

APPEALS COMMITTEE

Tree Preservation Order No. 523 (2013) 7 March 2014

Report of Chief Officer (Governance)

PURPOSE OF REPORT

To enable Members to consider the objections received to Tree Preservation Order No. 523 (2013) relating to an area of trees established on land adjacent to the railway and to the rear of numbers 25-47 Hazelmount Drive, Warton, 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. 523 (2013) relating to an area trees established on land adjacent to the railway and to the rear of numbers 25-47 Hazelmount Drive, Warton, and thereafter 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. 523 (2013), which has been made in relation an area of trees established on land adjacent to the railway and to the rear of numbers 25-47 Hazelmount Drive, Warton.
- 1.3 In accordance with the Regulations, it is necessary to consider the objections, 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 3 to 7).

Appended to the report are:

- Appendix 1 – *The area of trees established on land adjacent to the railway and to the rear of numbers 25 – 47 (pages 8 to 9);*

- Appendix 2 – *Tree Evaluation Method for Preservation Orders (TEMPO)* (pages 10 to 11);
- Appendix 3 – *Tree Protection Officer's Initial Report* (pages 12 to 13);
- Appendix 4 – *Tree Preservation Order No. 523 (2013)* (pages 14 to 18);
- Appendix 5 – *Letters received* (pages 19 to 23);
- Appendix 6 – *Response letter to the collective formal objection* (pages 24 to 26).

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. 523 (2013).

3.0 Details of Consultation

3.1 Tree Preservation Order No. 523 (2013) was made and advertised in the usual way, and 3 objections were received.

4.0 Options

- (1) To confirm Tree Preservation Order No. 523 (2013) -
 - (a) Without modification;
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 523 (2013).

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. 523 (2013).

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Not applicable.

LEGAL IMPLICATIONS

A Legal Officer will be present at the meeting to advise the Committee .

FINANCIAL IMPLICATIONS

Not applicable.

BACKGROUND PAPERS

Tree Preservation Order No. 523 (2013)

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