

Committee: Development Committee
Date: 30 August 2006
Title: Essex County Council Tree Preservation Orders
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Agenda Item

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Item for decision

Summary

- 1 This item advises Members of the review currently being conducted by Essex County Council [ECC] of the Tree Preservation Orders [TPOs] it administers. The purpose of the review is to establish an effective means to ensure trees and woodlands of high amenity value continue to be protected. ECC recognises that many of their TPOs which were made in the 1950's & 60's need to be revisited as some are now confusing and/or do not comply with current Government advice.
- 2 Whilst no final decision has been taken ECC considers that the most effective way to address the situation is to discontinue their administration of all TPOs. This is likely to be achieved by either (i) revoking the existing Orders, or (ii) delegating the administration of ECC TPOs to the appropriate local authority.

Recommendations

- 3 ECC be advised that the District Council will agree to resurvey the County TPOs in the District and serve new UDC Orders. Such agreement being subject to ECC undertaking the revocation of their Orders following the making of new UDC Orders.

Impact

Communication/Consultation	Affected landowners, Parish/Town councils would be consulted as part of the Order making and Order revocation process
Community Safety	N/A
Equalities	N/A
Finance	Cost of making Orders would be within existing budget provision.
Human Rights	N/A
Legal implications	None
Ward-specific impacts	None
Workforce/Workplace	Making of Orders would be undertaken with existing staff resources

Situation

- 4 Prior to the local government reorganisation in 1974 the authority responsible for the making of TPOs was the County Council. Following reorganisation this responsibility was transferred to the District Council. Consequently, there are currently two authorities which are responsible for TPOs in the District.
- 5 In the early 1990s agreement was reached with ECC for UDC to undertake the resurvey of their TPOs in the District [with the exclusion of woodland Orders]. The majority of the ECC TPOs were surveyed and new UDC Orders served in their place. However, ECC only revoked one of the supplanted Orders. At that time ECC advised that they did not have the staff resources available to carry out further revocations. The consequence of this has been the somewhat confusing situation that some trees are subject to both UDC & ECC Orders.
- 6 A number of the ECC TPOs include area designations. The use of 'area' orders does not comply with current Government guidance on best practice which advises that such designations should only be used as a temporary measure and should be replaced with orders which identify specific individual and/or groups of trees.
- 7 There are 44no. ECC TPOs protecting trees and woodlands within the District. 17no. of these have been resurveyed and new UDC Orders made. An additional 5no. ECC Orders have been resurveyed in part and new UDC Orders made. There are currently 22no. ECC Orders which have not as yet been resurveyed.
- 8 The option of transferring the administration of the existing ECC TPOs to UDC would not fully and satisfactorily resolve the problems previously referred to. The resurveying and serving of UDC Orders to replace the County Orders [to be revoked] would make UDC the single authority for TPOs in the District and resolve the problems associated with the present situation.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
None			