

SOUTH STAFFORDSHIRE DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER 244, 2010 RELATING TO BROCKHURST LANE, BLYMHILL

The SOUTH STAFFORDSHIRE DISTRICT COUNCIL in exercise of the powers conferred on it by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the **South Staffordshire District Council Tree Preservation Order No 244, 2010, Brockhurst Lane, Blymhill, South Staffordshire.**

Interpretation

2. In this Order "the authority" means the SOUTH STAFFORDSHIRE DISTRICT COUNCIL and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

Application of section 201

3. The authority hereby directs that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on **4th February, 2010.**

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to article 5, 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 Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exemptions

- 5.—(1) Nothing in article 4 shall prevent—

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary—
 - (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or

- (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
- (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development Order) 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

(2) In paragraph (1), "statutory undertaker" means any of the following—

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
- a relevant airport operator (within the meaning of Part V of the Airports Act 1986),
- the holder of a licence under section 6 of the Electricity Act 1989,
- a public gas transporter,

- the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority or a body acting on behalf of that Authority,
- the Post Office.

Application for consent under the Order

6. — deleted.

Application of provisions of the Town and Country Planning Act 1990

- 7.**—(1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

Directions as to replanting

- 8.**—(1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.
- (3) A direction under paragraph (1) may include requirements as to—
- (a) species;
 - (b) number of trees per hectare;
 - (c) the preparation of the relevant land prior to the replanting; and
 - (d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

- 9.**—(1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of—
- (a) the refusal of any consent required under this Order; or
 - (b) the grant of any such consent subject to conditions,
- he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this article—

- (a) if more than 12 months has elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
 - (b) if the amount in respect of which the claim would otherwise have been made is less than £500.
- (3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.
- (4) In any other case, no compensation shall be payable to a person—
- (a) for loss of development value or other diminution in the value of the land;
 - (b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
 - (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
 - (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.
- (5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.
- (6) In this article—

"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

"owner" has the meaning given to it by section 34 of the Forestry Act 1967.

[Application to trees to be planted pursuant to a condition

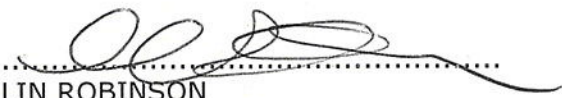
[10.] In relation to the tree[s] identified in the first column of Schedule 1 by the letter "C", being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].]

5/2010

Dated this 4th day of February, 2010

The Common Seal of SOUTH STAFFORDSHIRE DISTRICT COUNCIL was hereunto affixed in the presence of –




.....
LIN ROBINSON

HEAD OF GOVERNANCE AND SCRUTINY SERVICES

CONFIRMATION OF ORDER

This Order was confirmed by the SOUTH STAFFORDSHIRE DISTRICT COUNCIL without modification on the 3RD day of JUNE, 2010

OR

This Order was confirmed by the SOUTH STAFFORDSHIRE DISTRICT COUNCIL subject to the modifications indicated by [state how indicated];
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 SOUTH STAFFORDSHIRE DISTRICT COUNCIL on the day of

.....
Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the SOUTH STAFFORDSHIRE DISTRICT COUNCIL on the day of under the reference number

