

2026 CARE OF TREES ON CORPORATION LAND

The Chairman referred to his statement at the meeting of the Council on 24th April, 1957, regarding the lopping and felling of trees by private developers and expressed the view that, with the exception of trees on land under the jurisdiction of the Public Lands Committee, trees on all other Corporation land should be dealt with as though they were subject to tree preservation orders. The effect of this would be that the approval of the Town Planning and Estates Committee would be required before any cutting down, topping or lopping or destruction of the trees was carried out, except in special circumstances, such as the case of trees which were dying or dead or which had become dangerous. Applications would be made in the first instance to the B.A. and it would be in his discretion which cases were referred to the Committee.

RESOLVED: that the Council be recommended to agree that all trees on land owned by the Council (except trees on land under the control of Public Lands Committee) should be dealt with as if a tree preservation order affecting such trees were in operation.

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POLICY AND RESOURCES (LAND) SUB-COMMITTEE : 26TH FEBRUARY 1982  
REPORT OF THE CITY PLANNING OFFICER

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POLICY RELATING TO TREES ON COUNCIL OWNED LAND (REF: 273/82)

At its meeting of 7th January 1982, Planning and Transportation Committee approved recommendations re-affirming the Council's policy of protecting trees on Council owned land. The purpose of this report is to inform Policy and Resources (Land) Sub-Committee of these revised arrangements, and to relate any specific points that may affect this Sub-Committee.

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1. The intention in revising the existing arrangements is to bring into line protective measures applying to trees on all lands in the Council's ownership. A copy of the report approved by Planning and Transportation Committee is attached, and this details the proposed arrangements.
2. The essential point of these new arrangements is that all trees on land owned by the Council should be afforded protection as if a Tree Preservation Order affecting them were in operation. Henceforth this would mean that T.P.O. trees on private land, and trees on Council land would be similarly protected.
3. The implications to Policy and Resources (Land) Sub-Committee of this arrangement would be twofold.
  - (i) Trees on any new lands being acquired by the City Council would henceforth be considered as protected, and no topping, lopping, or felling would be permissible without the prior consent of Planning and Transportation Committee.
  - (ii) To safeguard the future protection of trees on Council land, after the disposal of that land, new purchasers would covenant 'not to fell, top or lop any trees on the property, without the prior consent of the Council'.

RECOMMENDED

4. You are therefore asked to concur with the resolution of Planning and Transportation Committee (Minute 273/82), and note the implications this will have on your Sub-Committee.

RWC/GKH

18th February 1982

## POLICY AND RESOURCES COMMITTEE-continued.

26th July, 1982.

1549. 24-32, WEST PARK ROAD - CENTRAL STATION REDEVELOPMENT AREA  
STAGE III.

The Sub-Committee considered the joint report of the City Valuer, the City Planning Officer and the City Health Officer dated 16th June, 1982 regarding the future of this area and the condition of 24-32, West Park Road.

The City Health Officer reported on the poor condition of these properties.

RESOLVED that the City Valuer and the City Secretary take the necessary action to recover possession of these properties so that demolition, or rebuilding in part or whole, can be undertaken, at the termination of each lease.

## 1550. POLICY RELATING TO TREES ON COUNCIL-OWNED LAND. (REF: 764).

The Sub-Committee considered the joint report of the City Valuer and the City Planning Officer dated 14th June, 1982 with regard to the proposed policy relating to trees on Council-owned land. The Sub-Committee in February, 1982 (Minute 764) had expressed concern about the proposals, which had been agreed by the Planning and Transportation Committee (Minute 273) since they might have affected the value of the Council's land holdings.

RESOLVED -

- (a) that Minute 273(b) of the Planning and Transportation Committee be approved subject to the deletion of the words "and land" from that Minute; and
- (b) that the Planning and Transportation Committee be informed accordingly.

## 1551. REGISTER OF PUBLIC BODIES' LAND - APPOINTMENT OF WORKING PARTY. (REF: 913).

RESOLVED that the following Members be appointed to the Working Party to consider the possible development of sites listed in the Register of Public Bodies' land :-

Councillor Andrews  
Councillor Arnold  
Councillor Candy  
Councillor Mrs. Franklin  
Councillor Lush

file landscape

HOUSING COMMITTEE-continued.  
17th March, 1982.

T3-1

- (b) that the Planning and Transportation Committee be requested to proceed with the lorry park proposal at the earliest opportunity.

