERVATION ORDER NO. 412-2018**

The **Lichfield District Council**, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as the **Lichfield District (Whittington and Streethay Ward) Tree Preservation Order No. 412-2018**

**Interpretation**

2. (1) In this Order “the authority” means the **Lichfield District Council**.

(2) In this Order any reference to a numbered 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 2011.

**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, 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 1<sup>st</sup> March 2018

The Common Seal of the **Lichfield District Council**  
was affixed to this Order in the presence of -

  
.....  
MEMBER OF THE COUNCIL

  
.....  
DIRECTOR OF TRANSFORMATION AND RESOURCES



### CONFIRMATION OF ORDER

This Order was confirmed by the Lichfield District Council without modification on the \_\_\_\_\_ day of \_\_\_\_\_

.....  
Member of the Council

.....  
Director of Transformation and Resources

This Order was confirmed by the Lichfield District Council, subject to the modifications as indicated on the attached schedule and map, on the \_\_\_\_\_ day of \_\_\_\_\_

.....  
Member of the Council

.....  
Director of Transformation and Resources

### DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Lichfield District Council on the \_\_\_\_\_ day of \_\_\_\_\_

.....  
Member of the Council

.....  
Director of Transformation and Resources

### VARIATION OF ORDER

This Order was varied by the Lichfield District Council on the \_\_\_\_\_ day of \_\_\_\_\_ by a variation order under the reference number \_\_\_\_\_ a copy of which is attached.

.....  
Member of the Council

.....  
Director of Transformation and Resources

### REVOCATION OF ORDER

This Order was revoked by the Lichfield District Council on the \_\_\_\_\_ day of \_\_\_\_\_ under the reference number \_\_\_\_\_

.....  
Member of the Council

.....  
Director of Transformation and Resources



Lichfield District Council  
Tree Preservation Order Number 412-2018  
Trees at Homestead, 8 The Beck, Elford, Tamworth, Staffs,  
B79 9BP  
Eastings 418992 Northings 310439

The tree described in this schedule is situated in the Whittington and Streethay Ward in the District of Lichfield. All plot numbers referred to are Ordnance Survey numbers on 1:10000 sheets.

