Committee Updates
4th December 2017

Tree Preservation Order (No. 7) 2017
Trees on land adjoining Harris Brush Works and Saxon Business Park, Hanbury Road, Bromsgrove

This update relates to the extract from the National Planning Practice Guidance (PPG) referred to in the Update 1, which is below, and not in Appendix 5.

Extract: National Planning Policy Guidance

Who makes Tree Preservation Orders and why?
Local planning authorities can make a Tree Preservation Order if it appears to them to be ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’. Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what ‘amenity’ means in practice, what to take into account when assessing amenity value, what ‘expedient’ means in practice, what trees can be protected and how they can be identified.

When granting planning permission authorities have a duty to ensure, whenever appropriate, that planning conditions are used to provide for tree preservation and planting. Orders should be made in respect of trees where it appears necessary in connection with the grant of permission.

Flowchart 1 shows the process for making an Order.

Paragraph: 005 Reference ID: 36-005-20140306
Revision date: 06 03 2014

Can county councils make Tree Preservation Orders?
County councils can make Tree Preservation Orders but there are restrictions in areas where there is both a district planning authority and a county planning authority. In these areas the county council may only make an Order:
• where necessary in connection with the grant of planning
permission

- on land which is not wholly lying within the area of a single district council
- on land in which the county council holds an interest.

Paragraph: 006 Reference ID: 36-006-20140306

Revision date: 06 03 2014

**What does ‘amenity’ mean in practice?**

‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

Paragraph: 007 Reference ID: 36-007-20140306

Revision date: 06 03 2014

**What might a local authority take into account when assessing amenity value?**

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

**Visibility**

The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.
Individual, collective and wider impact
Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

Other factors
Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

What can help local authorities identify trees that may need protection?
An authority’s tree strategy may identify localities or populations of trees as priorities for the making or reviewing of Orders. Authorities may also refer to existing registers, recording trees of particular merit, to assist in their selection of trees suitable for inclusion in an Order.

What does ‘expedient’ mean in practice?
Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an
Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.

It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.

Paragraph: 010 Reference ID: 36-010-20140306

Revision date: 06 03 2014