730. TREES ON COUNCIL OWNED LAND (REF: 273).

The Committee considered a Minute of the Planning and Transportation Committee (Ref: 273) together with the report of the City Planning Officer dated 11th March, 1982 concerning the policy relating to trees on Council owned land. The Planning and Transportation Committee had reaffirmed and supplemented the existing policy contained in Minute 2026/57 by Minute 273.

The Policy and Resources (Land) Sub-Committee had requested the officers to report on the likely effect the Planning and Transportation Committee's proposals would have on Council-owned land.

RESOLVED to concur in the decision of the Planning and Transportation Committee subject to any decision of the Policy and Resources (Land) Sub-Committee.

731. IRRECOVERABLE ARREARS ON REDEMPTION OF MORTGAGES AND RENTS.

RESOLVED -

- (a) to authorise the writing off of irrecoverable arrears on redemption of mortgages totalling £586; and
- (b) to authorised the writing off of irrecoverable rent arrears totalling £5,613.

732. INSTITUTE OF LOCAL GOVERNMENT STUDIES - SEMINAR ON POLICY DEVELOPMENT FOR THE ELDERLY DEPENDANT.

RESOLVED to authorise the attendance of Councillors Ms. Dixon and Parnell together with an officer from the Housing Department at this Seminar to be held in Birmingham on 28th April, 1982 at a cost of £60 per delegate.

T3/1

LEISURE COMMITTEE-continued.  
25th February, 1982.

RESOLVED to authorise the City Architect to invite tenders for the work.

627. R. J. MITCHELL MUSEUM - KINGSBRIDGE LANE (REF: 605(c)).

The Committee considered a letter dated 11th February, 1982, from the 424 (Southampton) Squadron Air Training Corps requesting financial assistance to enable the museum to remain open to the public until a new building was opened at Royal Crescent. The letter had been referred to this Committee by the Policy and Resources (Finance and General Purposes) Sub-Committee.

RESOLVED -

- (a) to inform the Policy and Resources (Finance and General Purposes) Sub-Committee that this Committee fully support the retention of the R. J. Mitchell Museum for its museum and tourism advantages and
- (b) that if the repairs are carried out and there is an early vacation of the building, consideration be given to it being used for community purposes.

628. POLICY RELATING TO TREES ON COUNCIL-OWNED LAND. (REF: 273).

The Committee considered the above Minute of the Planning and Transportation Committee (meeting 7th January, 1982) setting out policy relating to trees on Council-owned land. The Committee also considered the report of the City Planning Officer dated 18th February, 1982 setting out the implications of the policy on this Committee.

RESOLVED to concur with the Minute of the Planning and Transportation Committee in so far as it affects this Committee and to ask the Director of Leisure Services to report on any operational difficulties.

629. COURT LEET PRESENTMENT - WEST WOOD (REF: 453).

The Committee considered the above Minute of the Planning and Transportation Committee (meeting 4th February, 1982) together with the report of the City Planning Officer dated 27th January, 1982, prepared in consultation with the City Engineer, referred to therein concerning the condition of West Wood. The report outlined possible action which could be taken to arrest the deterioration in West Wood. The Committee viewed photographs showing the conditions in West Wood.

POLICY AND RESOURCES COMMITTEE-continued.  
22nd March, 1982.

RESOLVED -

- (a) to note Counsel's opinion; and
- (b) that a copy of the City Secretary's case to Counsel be passed to each Member of the Sub-Committee.

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LAND SUB-COMMITTEE

RESOLVED that the following report of business undertaken pursuant to delegated powers be received:-

26th February, 1982.

Present: Councillor Andrews (Chairman)  
Councillors Arnold, Best, Mrs. Knowles, Candy,  
Mrs. Franklin and Lush.

THE FOLLOWING BUSINESS UNDERTAKEN PURSUANT TO DELEGATED POWERS IS REPORTED FOR INFORMATION:-

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764. POLICY RELATING TO TREES ON COUNCIL-OWNED LAND. (REF: 273).

The Sub-Committee considered the above Minute of the Planning and Transportation Committee re-affirming the existing policy relating to trees on Council-owned land, as set out in Minute 2026/57 and supplementing this policy to provide that :-

- (a) all trees on City Council-owned land be dealt with as if a Tree Preservation Order were in operation in respect of such trees;
- (b) the approval of the Plans Sub-Committee be required before any felling, topping, lopping or other arboricultural work is undertaken to such trees, except as may be necessary in special circumstances such as where trees are dead, dying or dangerous, or where seasonal pruning is required; and

POLICY AND RESOURCES COMMITTEE-continued.  
22nd March, 1982.

