

**Report to District Development
Committee**

Date of meeting: 13 June 2006



**Epping Forest
District Council**

Portfolio: Planning

**Subject: Tree Preservation Orders: Authorisation of Tree Preservation Orders
in the absence of the Head of Planning and Economic Development**

**Officer contact for further information: C Neilan
Committee Secretary: Simon Hill**

Recommendations/Decisions Required:

**That the following amendment be made to the scheme of delegation in respect
of Tree Preservation Orders:**

**“In the absence of the Head of Planning and Economic Development the power
to authorise, serve and execute Tree Preservation Orders all unopposed Tree
Preservation Orders in accordance with Section 197 of the Town & Country
Planning Act 1990 (as amended) and any subsequent legislation should be
additionally delegated to:**

- (1) the Assistant Head of Planning Services, Planning Policy and
Environment, or**
- (2) the Assistant Head of Planning Services, Development Control, or**
- (3) the Building Control Manager, or**
- (4) the Head of Legal Administration and Estates; or**
- (5) Any member of the Management Board or any Head of Service”**

Introduction

1. On 17 January 2006 District Development Committee agreed procedural changes and delegated authorities to the Head of Planning and Economic Development and committees in relation to Tree Preservation Orders.
2. The Head of Legal Services has pointed out that, strictly interpreted, the arrangements apply only to the arrangements in respect of the Head of Planning and Economic Development and do not appear to allow delegation in his absence to other authorised officers.
3. It is therefore recommended that District Development Committee clarify the issue.

Recommended Scheme of Delegation

4. In the absence of the Head of Planning and Economic Development in the first instance the power to authorise the making of a Tree Preservation Order should be delegated to the Assistant Head of Planning Services, Planning Policy and Environment, the Assistant Head of Planning Services, Development Control, or the Building Control Manager, or HoLAEs.
5. To allow for the possibility that none of the authorised Planning Officers are available it is further recommended that in their absence authority should be delegated to the Members of Management Board and all Heads of Service.

Statement in support of recommended action:

6. It is essential to ensure that Tree Preservation Orders may be made in the absence of the Head of Planning and Economic Development and that there is no possibility that such orders are open to challenge.

Options considered and rejected: None.

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