

North Tyneside Council
Report to Decision Maker Stephen
G Ballantyne, Head of Law and Monitoring
Officer
Date: 25 July 2023

Title of Report: The Borough of
North Tyneside (Land to the south of
the former Deuchars, 5 Backworth
Lane, Backworth) Tree Preservation
Order 2023

Report from Service
Area:

Governance Services

Responsible Officer:

Dave Parkin, Democratic Services
Officer

(Tel: (0191) 643
5316)

Wards affected:

Valley Ward

PART 1

1.1 Purpose:

The purpose of the report is to invite the Head of Law and Monitoring Officer to consider making the Council of the Borough of North Tyneside (Land to the south of the former Deuchars, 5 Backworth Lane, Backworth) Tree Preservation Order 2023.

1.2 Recommendations:

It is recommended that:

- (1) The Head of Law and Monitoring Officer make the Council of the Borough of North Tyneside (Land to the south of the former Deuchars, 5 Backworth Lane, Backworth) Tree Preservation Order 2023 on a temporary basis and notify those affected by the Order in accordance with the relevant legislation; and
- (2) Should there be no representations received by the end of the consultation period the Head of Law and Monitoring Officer confirm the Tree Preservation Order.

1.3 Information:

1.3.1 Background

1.3.2 Under the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation)(England) Regulations 2012 the Authority can make a tree preservation order if it appears to the Authority to be in the interests of amenity to make provision for the preservation of trees or woodland in its area.

1.3.3 The legislation sets out the process to be followed in making a Tree Preservation Order including the format of the Order, who to notify of the making of the order, how affected persons may make representations in relation to the Order, and the timescale for the receipt of those representations.

- 1.3.4 An application has been received to undertake works to a number of trees on the site and the Director of Regeneration and Economic Development has suggested that the trees contained within the proposed Tree Preservation Order are worthy of protection by a Tree Preservation Order. A Tree Preservation Order would protect the trees by preventing any works to the trees without the Authority's written permission.
- 1.3.5 There is a standard process in place for anyone who wishes to apply to undertake works to a protected tree or trees
- 1.3.6 Under the Officer Delegation Scheme authority has been given to the Head of Law and Monitoring Officer, in consultation with the Chair and Deputy Chair of the Planning Committee, to make and confirm Tree Preservation Orders where there have been no objections to the Order (LG48 (r)).

1.4 Decision options:

The following decision options are available for consideration:

Option 1

To make the Tree Preservation Order

Option 2

To not make the Tree Preservation Order#

Option 1 is the recommended option.

1.5 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The trees make a significant contribution to the street scene and the visual amenity of the area. The Tree Preservation Order will protect the trees from damage, poor pruning or removal without the Authority's consent.

1.6 Contact officers:

The names, titles and contact numbers of the key officer who has contributed to the report and other relevant officers should be set out here in the following format:

Dave Parkin, Democratic Services Officer, tel. (0191) 643 5316

Peter Slegg, Principal Planning Officer, tel. (0191) 643

Cathy Davidson, Senior Landscape Architect, tel. (0191) 643 6729

1.7 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) The Town and Country Planning Act 1990 [Town and Country Planning Act 1990 \(legislation.gov.uk\)](#)
- (2) The Town and Country Planning (Tree Preservation)(England) Regulations 2012 [The Town and Country Planning \(Tree Preservation\)\(England\) Regulations 2012 \(legislation.gov.uk\)](#)
- (3) Proforma for TPO Request
- (4) Tree Evaluation Method for Preservation Orders (TEMPO) Survey Data and Decision Guide

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications directly arising from the creation of a Tree Preservation Order. The cost of making the Order will be met from within existing budgets

2.2 Legal

The process of making a Tree Preservation Order is covered under the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation)(England) Regulations 2012 which sets out the process to be followed and who needs to be informed of the making of the Order.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Under the Delegation Scheme the authority to make Tree Preservation Orders lies with the Head of Law and Monitoring Officer in consultation with the Chair and Deputy Chair of the Planning Committee. Both the Chair and Deputy Chair of the Planning Committee have been consulted and have not objected to the making of the Order.

2.3.2 External Consultation/Engagement

As part of the process of making the Tree Preservation Order the Authority is required to notify people with an interest in the land on which the trees stand and invite representations about any of the trees. This is a requirement of the legislation and if the Order is agreed a standard notification will be sent to the interested parties.

2.4 Human rights

All persons affected by the tree preservation will be notified of the making of the Order and given the opportunity of submitting representations about any of the trees. Any representations received will be considered by the Planning Committee before any decision is made to confirm or not confirm the Order.

2.5 Equalities and diversity

There are no Equalities and diversity implications

2.6 Risk management

There are no risk management implications

2.7 Crime and disorder

There are no crime and Disorder implications

2.8 Environment and sustainability

The protection of the trees by the tree preservation order will contribute to keeping the Borough a green place and will ensure that only sympathetic works are undertaken to the trees.