

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control Committee **Date:** 7 December 2010

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.30 pm

Members Present: B Sandler (Chairman), G Mohindra (Vice-Chairman), A Boyce, C Finn, Mrs R Gadsby, A Green, J Hart, J Markham, Mrs M McEwen, H Ulkun, J M Whitehouse and J Wyatt

Other Councillors:

Apologies: Mrs P Brooks, K Chana, D Dodeja and R Morgan

Officers Present: N Richardson (Assistant Director (Development Control)), C Neilan (Conservation Officer), S G Hill (Senior Democratic Services Officer) and R Martin (Website Assistant)

22. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

23. MINUTES

Resolved:

That the minutes of the meeting of the Committee held on 5 October 2010 be taken as read and signed by the Chairman as a correct record.

24. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee noted that Councillor J M Whitehouse was substituting for Councillor P Brooks at the meeting.

25. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Councillors B Sandler (Chairman), G Mohindra (Vice-Chairman), A Boyce, C Finn, A Green, J Hart, J Markham, H Ulkun, J M Whitehouse and J Wyatt declared a personal interests in item 7 of the agenda (EPF/11984/10 – Wintry Mead, Fernhall Lane, Waltham Abbey) by virtue of the applicant being a District Councillor. The Councillors had determined that their interest was not prejudicial and would stay in the meeting for the consideration of the application and voting thereon. The remaining Councillor, Mrs M McEwen, arrived at the meeting after consideration of item 7.

Pursuant to the Council's Code of Member Conduct, Councillor R Gadsby declared a prejudicial interest in item 7 of the agenda (EPF/11984/10 – Wintry Mead, Fernhall

Lane, Waltham Abbey) by virtue of being the applicant. The Councillor indicated that she would leave the meeting for the consideration of the application and voting thereon.

Pursuant to the Council's Code of Member Conduct, Councillor R Gadsby and J Wyatt declared a personal interests in items 8-10 of the agenda by virtue of being a member of the Planning Subcommittee West that had previously considered them. The Councillors had determined that their interest was not prejudicial and would stay in the meeting for the consideration of the application and voting thereon and would base their decisions on the applications on the information presented at the meeting.

26. PLANNING APPLICATION EPF/1984/10 - WINTRY MEAD, FERNHALL LANE, WALTHAM ABBEY - CONSTRUCTION OF REPLACEMENT FRONT ENTRANCE PORCH, WITH ROOF OVERHANG

The Committee considered an application for a replacement front porch at Wintry Mead, Fernhall Lane, Waltham Abbey. The application had been brought before the Committee as the applicant was a District Councillor. The Committee concurred with the view of officers that the application should be granted.

Resolved:

That Planning Application EPF/1984/10 be granted subject to the following conditions:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

Reason:- To safeguard the visual amenities of the locality.

27. PLANNING APPLICATION EPF/1662/10 - 1 NORMAN CLOSE, WALTHAM ABBEY - ERECTION OF TWO STOREY DETACHED HOUSE

The Committee considered an application referred by Area Planning Subcommittee West at their meeting on 24 November 2010 for the erection of a detached house on land adjacent 1 Norman Close, Waltham Abbey.

The Committee concurred with the view of Area Subcommittee West that the application was acceptable and noted that no neighbours had objected to the proposals. Additionally they considered that in its cul-de-sac location little traffic would be generated or affected. The proposals of officers for conditions to be imposed on any approval were agreed.

Resolved:

That planning application EPF/1662/10 be granted subject to the following conditions:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) No development shall have taken place until details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

(3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The development is located on a visually prominent site, in close proximity to neighbours, and has limited amenity space, and therefore control is required to ensure that there is no detrimental impact on the street scene or neighbour and future occupiers amenities.

(4) No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

Reason:- To ensure satisfactory provision and disposal of foul and surface water in the interests of public health.

(5) The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

Reason:- In the interests of highway safety.

(6) Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.

Reason:- In the interests of visual amenity.

(7) No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model

Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(8) Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(9) Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(10) Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(11) In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(12) No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

Reason: Since the site has been identified as being potentially at risk from off site ground gases and to protect human health and buildings.