.....
Authorised by the Council to sign in that behalf

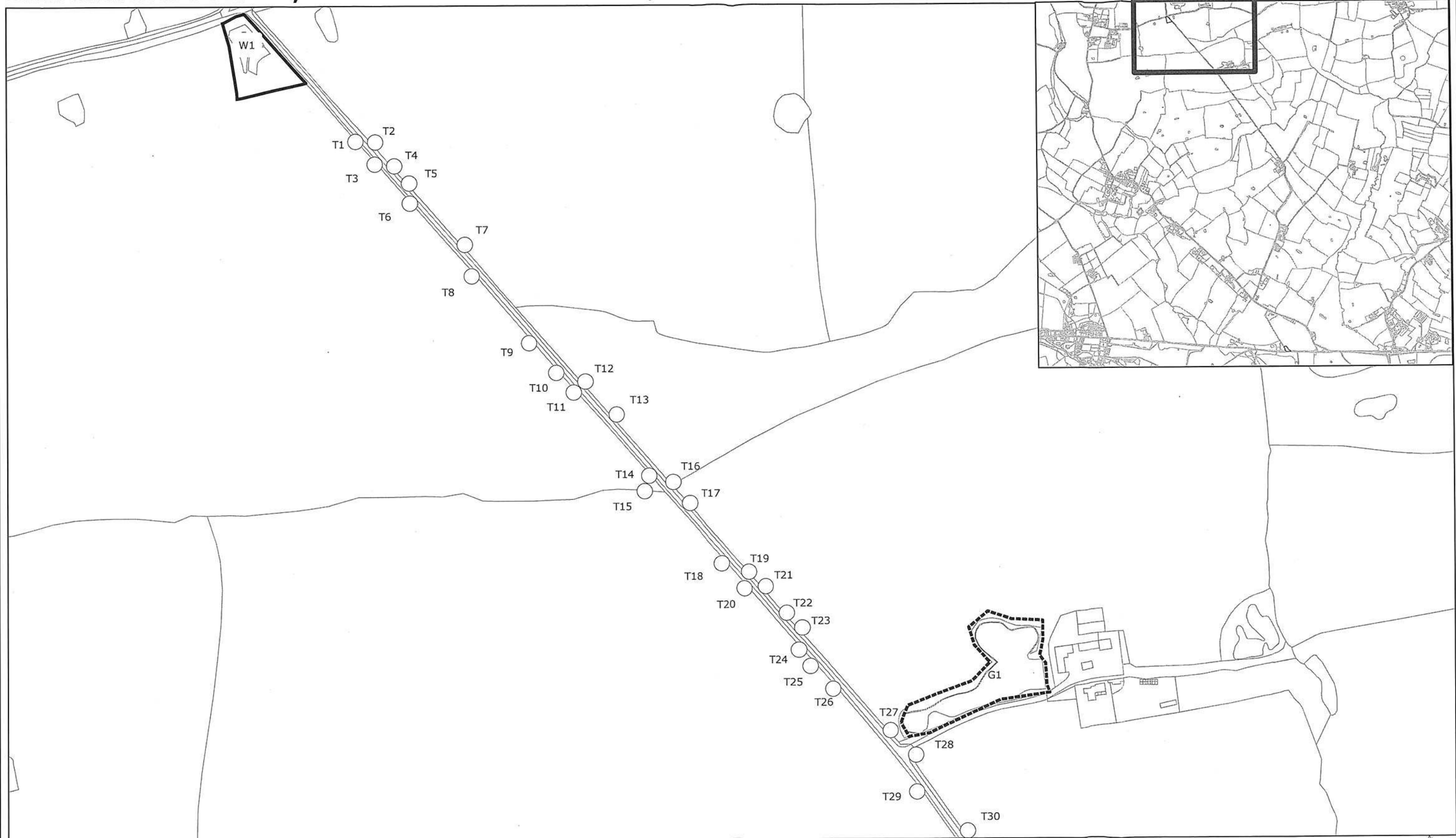
REVOCATION OF ORDER

This Order was revoked by the SOUTH STAFFORDSHIRE DISTRICT COUNCIL on the day of under the reference number

.....
Authorised by the Council to sign in that behalf

SOUTH STAFFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER No. 244/2010

BROCKHURST ROAD, BLYMHILL Grid ref. SJ 810,130



Council Offices
Codsall
South Staffordshire
WV8 1PX

Scale: 1:2500@A3 (Sheet 1 of 6)

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SOUTH STAFFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER No. 244/2010

BROCKHURST ROAD, BLYMHILL Grid ref. SJ 820,130



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SOUTH STAFFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER No. 244/2010

BROCKHURST ROAD, BLYMHILL Grid ref. SJ 820,120



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SOUTH STAFFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER No. 244/2010

BROCKHURST ROAD, BLYMHILL Grid ref. SJ 820,120



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SOUTH STAFFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER No. 244/2010