**TREES SPECIFIED INDIVIDUALLY**

Encircled in black on the map

Reference on Plan	Description	Situation
	None	

**TREES SPECIFIED BY REFERENCE TO AN AREA**

Within a dotted line on the map

Reference on Plan	Description	Situation
	None	

**GROUPS OF TREES**

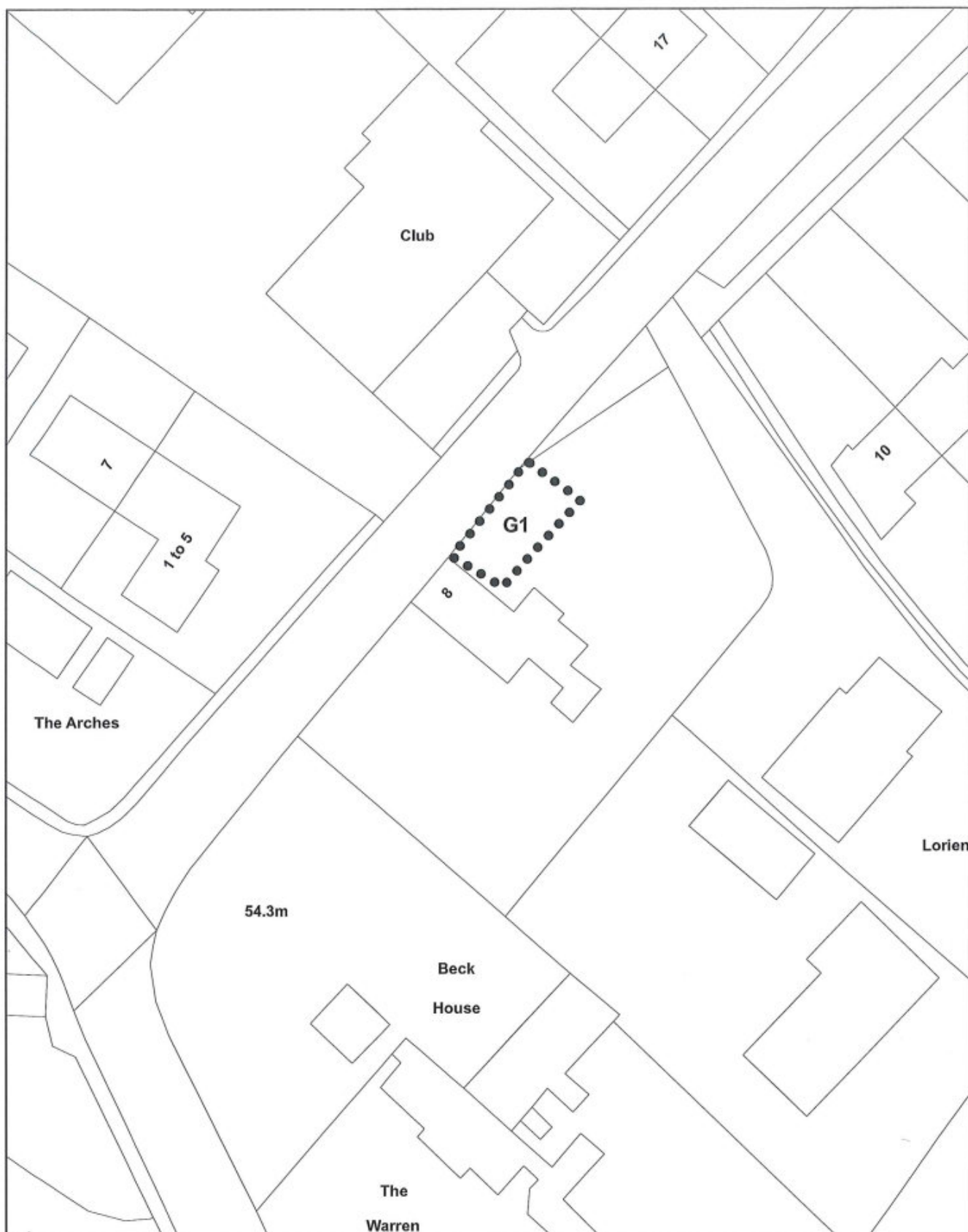
Within a broken line on the map

Reference on Plan	Description	Situation
G1	1 Sycamore, 1 Lime 1 Robinia	Homestead, 8 The Beck, Elford

**WOODLANDS**

Within a continuous black line on the map

Reference on Plan	Description	Situation
	None	



**Lichfield**  
district council  
[www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk)

District Council House  
Frog Lane  
Lichfield  
Staffs  
WS13 6YY

Telephone: 01543 308000  
enquiries@lichfielddc.gov.uk

Title:  
Lichfield District Council  
Tree Preservation Order No 412- 2018  
Trees at Homestead, 8 The Beck, Elford,  
Staffs, B79 9BP  
Eastings 418992 Northings 310439

Scale: 1:500

Dated: 2/02/2018

Drawn By: Gareth Hare

Drawing No: 1



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Appendix C

SCHEDULE Specification of trees

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
[T1]	[ash]	[complete if necessary to specify more precisely the position of the trees]

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
[A1]	[trees (of whatever species) within the area marked A1 on the map]	[complete if necessary to specify more precisely the position of the trees]
[A2]	[the ash, beech, larch and oak trees within the area marked A2 on the map]	[complete if necessary to specify more precisely the position of the trees]

Groups of trees

(within a broken black line on the map)