- (c) applications for such works as referred to in (b) above be made in the first instance to the City Planning Officer, and that power be delegated to him to act on behalf of the Sub-Committee, except in those cases where he considers that a particular application should be referred to the Sub-Committee for determination.

The Sub-Committee also considered the report of the City Planning Officer dated 18th February, 1982 stating that the purpose of revising the existing arrangements was to bring into line protective measures applying to trees on all lands in the Council's ownership. The implications of the arrangements would be :-

- (i) trees on any new lands acquired by the City Council would henceforth be considered as protected and no topping, lopping, or felling would be permissible without the prior consent of Planning and Transportation Committee; and
- (ii) to safeguard the future protection of trees on Council land, after the disposal of that land, new purchasers would covenant 'not to fell, top or lop any trees on the property, without the prior consent of the Council'.

The City Valuer expressed his concern about the proposals insofar as it might affect the value of the Council's land holdings.

RESOLVED that the officers report to this Sub-Committee on the likely effect the Planning and Transportation Committee's proposal will have on Council-owned land before their report, and the views of this Sub-Committee, are conveyed by the Planning and Transportation and other appropriate Committees.

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65. UPPER TOWNHILL FARM - INFRASTRUCTURE WORKS (CONTRACT S.369).

It was reported that the infrastructure works had been completed and were on "maintenance" for the next twelve months. The road would not connect with the A.27 until Barratts had connected their section of the road, due for completion in July, 1982. On the completion of the link, the present route, via Cutbush Lane, would be stopped off.

TREES POLICY  
COUNCIL LAND

Amended FILE  
T 3-1

Min 273

PLANNING AND TRANSPORTATION COMMITTEE : 7TH JANUARY 1982

REPORT OF THE CITY PLANNING OFFICER

POLICY RELATING TO TREES ON COUNCIL OWNED LAND

Members will be aware that trees on Council owned land are protected by the resolution of the Town Planning and Estates Committee of 11th June 1957. Although the essential point of this measure still applies today, some of the statements made at that time are now ambiguous, and open to misinterpretation. It is therefore opportune to re-affirm this important resolution, and at the same time put it into the present day context.

Existing Arrangements

The 1957 resolution states that:-

"..... all trees on land owned by the Council (except on land under the control of the Public Lands Committee) should be dealt with as if a Tree Preservation Order affecting such trees were in operation".

A copy of the full text of this resolution is attached.

It appears that land under the control of the Public Lands Committee (The Common and City Parks) was considered as being sufficiently protected by local bye-laws. These bye-laws still apply.

The passage of time has created some obvious anomalies in this resolution, and these require some explanation:-

- (1) Committee titles and responsibilities have changed, and inquiries are now dealt with by the City Planning Officer and not the Borough Architect.
- (2) Since Local Government re-organisation in 1974, trees on Education, Social Services and Highway land have come under the control of the County Council. This has led to some confusion, and requires some explanation.

In April 1977, the County Planning and Transportation Committee approved measures designed to resolve the problems of tree protection on County land. Briefly, the County Council, in supporting the corporate protection of trees, concluded that it would "maintain a register listing those trees which were notified to it by Districts as being particularly important to preserve, in circumstances where, had the tree been in private ownership the District would have made a T.P.O."



Whilst the County consider this arrangement to be adequate, it obviously puts the onus on the District Councils to do the necessary survey work and request that significant trees are registered.

An alternative arrangement, put forward by the District Councils - that the County should consult the appropriate District in all cases before felling or lopping - was considered 'unworkable in practice' by the County.

In 1977, your officers considered that staff resources were such that this task was not possible unless undertaken at the expense of progressing with similar surveys on private land. This situation has not changed in the intervening years, and consequently trees on these County lands remain unsurveyed. The desirability of having such trees formally protected by a straightforward and easily administered system has not therefore been achieved, - although at an informal level some consultation does take place.

This present situation is inconclusive and is unlikely to improve in the foreseeable future unless arrangements are amended.

#### Proposed Arrangements.

Members will realise that arrangements are now somewhat confused, and administratively it would be more practicable if all trees on land in the Council's ownership were subject to one 'blanket' protection resolution.