28. PLANNING APPLICATION EPF/1898/10 - BRAMBLES, EPPING ROAD, BROADLEY COMMON - PROPOSED EXTENSION TO NORTH OF EXISTING PROPERTY AND IN-FILL EXTENSION TO SOUTH OF EXISTING PROPERTY. (REVISED APPLICATION)

The Committee considered a planning application referred to it by Area Planning Subcommittee West at its meeting on 24 November 2010. The application sought an extension and in-filling of the property which officers considered, taking into account previous extensions, disproportionate and contrary to policy.

Members, however, concurred with the view of the subcommittee that whilst the proposals wasn't a 'limited development' the property sat on a large site and the extensions would improve its appearance and provide a more compact design. As such they considered that the application should be approved subject to condition.

Resolved:

That planning application EPF/1898/10 at Brambles, Epping Road, Broadley Common, Essex, be granted subject to the following suggested conditions:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the visual amenities of the locality.

(3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, C and E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The development is recognised as being contrary to policy as it does not constitute a 'limited extension' under policy GB2A, and therefore restrictions over further additions and alterations are required.

(4) No development shall take place until details of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

Reason:- To ensure satisfactory provision and drainage of surface water in the interests of public health.

(5) If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or

dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development.

29. PLANNING APPLICATION EPF/1912/10 -6 FOREST CLOSE, WALTHAM ABBEY - TWO STOREY SIDE AND REAR EXTENSION, SINGLE STOREY REAR EXTENSION AND ALTERATIONS TO MAIN ROOF TO PROVIDE A FLAT TOP. (REVISED APPLICATION)

The Committee considered an application at 6 Forest Close, Waltham Abbey for rear and side extensions. The application had been referred to the committee by Area Planning Subcommittee West at its meeting on 24 November 2010 with a recommendation for approval.

It was noted that the current application sought revisions to a previously granted extension application. The Area Planning Subcommittee were of the view that the extension was acceptable in terms of design and the Committee concurred with this view and granted the application subject to conditions.

Resolved:

That planning application EPF/1912/10 at 6 Forest Close, Waltham Abbey, Essex be granted permission subject to the following conditions:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the visual amenities of the locality.

(3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A and B shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The development is recognised as being contrary to policy as it does not constitute a 'limited extension' under policy GB2A, and therefore restrictions over further additions are required.

30. PLANNING SERVICES - DELEGATION AND AUTHORISATION OF OFFICERS

The Committee considered officer delegation arrangements in respect of Development Control and Forward Planning functions. The Committee had before them schedules that had been circulated as a further supplementary agenda. It was noted that existing planning related delegation arrangements exercised by the Director of Corporate Support Services were unaffected by the proposals.

The Committee, in agreeing the proposals, were of the view that substantive changes should be the subject of report to the District Development Control Committee.

Resolved:

(1) That the Director of Planning and Economic Development be delegated, as of 8 December 2010 until further notice to authorise suitably qualified and/or experienced persons to exercise those functions relating to the management and provision of the planning service as set out in the attached schedules of functions, (i) "Development Control", and (ii) "Forward Planning and Allied Functions";

(2) That the Director of Planning and Economic Development be authorised to update the schedules of functions as a result of legislative and routine updating changes, subject to the agreement of the relevant portfolio holder(s) but with any substantive changes being agreed by the District Development Control Committee;

(3) That the Director of Planning and Economic Development shall maintain an up to date record of the internal scheme of delegation of particular functions; and

(4) That, accordingly, the appropriate amendments to be made to the Schedule of Delegation to Officers be referred to the Constitution and Members Services Standing Scrutiny Panel for incorporation in the Council's constitution.

31. ANY OTHER BUSINESS

There was no further business to be transacted at the meeting.

CHAIRMAN

Planning & Economic Development Delegations Schedule Number 1: Development Control

