ESSEX COUNTY COUNCIL - TREE PRESERVATION ORDERS

1 SUMMARY

1.1 The purpose of this report is to advise Members of the uncertain future around the management and administration of Essex County Council's Tree Preservation Orders (TPOs.)

2 INTRODUCTION

2.1 The Countryside and Arboricultural Officer from Essex County Council has formally contacted Rochford District Council, in relation to the future of Essex County Council Tree Preservation Orders (TPOs) in this District. The County Council are considering whether to discontinue their management and administration of all their Tree Preservation Orders.

2.2 This discontinuation would be achieved through either revoking all existing County TPO's, or delegating their management and administration to the appropriate Local Authority. Although the County Council has not yet made a final decision, it is likely that they will look to give up all their TPO related responsibilities by the end of this financial year (March 2007) and are keen to work with the District Council to manage this review. The final decision will be made prior to Christmas by the County Council's Portfolio Holder, Councillor Peter Martin.

2.3 The importance of tree amenity in any street, village or town is well documented. This Authority benefits from protected individual, groups and areas of trees and woodlands throughout the District. The majority of these trees are protected by either a Rochford District Council or an Essex County Council Tree Preservation Order.

2.4 The County Council's TPOs cover a large number of trees, including a large number of area orders, with the majority of these TPOs having been served in the late 1950's, with the District Council taking on responsibility for serving and managing new TPOs from 1974.

2.5 Due to the age of the County Council's TPOs, and if the District Council were to take over their management and administration, it is possible that many of them would require re-surveying and re-serving for which an assessment would need to be made of the resource required. Details of the totals of both County and District TPOs are detailed in Appendix A, which will be on display in the Council Chamber.

2.6 Other Essex Local Authorities are at present considering their response to the County Council's tree related intentions. Chelmsford, Uttlesford and Epping Forest Councils have already formally contacted the County Council confirming that they would be willing to accept full responsibility for all their

TPOs. None of these Authorities are receiving any financial or resource assistance to help this take over from the County Council.

3 RISK IMPLICATIONS

3.1 Should the County Council decide to cease the management and administration of their TPO's and subsequently revoke these orders, if this Authority has not taken on this responsibility there could be a risk of the loss of large numbers of trees throughout the District, trees that at present play key roles in green amenity and street scene quality. Any potential adverse response from the public could be directed at the District Council, regardless of the fact that it was the County Council that have decided to cease their management responsibility in this area.

4 ENVIRONMENTAL IMPLICATIONS

4.1 The loss of trees has significant consequences, both directly and indirectly. With tree loss, green amenity reduces, pollution increases, habitats are lost, and "environmental well being" is diminished.

5 RESOURCE IMPLICATIONS

5.1 Pending further discussions with the County Council, if the District Council were to take on the management and administration of their TPOs, then as part of this process, an assessment of the potential resource requirements will need to be carried out.

6 RECOMMENDATION

6.1 It is proposed that the Committee **RESOLVES**

That the District Council makes a strong representation to the County Council that they maintain the management and administration responsibility for their TPOs, but that if they decide to cease this responsibility, that urgent discussions take place to determine the resource implications and how the future situation can be effectively managed, with the County being requested to reimburse the District for any additional costs incurred

Graham Woolhouse

Corporate Director (External Services)

Background Papers:-

None

For further information please contact Patrick McKenna or Jeremy Bourne on:-

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Appendix

Essex County Council

Shaun Scrutton
Chief Planning Officer
Rochford District Council
Council Offices
South Street
Rochford
Essex SS4 1BW

Our ref: TPO/Gen
Your ref:
Date: 24 July 2006

Dear Mr Scrutton,

Essex County Council Tree Preservation Orders

I am writing to advise you that Essex County Council (ECC) is currently reviewing the Tree Preservation Orders (TPO) it administers. The purpose of this review is to establish the most effective way to ensure trees of high amenity value continue to be protected for the benefit of the residents of Essex.

Many of the TPOs ECC holds date from the 50s and 60s and some are confusing or 'unsafe' .

- areas have been developed so the original reason for protection is no longer valid or the circumstances or the order are significantly altered.
- trees have died or been removed (legally or otherwise),
- new trees have been planted or grown up
- there is confusion for councillors, contractors and the general public. about who administers what.

A radical review will address some of these confusions and lead to better protection of the trees and the amenity they provide. The original idea was to target particularly Woodland and Area orders where subsequent development had taken place. We have assessed what orders exist and although a final decision has not yet been made it is now considered that the most effective way to address the situation is to discontinue ECC's administrative control of all orders. This is likely to be achieved by either

- Revoking the existing Orders, or

- Delegating the administration of ECC TPOs to the appropriate local authority.

We welcome your views on these suggestions or on alternative approaches you may consider more appropriate.

We have now clarified many of the issues and have identified the ECC TPOs that remain in force in your district/borough area. A brief schedule of these is attached to this letter.

We would like to work with you in managing the review. To this end it would be useful to have your thoughts or to meet you or your representative to discuss the most beneficial way, for both councils, to move this process forward. I would reassure you that, if the revocation approach is used, we would make sure there is a reasonable lead-in time to allow your authority to make new TPOs, where the continued protection of any trees of high amenity value is necessary.

I look forward to having the opportunity in the near future to discuss this matter with you and your colleagues.

Yours sincerely

Brian Stacey
Countryside and Arboricultural Manager

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