

# APPENDIX H

## WAVERLEY BOROUGH COUNCIL

### EXECUTIVE – 5 OCTOBER 2010

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#### Title:

#### **AMENDMENT TO THE SCHEME OF DELEGATION TO OFFICERS IN RELATION TO TREE WORKS APPLICATIONS**

**[Portfolio Holder: Adam Taylor-Smith]**

**[Wards Affected: All]**

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#### Summary and purpose:

Under the current Scheme of Delegation to Officers the authority to determine applications for works to fell or lop trees the subject of a Tree Preservation Order ('Tree Works Applications') is delegated directly to the Head of Planning. Unlike planning applications, there is currently no formal mechanism for Members to bring these applications before the Area Planning Committee. The purpose of this report is to seek approval to amend the Scheme of Delegation and add this type of application to the list of applications that can be brought before the Area Planning Committee.

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#### How this report relates to the Council's Corporate Priorities:

Decisions on Tree Works Applications are clearly linked to the Corporate priority of protecting and enhancing the environment of Waverley.

#### Equality and Diversity Implications:

There are no equality and diversity implications arising specifically from this report.

#### Climate Change Implications:

There are no climate change implications arising specifically from this report.

#### Resource/Value for Money Implications:

Any additional work arising from Tree Works Applications being referred to Committee can be managed within existing resources.

#### Legal Implications:

There are no legal implications arising specifically from this report.

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## **Background**

1. A Members will know, anyone proposing to either fell or lop trees that are subject to a TPO, must first obtain permission from the Council. These applications are referred to as 'Tree Works Applications'. The procedures for dealing with these are similar to those applying to planning applications. They appear on the Weekly List, neighbours are notified of the applications and the target is to deal with them within 8 weeks.
2. As it stands, the authority to determine these applications is delegated directly to the Head of Planning and there are no arrangements whereby these applications can be brought before the Area Planning Committee at the request of the Ward Councillor. Some concern has been raised about the fact that there is currently no scope for Members to be involved in the determination of these applications.

## **Tree Works Applications**

3. Currently the Council receives between about 100 and 130 Tree Works Applications each year. Of these, almost all are approved. For example, in 2009 out of 132 applications, only 2 were refused. A significant factor in keeping the number of refusals to a minimum is the fact that the tree officers spend a lot of time at the pre-application stage discussing with tree owners the works they propose and, if necessary, suggesting changes that would make a proposal more acceptable.
4. There are also relatively few representations made on these applications. Again in 2009 the 132 applications only attracted 7 objections, 19 expressions of support and 3 general comments.

## **Trees Within Conservation Areas**

5. There are also separate arrangements whereby owners of trees within Conservation Areas are required to notify the Council of their intention to do works to these trees. The Council receives a similar number of these notifications. They differ from Tree Works Applications in that the notification only runs for 6 weeks, after which the owner can carry out the works unless the Council takes action within the 6-week period to make the tree(s) the subject of a TPO. In the large majority of cases the owners are allowed to proceed with the works.

## **Proposed Changes to the Scheme of Delegation**

6. Clearly the majority of Tree Works Applications are not in any way controversial. However, it is still possible for some to become contentious and for those rare cases, it is proposed that the Scheme of Delegation to officers be amended by adding this type of application to the list of application types that Members can request to be brought before the Area Planning Committee.

7. Members are reminded that there are two situations where an application may be referred to the Area Planning Committee. The first is where the Ward Councillor and the relevant town or parish council make a formal request for the matter to be referred to Committee. The second is where the Ward Councillor makes the request to the officers with a justification based on relevant planning grounds.

### **Recommendation**

That the Council be recommended to amend the Scheme of Delegation to Officers to add applications to fell or lop trees that are the subject of a TPO to the list of those where Ward Councillors can request that they are determined by the relevant Planning Committee.

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### **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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