

APPEALS COMMITTEE

TREE PRESERVATION ORDER NO. 488 (2011)

30 SEPTEMBER 2011

REPORT OF HEAD OF GOVERNANCE

PURPOSE OF REPORT

To enable Members to consider the objections received to Tree Preservation Order No. 488 (2011) located at Wray Primary School Field, Wray-with-Botton, Wray, and thereafter whether or not to confirm the Order.

This matter will be dealt with in accordance with the adopted procedure for considering matters relating to individual applications, that is, the relevant matters for consideration by the Committee will be presented in the public part of the meeting, and the decision will be made after the exclusion of the press and public, on the basis that, in making its decision, the Committee will receive exempt information in the form of legal advice on possible legal proceedings arising from the decision (Paragraph 5A of Schedule 12A of the Local Government Act 1972) as amended by the Local Government (Access to Information) (Variation) Order 2006.

RECOMMENDATIONS

That Members consider the objections to Tree Preservation Order No. 488 (2011) located at Wray Primary School Field, Wray-with-Botton, Wray, and decide whether or not to confirm the Order.

1.0 Introduction

- 1.1 Under Section 198 of the Town and Country Planning Act 1990, the Local Planning Authority may make an Order in respect of a tree or group of trees if it appears that it is expedient in the interests of amenity to make provision for the protection of trees in their area.
- 1.2 In accordance with the Town and Country Planning (Tree Preservation Order) Regulations 1999, objections have been received to Tree Preservation Order No. 488 (2011), which has been made in relation to individual trees located at Wray Primary School Field, Wray-with-Botton, Wray.
- 1.3 In accordance with the Regulations, it is necessary to consider the objection(s), and in order for the objections to be considered objectively, the matter is referred to the Appeals Committee.
- 1.4 The report of the City Council's Tree Protection Officer is attached (pages 27 to 28).

Appended to the report are:

- Appendix 1 – *Section 211 Notice (pages 29 to 33)*;

- Appendix 2 - *Tree Evaluation Method for Preservation Orders (TEMPO) system (pages 34 to 37);;*
- Appendix 3 – *Original report amended (17 June 2011) (pages 38 to 40);;*
- Appendix 4 – *Copy of the original Tree Preservation Order No.485 (pages 41 to 54);*
- Appendix 5 – *Formal written objection to the order affecting trees T1-T3 (pages 55 to 56);*
- Appendix 6 – *Letter supporting the retention and protection of the trees in question (page 57);*
- Appendices 6A (pages 58 to 59) and 6B (pages 60 to 63) – *Correspondence between Lancaster City Council and the appellan);*
- Appendix 7 – *Notice submitted on behalf of the appellants (pages 64 to 67);*
- Appendix 8 *Works agreed for crown reduction of a single sycamore, not exceeding 25% (page 68);*
- Appendix 9 – *Works agreed for selective branch removal affecting a single oak tree (page 69).*

2.0 Proposal Details

2.1 The purpose of the report is to provide Members with details to enable them to decide whether or not to confirm Tree Preservation Order No. 488 (2011).

3.0 Details of Consultation

3.1 There has not been any consultation at this stage.

4.0 Options

4.1 The options are:

- (1) To confirm Tree Preservation Order No. 488 (2011)
 - (a) Without modification
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 488 (2011).

5.0 Conclusion

5.1 In the light of information contained within the report and its appendices, together with legal advice given at Committee and a site visit, Members are requested to determine whether or not to confirm Tree Preservation Order No. 488 (2011).

<p>CONCLUSION OF IMPACT ASSESSMENT</p>

<p>(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p>
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<p>Not applicable.</p>

<p>LEGAL IMPLICATIONS</p>

<p>A Legal Officer will be present at the meeting to advise the Committee.</p>
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<p>FINANCIAL IMPLICATIONS</p>

<p>Not applicable.</p>

BACKGROUND PAPERS

Tree Preservation Order No. 488 (2011)

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