BROCKHURST ROAD, BLYMHILL Grid ref. SJ 820,120



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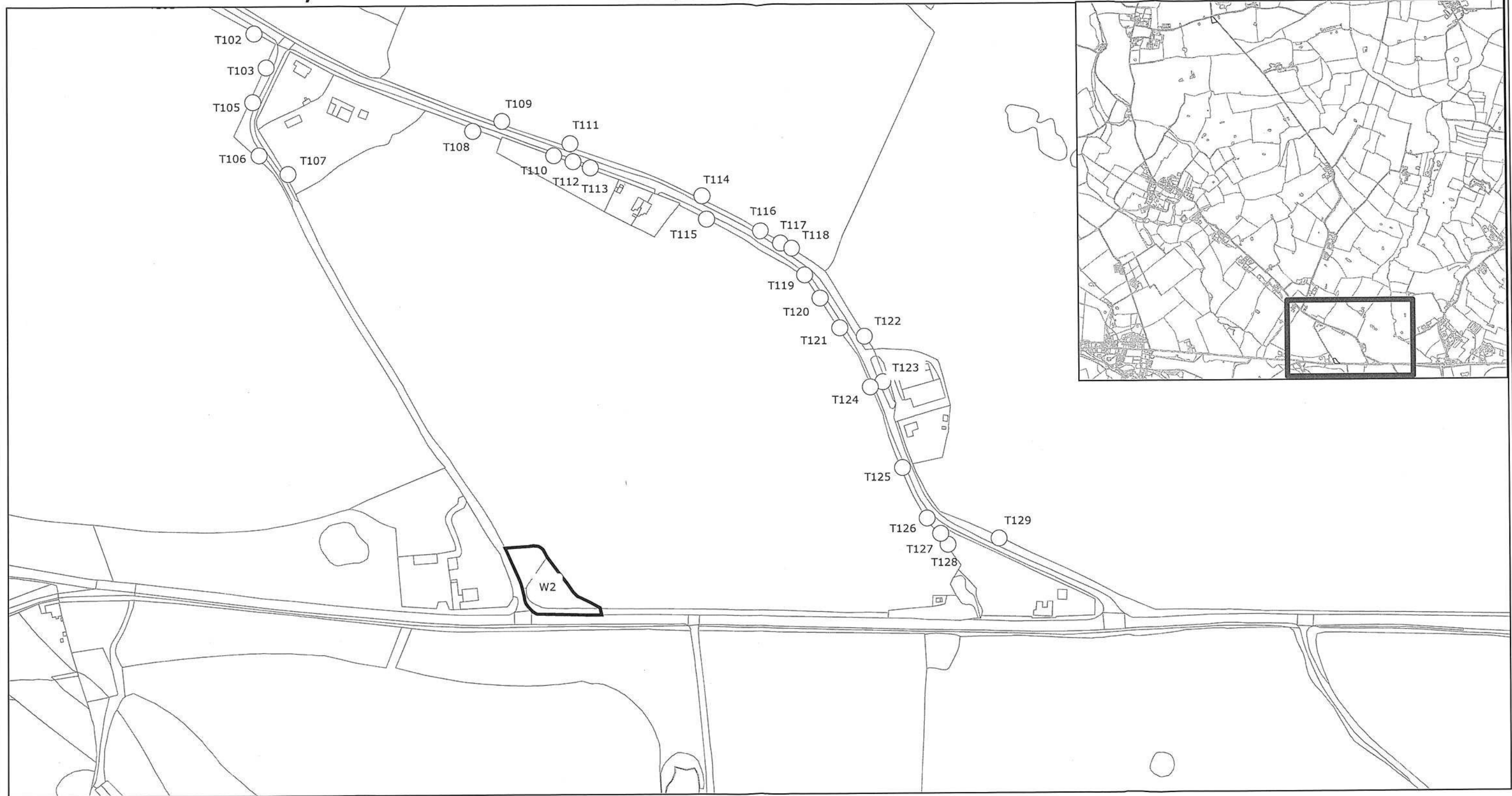
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SOUTH STAFFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER No. 244/2010

BROCKHURST ROAD, BLYMHILL Grid ref. SJ 820,100



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SCHEDULE 1
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i> OS Grid Ref:
T1	Oak	SJ8149/1377 West of Brockhurst Road.
T2	Oak	SJ8150/1376 East of Brockhurst Road.
T3	Oak	SJ8151/1375 West of Brockhurst Road.
T4	Oak	SJ8152/1375 East of Brockhurst Road.
T5	Oak	SJ8153/1374 East of Brockhurst Road.
T6	Oak	SJ8153/1372 West of Brockhurst Road.
T7	Oak	SJ8157/1370 East of Brockhurst Road.
T8	Oak	SJ8157/1367 West of Brockhurst Road.
T9	Oak	SJ8161/1363 West of Brockhurst Road.
T10	Oak	SJ8163/1360 West of Brockhurst Road.
T11	Oak	SJ8165/1360 West of Brockhurst Road.
T12	Oak	SJ8164/1359 East of Brockhurst Road.
T13	Oak	SJ8167/1357 East of Brockhurst Road.
T14	Oak	SJ8170/1353 West of Brockhurst Road.
T15	Oak	SJ8169/1352 West of Brockhurst Road.

