

Report to the Council

Committee: District Development Control

Date: 17 January 2006

Chairman: Councillor Mrs A Grigg

Item: 6

1. TREE PRESERVATION ORDERS – PROCEDURAL CHANGES AND DELEGATED AUTHORITIES

Recommending:

(1) That item (8) (page C12 of the Constitution) of the terms of reference of the four Area Plans Sub Committees be amended to read as follows: “To determine the confirmation of those tree preservation orders which are opposed”; and

(2) That item (2) of the terms of reference of the District Development Control Committee be amended to read as follows:

“ To determine any recommendation of an Area Plans Sub Committee which relates to potential decisions liable to give rise to claims for costs or compensation including development control matters and enforcement of planning requirements (including recommendations of no action) but excluding works in relation to tree preservation orders.”;

1. At our meeting on 17 January 2006 we considered a report of the Head of Planning Services on his proposals for changes in the ways that Tree Preservation Orders are dealt with by the Council and delegation arrangements for decisions that might lead to claims for compensation costs. These changes require amendment of the constitution and are brought to the Council for consideration and agreement.
2. Experience in dealing with recent tree and subsidence applications under several Tree Preservation Orders has shown that current procedures for dealing with Tree Preservation Order applications need to be reviewed. At the same time the arrangements for the making of Tree Preservation Orders, and their determination has also been reviewed and revised to minimise financial risk to the Council.
3. The proposed changes to the constitution formally adds the consideration of opposed orders to the Area Planning Subcommittees terms of reference and sets out within the District Development Control Committee’s Terms of Reference the formal responsibility for the determination of those cases which relate to potential decisions liable to give rise to claims for costs or compensation. These include development control matters and enforcement of planning requirements.

Resource implications:

Budget provision: From existing resources.

Personnel: From existing resources

Land: Nil.

Community Plan/BVPP reference: Nil

Relevant statutory powers: Town and Country Planning Acts

Background papers: None.

Environmental/Human Rights Act/Crime and Disorder Act Implications: Key Decision reference: (if required) Nil