

Appeals Committee – Tree Preservation Orders

Appendix A

Background

The Council has powers to make Tree Preservation Orders at any time that it considers significant trees are under threat.

Threats might include a change in ownership, development of land, or inappropriate management.

Concerns with regard to the perceived threat to trees may be received from members of the public, council officers or parish councils.

Tree Preservation Orders may apply to any tree, group of trees or woodlands that are judged by the Council to make an important contribution to public amenity, this benefit may be current or future.

When a Tree Preservation Order is made, a copy will be available for inspection at the Council's offices.

The Tree Preservation Order and a Regulation 6 notice will be served on persons with an interest in the land and affected by the Order.

Members of the public have the opportunity to object to, or comment on, a Tree Preservation Order within 28 days of the order being made. *(The objection must be in compliance with Regulation 6 of the Town & Country Planning (Tree Preservation) (England) Regulations 2012.)*

The Council will take into account all written objections and representations, which are delivered to the Council not later than the date specified in the Regulation 5 notice.

The majority of objections are resolved through negotiation by officers. Some, however, are not, and these are referred to the Appeals Committee.

The Appeals Committee

The Appeals Committee comprises 7 Councillors, who are appointed by Full Council annually to determine appeals against decisions made by or on behalf of the Council.

The Appeals Committee in connection with hearings to consider formal objections to Tree Preservation Orders is a public meeting.

However, after hearing from the objector(s) and supporter(s), members of the public will be asked to leave the meeting whilst the Legal Advisor advises the Committee of its options and the Committee makes its decision.

The objector(s) to the Tree Preservation Order can choose whether to attend to present their case or not, as can any supporter(s) of the Tree Preservation Order.

The Appeals Committee will take into account any representations received before deciding whether -

- 1) To confirm the Tree Preservation Order -
 - (a) Without modification;
 - (b) Subject to such modification as is considered expedient.
- 2) Not to confirm the Tree Preservation Order.

Site Visit

Prior to the Appeals Committee meeting, the Committee will undertake a site visit to assess the tree(s) in context.

The objector(s), supporter(s) and members of the public can listen to the Tree Protection Officer's presentation at the site visit, but should not join in any subsequent discussion.

Public views will be presented at the Appeals Committee and will properly form part of the overall debate and discussion at that time.

Giving Notice

Objector(s) or supporter(s) wishing to speak at the Appeals Committee must give notice of their intention to speak by 4.00 p.m. three working days before the meeting. Registration should be made in writing, by email, or by telephone to Democratic Services*.

It is the responsibility of the person wishing to speak to find out the date that the Appeals Committee will meet. Late requests to speak at Committee will not be considered.

Details of the meeting can be found by looking on the Council's website (www.lancaster.gov.uk) under *Home* and by clicking on

- *Council and Democracy*
- *Meetings and Minutes*
- *Browse by committee for dates of meetings, minutes, agenda and reports*
- *Appeals Committee*
- *Agenda reports pack*

or by contacting Democratic Services*

The Meeting

Objector(s) and supporter(s) who have registered to speak should be in attendance 15 minutes prior to the commencement of the meeting to enable a list of speakers present to be passed to the Chairman. Any latecomers who have not confirmed their intention to speak in accordance with this requirement will only be allowed to speak at the discretion of the Chairman.

If necessary, speakers must be prepared to respond to questions from Committee members at the meeting. However, there will be no debate between a speaker and members of the Committee on the matters raised by the speaker.

Once the speakers have spoken and the Tree Protection Officer has presented her case, the Committee will debate the matter and make a decision. There will be no further contributions from the public during this process.

Should speakers fail to attend the meeting, or are not present at the time when the item is being dealt with, the matter will not be delayed. Speakers must attend at the scheduled time.

Any person who is registered to speak, but has to leave the meeting early, will be able to give his or her views on paper to be read out by the Chairman.

Procedure at the Meeting

1. The objector(s) present(s) his/her case.
2. Members of the Committee ask questions of the objector(s).
3. The supporter(s) present(s) his/her case.
4. Members of the Committee ask questions of the supporter(s).
5. The Tree Protection Officer presents her case.
6. Members of the Committee ask questions of the Tree Protection Officer.
7. The objector(s) has(ve) an opportunity to reply.
8. The supporter(s) has(ve) an opportunity to reply.
9. Any press/public, the objector(s), the supporter(s) and the Tree Protection Officer leave the room whilst the Committee makes its decision.
10. The Legal Advisor advises the Committee of its options.
11. Members of the Committee reach a decision.
12. The excluded parties return to hear the decision.
13. The Chairman announces the decision.

Please contact Democratic Services* if you have any particular needs to allow you to participate in the meeting.

Appeals Committee Objections to Tree Preservation Orders



A Guide for the Public



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