

## Agenda Item 18 (b)

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# Report

**Subject** : Applications for works to trees that are subject to a Tree Preservation Order  
**Report to** : Standards  
**Date** : Monday 17 March 2008  
**Author** : Shane Verrion

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## 1. Introduction:

1.1 This item is before Members to consider a change to the constitution in respect of the delegated authority to deal with tree applications where representations have been received.

## 2. Background:

2.1 Part 6 of the Constitution – Officer Scheme of Delegation (section 14.32) limits the authority of the Head of Development Services to deal only with unopposed applications for the felling of protected trees.

2.2 Currently, if an application is received to fell a tree which is the subject of a Preservation Order, and an objection is received, the matter needs to be referred to the relevant Area Planning Committee for determination.

2.3 Under the current procedure an application to fell a protected tree needs to be referred to committee if a third party objects to the felling, even if the Planning Department is minded to refuse permission anyway.

## 3. Proposal:

3.1 In order to improve the process, applications to fell protected trees could be dealt with under delegated authority and only be determined by committee if a Member calls the application in.

3.2 This would be beneficial in that it would save resources and prevent Members from having to get involved in all but the most difficult and contentious cases.



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**4. Conclusion:**

- 4.1 Felling is sometimes necessary in the interests of safety. Generally a fact based decision is required, that needs to be made by a suitably qualified Arboriculturalist. In such instances the Head of Development Services relies heavily on the opinion of the Arboricultural Officer. However, particularly contentious cases could still be called to committee by a Member.
- 4.2 A change to the constitution would prevent the need for committees to be involved in straightforward cases. Particularly where objections are received to the felling of a protected tree and the Planning Department is minded to refuse the application on its own merits.
- 4.3 Salisbury District Council employs one Arboricultural Officer to cover the whole of the district, and the current procedure is inefficient, increases his workload and is a poor use of his time.

**5. Recommendation:**

- 5.1 That members agree an amendment to the constitution, as follows:
  - 14.32 To deal with applications to carry out works on trees that are subject of Preservation Orders, and to determine the applications under delegated authority, unless they are referred to an area committee by a ward member.

**6. Background Papers:**

Part 6 of the Constitution – Officer Scheme of Delegation

**7. Implications:**

- **Financial** : None
- **Legal** :
- **Human Rights** : None
- **Personnel (POD)** : None
- **Community Safety** : N/A
- **Environmental** : N/A
- **ICT** : N/A
- **Equality and Diversity** : N/A
- **Council's Core Values:**
- **Wards Affected** : All