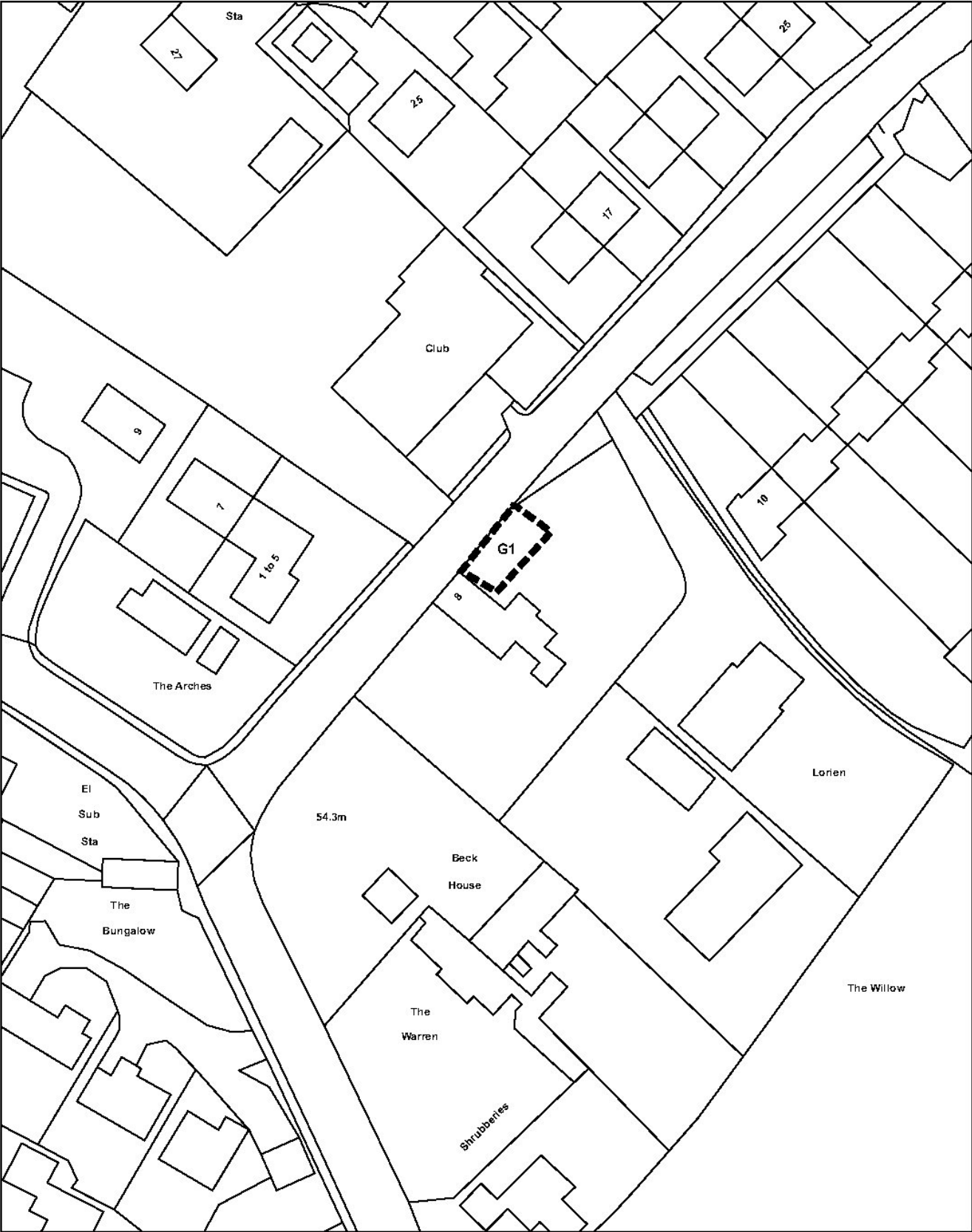
Reference on map	Description (including number of trees of each species in the group)	Situation
[G1]	[2 ash trees, 3 birch trees and 3 oak trees]	[complete if necessary to specify more precisely the position of the trees]


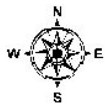
Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
[W1]	[mixed hardwoods (mainly oak, ash and alder)]	[complete if necessary to specify more precisely the position of the trees]
[W2]	[mixed conifers and deciduous trees (mainly Scots pine and birch)]	[complete if necessary to specify more precisely the position of the trees]





 <b>Lichfield</b> district council <a href="http://www.lichfielddc.gov.uk">www.lichfielddc.gov.uk</a> District Council House Frog Lane Lichfield Staffs WS13 6YY Telephone: 01543 308000 <a href="mailto:enquiries@lichfielddc.gov.uk">enquiries@lichfielddc.gov.uk</a>	<b>Title:</b> Lichfield District Council Tree Preservation Order No 412- 2018 (amended) Trees at Homestead 8 The Beck, Elford, Staffs B79 9BP Eastings 418992 Northings 310439	<b>Scale:</b> 1:500	<b>Dated:</b> 10/07/2018	
		<b>Drawn By:</b> Gareth Hare		
		<b>Drawing No:</b> 1		
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