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i> OS Grid Ref:
T16	Oak	SJ8171/1352 East of Brockhurst Road.
T17	Oak	SJ8172/1351 East of Brockhurst Road.
T18	Oak	SJ8175/1347 West of Brockhurst Road.
T19	Oak	SJ8176/1346 East of Brockhurst Road.
T20	Oak	SJ8176/1345 West of Brockhurst Road.
T21	Oak	SJ8177/1345 East of Brockhurst Road.
T22	Oak	SJ8179/1344 East of Brockhurst Road.
T23	Oak	SJ8180/1342 East of Brockhurst Road.
T24	Oak	SJ8180/1341 West of Brockhurst Road.
T25	Oak	SJ8181/0367 West of Brockhurst Road.
T26	Oak	SJ8182/1338 West of Brockhurst Road.
T27	Oak	SJ8186/1335 East of Brockhurst Road.
T28	Oak	SJ8187/1333 East of Brockhurst Road.
T29	Oak	SJ8188/1331 West of Brockhurst Road.
T30	Oak	SJ8190/6482 East of Brockhurst Road.
T31	Oak	SJ8191/1327 West of Brockhurst Road.
T32	Oak	SJ8192/1362 West of Brockhurst Road.
T33	Oak	SJ8194/132 West of Brockhurst Road.

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i> OS Grid Ref:
T34	Oak	SJ8196/1321 East of Brockhurst Road.
T35	Oak	SJ8198/1317 West of Brockhurst Road.
T36	Oak	SJ8199/1316 West of Brockhurst Road.
T37	Oak	SJ8201/1313 West of Brockhurst Road.
T38	Oak	SJ8202/1311 West of Brockhurst Road.
T39	Oak	SJ8203/1311 East of Brockhurst Road.
T40	Oak	SJ8206/1308 East of Brockhurst Road.
T41	Oak	SJ8202/1311 West of Brockhurst Road.
T42	Oak	SJ8207/1306 East of Brockhurst Road.
T43	Oak	SJ8208/1304 East of Brockhurst Road.
T44	Oak	SJ8209/1303 East of Brockhurst Road.
T45	Oak	SJ8210/1301 East of Brockhurst Road.
T46	Oak	SJ8210/1300 West of Brockhurst Road.
T47	Oak	SJ8214/1295 West of Brockhurst Road.
T48	Oak	SJ8217/1292 East of Brockhurst Road.
T49	Oak	SJ8218/1289 West of Brockhurst Road.
T50	Oak	SJ8219/1287 West of Brockhurst Road.

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i> OS Grid Ref:
T51	Oak	SJ8221/1285 West of Brockhurst Road.
T52	Oak	SJ8223/1284 East of Brockhurst Road.
T53	Oak	SJ8223/1282 West of Brockhurst Road.
T54	Oak	SJ8225/1280 East of Brockhurst Road.
T55	Oak	SJ8226/1279 East of Brockhurst Road.
T56	Oak	SJ8227/1278 East of Brockhurst Road.
T57	Oak	SJ8228/1276 East of Brockhurst Road.
T58	Oak	SJ8229/1274 West of Brockhurst Road.
T59	Oak	SJ8229/1273 East of Brockhurst Road.
T60	Oak	SJ8235/1264 West of Brockhurst Road.
T61	Oak	SJ8241/1258 East of Brockhurst Road.
T62	Oak	SJ8249/1238 East of Brockhurst Road.
T63	Oak	SJ8253/1228 East of Brockhurst Road.
T64	Oak	SJ8253/1228 East of Brockhurst Road.
T65	Oak	SJ8524/1221 East of Brockhurst Road.
T66	Oak	SJ8254/1221 East of Brockhurst Road.
T67	Oak	SJ8251/1216 East of Brockhurst Road.

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i> OS Grid Ref:
T68	Oak	SJ8249/1213 East of Brockhurst Road.
T69	Oak	SJ8251/1232 West of Brockhurst Road.
T70	Oak	SJ8251/1232 West of Brockhurst Road.
T71	Oak	SJ8251/1230 West of Brockhurst Road.
T72	Oak	SJ8254/1226 West of Brockhurst Road.
T73	Oak	SJ8254/1226 West of Brockhurst Road.
T74	Oak	SJ8249/1212 East of Brockhurst Road.
T75	Oak	SJ8246/1209 East of Brockhurst Road.
T76	Oak	SJ8245/1207 East of Brockhurst Road.
T77	Oak	SJ8243/1207 West of Brockhurst Road.
T78	Oak	SJ8242/1206 West of Brockhurst Road.
T79	Hawthorn	SJ8240/1202 East of Brockhurst Road.
T80	Ash	SJ8239/1200 West of Brockhurst Road.
T81	Ash	SJ8240/1199 West of Brockhurst Road.
T82	Ash	SJ8240/1198 West of Brockhurst Road.
T83	Oak	SJ8241/1198 East of Brockhurst Road.
T84	Oak	SJ8242/1197 East of Brockhurst Road.