The following additional powers would also be applicable in certain circumstances:-

- (1) Any bye-law applying to trees in City Parks and The Common would supplement the resolution.
- (2) On land in the Council's ownership where Tree Preservation Orders are in force, the T.P.O. regulations would override any other protective measures where applicable.
- (3) At present, to safeguard the future protection of trees ~~on~~ Council ~~house~~<sup>land</sup> gardens after the sale of the property, a private purchaser covenants with the City Council 'not to fell, top or lop any trees on the property without the prior consent of the Council'. Your agreement to the continuation of this policy is requested.

Although the County Council has ultimate jurisdiction over trees on land that they own, in many cases these trees are of such vital importance to the visual amenity of the City that a more defined protective policy is necessary.

Present County Council arrangements would necessitate the surveying of all trees on all County Council lands in order to determine which trees are important. Staff resources are not available to undertake this work at present, although this suggested arrangement may be most appropriate procedure in the long term. In the meantime the County Council could be requested to agree to interim procedures under which they would notify the District Council of all major tree works until such time as a survey is undertaken.

It should be noted that since 1974 Highway trees have been managed by the City Engineer, with the assistance of the Parks Manager, as Agent for the County Council, and the reassertion of this resolution would merely formalise the present arrangements which are entirely satisfactory.

#### RECOMMENDATIONS

It is necessary to unify the administration of the protection on City Council owned land, and simplify the procedures governing County Council owned land, within the City boundary, and you are therefore RECOMMENDED to:-

- (1) Re-affirm the 1957 Standing Order in relation to the present day context. The effect of this would be that all trees on City Council owned land would be dealt with as if a Tree Preservation Order affecting them were in operation. The approval of the Planning and Transportation (Plans) Sub-Committee would be required before any felling, topping, lopping, or other arboricultural work was undertaken, except in special circumstances such as the case of trees which are dead, dying or which are dangerous, or as necessary during seasonal pruning. Applications would be made in the first instance to the City Planning Officer, and it would be in his discretion which cases were referred to Sub-Committee.
- (2) Re-affirm the policy of covenanting purchasers of Council houses not to fell, top or lop any trees on their property without the prior consent of the City Council.
- (3) Agree to the City Planning Officer undertaking an appropriate County Council, the necessary survey work as soon as staff resources allow, but in the meantime Members request the County Council to notify the City Council of any felling, topping or lopping works on trees on County lands within the City boundary.

*inform other committees*

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LEISURE COMMITTEE : 25TH FEBRUARY 1982

REPORT OF THE CITY PLANNING OFFICER

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POLICY RELATING TO TREES ON COUNCIL OWNED LAND (Ref: 273/82)

At its meeting of 7th January 1982, Planning and Transportation Committee approved recommendations re-affirming the Council's policy of protecting trees on Council owned land. The purpose of this report is to inform Leisure Committee of these revised arrangements, amplifying any specific points that may affect this Committee.

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1. The intention in revising the existing arrangements is to bring into line protective measures applying to trees on all lands in the Council's ownership. A copy of the report approved by Planning and Transportation Committee is attached, and this details the proposed arrangements.
2. The essential point of these revisions is to afford trees on Council owned land equivalent protective measures to those that have been available for some time to the corresponding trees on privately held land through the Tree Preservation Order regulations. In bringing these two areas of tree protection into conformity, the City Council can counter criticisms of operating dual standards. Henceforth, trees on land owned by the Council would be afforded protection as if a Tree Preservation Order affecting them were in operation (with the usual exclusions of fruit trees and dead trees).
3. The implications to Leisure Committee of these revisions would be minimal, and in general would regularise arrangements that take place already. All lands held by Leisure Committee would be subject to these arrangements, and henceforth trees on any new lands acquired by Committee would be considered as protected (e.g. as part of Section 52 Agreements).
4. The City Planning Officer and the Parks Manager would continue to liaise closely on the management of trees on these lands, and in the event of a dispute, cases would be referred to Planning and Transportation Sub-Committee for determination.
5. In the long term the revised arrangements would mean an increase in arboricultural workload, simply because of the greater number of trees affected. However the protective measures that these revisions embody will ensure the continued development and maturing of the City's woodland environment for the benefit of future townspeople.

RECOMMENDATION

6. You are therefore asked to concur with the resolution of Planning and Transportation Committee (Minute 273/82) and note the implications this will have on your Committee.