Function:	Principal Relevant Legislation (*see note)	Relevant Details:	Exceptions:
Care of the environment.	<p>Town and Country Planning (Environmental Impact Assessments) (England and Wales) Regulations 1999</p> <p>Planning (Hazardous Substances) Act 1990, Section 36</p> <p>Planning (Hazardous Substances) Regulations 1992</p>	<p>To determine the need for and scope of environmental impact assessments required under the Town and Country Planning Acts.</p> <p>To determine applications for hazardous substances consent except those where there are objections from interested parties, which shall be determined by the relevant Area Planning Sub-Committee.</p> <p>To obtain and use necessary powers of entry to the land in relation to the above.</p>	No
Development Control	<p>Town and Country Planning Act 1990 Section 70, 70(A), 191-3 etc</p> <p>Planning and Compensation Act 1991, Section 10</p> <p>Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Part 1, Reg. 16-19</p> <p>Town and Country Planning (Development Management Procedure) (England) Order 2010, Part 6, Article 35</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 3, Reg. 14-15</p> <p>Town and Country Planning General Permitted Development Order 1995, Part 6 and Part 31 of Schedule 2</p>	<p>1. Subject to Schedule A below, which are matters to be determined by committee, to determine or decline to determine any:</p> <ul style="list-style-type: none"> a. planning applications, b. applications for approval of reserved matters, c. applications arising from any condition imposed on any consent, permission, order or notice, d. advertisement consents, e. listed buildings and conservation areas consents, f. discharge of conditions and g. non-material and minor material amendments. <p>2. To agree the precise wording of additional/ revised conditions to be attached to planning permissions, at members' request.</p> <p>3. To determine whether prior approval of the method of any proposed demolition and any proposed site restoration is required and to give such approval where required except where objections from interested parties are received, which shall be determined by the Area Plans Sub-Committees.</p> <p>4. In relation to telecommunications equipment, to determine, after prior consultation with ward Councillors, whether the prior approval of the Council should be required to the siting and appearance of notified development.</p> <p>5. In relation to agricultural development, to determine whether to require the formal submission of details.</p> <p>6. To determine applications in relation to certificates of lawful use and development.</p>	Yes

	7. To obtain and use necessary powers of entry to the land in relation to the above.		No
Enforcement	<p>Town and Country Planning Act 1990 (as amended), Part 8, section 171-190, 196a,b,c, 215-219, 224, 324 and 325.</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 5, sections 27 and 30</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 4, sections 38 and 88.</p>	<p>Authority for Director of Planning & Economic Development or Director of Corporate Support Services to:</p> <ol style="list-style-type: none"> 1. Issue Stop notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Section 215-219 Notices for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy. 2. Prosecute the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised. 3. Take appropriate enforcement action, including serving an injunction where the Director of Planning and Economic Development and/or the Director of Corporate Support Services, or their nominee, having regard to the evidence considers the circumstances to require urgent action. 4. Vary the requirements for compliance with notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices. 5. Determine when action is not expedient in relation to breaches of control considered inconsequential or insignificant. 6. Obtain and use powers of entry necessary in relation to the above. 	

- Note: the authority to be updated to take into account changes in the relevant legislation. All references are to the legislation as currently amended.

Schedule A: Matters to be Determined by the Relevant Committee

- (a) applications contrary to the provisions of an approved draft or Development Plan, and which are recommended for approval;
- (b) applications contrary to other approved policies of the Council, and which are recommended for approval;
- (c) applications for major commercial and other developments, (e.g. developments of significant scale and/or of wide concern) and which are recommended for approval;
- (d) applications for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and which are recommended for approval)
- (e) the councils own applications on its land or property which are for disposal;
- (f) those applications recommended for approval where there are more than two expressions of objection material to the planning merits of the proposal to be approved and received, apart from:
 - 1. approvals in respect of householder developments and
 - 2. "other" category developments (i.e. changes of use, advertisements, listed building consents, Conservation Area consents, lawful development certificates, agricultural notifications, as well as telecommunications masts, shop fronts and vehicle crossovers).
- (g) applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal;
- (h) applications which a Councillor representing a ward within the relevant Area Plans Sub-Committee area requests in writing within four weeks of notification in the Council Bulletin should be referred to the appropriate Sub-Committee provided that the member concerned has notified the Ward Councillor in advance;
- (i) applications where recommendation conflicts with a previous resolution of a Committee;
- (j) applications submitted by or on behalf of a Councillor of the Authority (and/or spouse/partner) or on behalf of a member of staff of Planning and Economic Development (and/or spouse/partner) and also in those cases where a councillor is an objector in a purely personal capacity;
- (k) any other application which the Director of Planning and Economic Development considers it expedient or appropriate to present to committee for decision (e.g. those raising issues not covered by existing policies, or of significant public interest, or those with a significant impact on the environment)
- (l) an application which would otherwise be refused under delegated powers by the Director of Planning and Economic Development but where there is support from the relevant local council and no other overriding planning consideration necessitates refusal.