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i> OS Grid Ref:
T85	Ash	SJ8241/1196 West of Brockhurst Road.
T86	Ash	SJ8241/1195 West of Brockhurst Road.
T87	Ash	SJ8242/1193 West of Brockhurst Road.
T88	Ash	SJ8241/1185 West of Brockhurst Road.
T89	Oak	SJ8238/1177 West of Brockhurst Road.
T90	Oak	SJ8235/1168 West of Brockhurst Road.
T91	Ash	SJ8234/1165 West of Brockhurst Road.
T92	Ash	SJ8232/1162 West of Brockhurst Road.
T93	Oak	SJ8230/1157 West of Brockhurst Road.
T94	Oak	SJ8229/1155 West of Brockhurst Road.
T95	Alder	SJ8227/1148 West of Brockhurst Road.
T96	Oak	SJ8227/1146 East of Brockhurst Road.
T97	Oak	SJ8227/1145 East of Brockhurst Road.
T98	Oak	SJ8218/1121 South of Brockhurst Lane.
T99	Oak	SJ8219/1120 South of Brockhurst Lane.
T100	Oak	SJ8222/1119 South of Brockhurst Lane.
T101	Oak	SJ8225/1117 South of Brockhurst Lane.

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i> OS Grid Ref:
T102	Oak	SJ8230/1114 South of Brockhurst Lane.
T103	Oak	SJ8230/1111 East of Woollery Lane.
T104	Oak	SJ8254/1219 Opp T66 West of Brockhurst Road.
T105	Oak	SJ8229/1109 West of Woollery Lane.
T106	Oak	SJ8230/1106 West of Woollery Lane.
T107	Oak	SJ8231/1104 East of Woollery Lane.
T108	Oak	SJ8244/1107 South of Brockhurst Lane.
T109	Oak	SJ8246/1107 North of Brockhurst Lane.
T110	Sycamore	SJ8249/1106 South of Brockhurst Lane.
T111	Oak	SJ8250/1106 North of Brockhurst Lane.
T112	Ash	SJ8251/1105 South of Brockhurst Lane.
T113	Sweet Chestnut	SJ8252/1105 South of Brockhurst Lane.
T114	Oak	SJ8259/1102 North of Brockhurst Lane.
T115	Oak	SJ8260/1101 South of Brockhurst Lane.
T116	Oak	SJ8263/1100 North of Brockhurst Lane.
T117	Oak	SJ8264/1099 North of Brockhurst Lane.
T118	Oak	SJ8265/1099 North of Brockhurst Lane.

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i> OS Grid Ref:
T119	Oak	SJ8266/1098 South of Brockhurst Lane.
T120	Oak	SJ8267/1096 West of Brockhurst Lane.
T121	Oak	SJ8269/1034 West of Brockhurst Lane.
T122	Ash	SJ8270/1093 East of Brockhurst Lane.
T123	Oak	SJ8271/1090 East of Brockhurst Lane.
T124	Oak	SJ8271/1090 West of Brockhurst Lane.
T125	Ash	SJ8273/1084 West of Brockhurst Lane.
T126	Oak	SJ8274/1081 South of Brockhurst Lane.
T127	Yew	SJ8275/1080 80 Watling Street.
T128	Oak	SJ8276/1079 80 Watling Street.
T129	Oak	SJ8279/1079 North of Brockhurst Lane.
T130	Oak	SJ8230/1153 opp T94 East of Brockhurst Road.

Trees specified by reference to areas
(Within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
		NONE

Trees specified by reference to groups of trees
(Within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
G1	Consisting of 19 Oak, 4 Ash, 1 Sycamore, 1 Elm, 1 Yew,	SJ8194/1338 East of Brockhurst Road.

Trees specified by reference to woodlands
(Within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i> OS Grid Ref:
W1	Broadleaved Woodland.	SJ 8142/1384 West of Brockhurst Road.
W2	Broadleaved Woodland.	SJ 8249/1076 East of Woollery Lane and north of Watling Street.