This page is intentionally left blank

Planning & Economic Development Delegations Schedule Number 2: Forward Planning and Allied Functions

Function:	Relevant Legislation	Relevant Details:	Exceptions:
Forward Planning	Town and Country Planning Act 1990 Section 324 and 325	To obtain and exercise powers of entry to undertake surveys in connection with: (1) Statutory Plans (2) Applications for planning permission	No
Buildings	Planning (Listed Buildings and Conservation Areas) Act 1990 Section: 3 (1-8)	To serve Building Preservation Notices in urgent cases, subject to report to and review by the next meeting of District Development Control Committee. To obtain and exercise powers of entry to undertake surveys in connection with: (1) Statutory Plans (2) Applications for Planning Permission	Yes
Dangerous trees on private land	Local Government (Miscellaneous Provisions) Act 1976 Sections: 23 and 24	Discretionary power to take action to make safe trees on private land, including to (1) obtain and use necessary Powers of Entry to the land; (2) serve relevant notices; (3) respond to appeals (4) undertake works directly where necessary, and (5) recover expenses.	No
Countryside hedgerows	The Hedgerow Regulations 1997 Sections: 5 to 15 incl.	The responsibility to: (1) regulate the removal of certain hedgerows; (2) issue relevant notices, including to require hedgerow replacement; (3) respond to appeals; (4) take necessary enforcement or legal action, and (5) obtain and use necessary powers of entry to the land.	No
High hedges	Anti-social Behaviour Act 2003 (Part 8) Sections: 68, 69, 70, 74, 75, 77, 79 & 80	The responsibility to: (1) deal with complaints in relation to the height of domestic hedgerows; (2) issue, withdraw or relax the requirements of relevant notices; (3) serve relevant documents regarding notifications; (4) notify interested parties; (5) respond to appeals; (6) take relevant legal or enforcement action, including undertaking works directly and recovering expenses; and	No

<p>Protection of trees</p>	<p>Town and County Planning Act 1990 (as amended) Part VIII Sections: 197, 198, 199, 201, 203, 205, 206, 207, 208, 209, 210, 211, 214, 214A, B C & D, 324</p>	<p>(7) obtain and use powers of entry necessary in relation to (1), (2), (3) and (6).</p> <p>The duty and responsibility to:</p> <ol style="list-style-type: none"> (1) take all necessary measures to make Tree Preservation Orders where trees are at risk, and are of significant existing or potential amenity value, or where they are of wider or strategic importance, subject to publication of the details in the Members Bulletin; (2) amend, confirm or revoke such orders, subject to reporting any objections regarding the making of the order to the relevant Area Planning Sub Committee for this decision; (3) determine applications for works to preserved trees (other than felling) except as set out below: <ol style="list-style-type: none"> (1) applications recommended for approval where more than two expressions of objection material to the planning merits of the proposal have been received; (2) applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal; and (3) applications which a Councillor representing a ward within the relevant Area Plans Sub-Committee area requests in writing within four weeks of notification in the Council Bulletin should be referred to the appropriate Sub-Committee provided that the member has notified the Ward Councillor in advance; (4) take any necessary action in respect of claims for compensation; (5) take action to ensure replacement planting where appropriate, by serving relevant notices, or by undertaking such planting directly and reclaiming the costs, and to publish any decision not to require replacement planting in the Members Bulletin; (6) respond to appeals; (7) take legal action in aspect of breaches of Part VIII of the Act where expedient, in conjunction with the Director of Corporate Support Service, including injunctive action and recovery of costs; (8) take appropriate action in respect of notification of works to trees in Conservation Areas, including the issue of the Tree Preservation Orders as necessary, and; (9) authorise all expedient measures to gain entry to land in respect of the execution of any of the above, including to: <ol style="list-style-type: none"> (1) issue a warrant if admission has been refused or if a refusal is reasonably apprehended or if the case is urgent; (2) to take samples of trees or soil, and (3) for the authorised person(s) to take with them such other persons as may be necessary . 	<p>Yes</p>
-----------------------------------	---	--	------------

- Note: the authority to be updated to take into account changes in the relevant legislation. All references are to the legislation as currently amended.