

## **TREE ENFORCEMENT PROTOCOL AND TREE PRESERVATION ORDER (TPO) PROTOCOL**

### **Item HP 24/23 referred from Housing and Planning Scrutiny Select Committee of 21 May 2024**

Consideration was given to the introduction of a new Tree Enforcement Protocol (at Annex 1) and Tree Preservation Order (TPO) Protocol (at Annex 2).

The Tree Enforcement Protocol detailed options available in respect of planning enforcement; the prosecution procedures and available penalties concerning trees. There would be greater liaison between Enforcement and Tree and Landscape Officers in assessing and investigating enforcement issues and this was welcomed by the Committee.

The TPO Protocol demonstrated principles of consistency in assessment and decision making when considering whether new Orders should be made and confirmed; aimed to increase public confidence and speed up decision making by streamlining the process and making it more robust.

An update was also provided on how the Planning Service dealt with tree related matters and it was acknowledged that there was a backlog in respect of outstanding TPOs which currently stood at 59. It was noted that these were triaged as indicated in the proposed Protocol and not identified as immediate priorities (unless an urgent TPO was required) when compared to other landscape related tasks carried out by the Landscape Officer. Measures to address the backlog were detailed in 1.4 of the report and a target of reducing this by at least one case per week would be implemented. The process of triaging TPO requests would continue and trees at immediate risk would always be prioritised.

Members expressed concern that the measures proposed to address the backlog were insufficient to make a significant improvement in a timely manner. To assist with monitoring the progress being made to reduce the backlog, it was suggested that six monthly updates be provided to the Scrutiny Select Committee and this to include potential alternative measures that could be implemented. This approach was supported by the Committee. The form of the update report would be discussed with the Cabinet Member for Planning.

Concern was expressed that there was an insufficient role for Members in the TPO Protocol and there was no safety-check to ensure that decisions were appropriate and fit for purpose.

Cllr Hood proposed, seconded by Cllr Oliver that a call-in mechanism for Councillors be added to the TPO Protocol. Following a formal vote this proposed was rejected. However, the Director of Planning, Environmental Health and Planning indicated that better engagement and communication between Officers and local Members regarding TPO applications and decisions could alleviate the concerns raised. A majority of the Committee supported this suggestion and a suitable approach to informal engagement would be discussed with the Cabinet Member for Planning.

**\*RECOMMENDED:** That

- (1) the Tree Enforcement Protocol (at Annex 1) be commended to Cabinet for adoption to aid decision making; and
- (2) subject to the approach on informal communications between Members and Officers being detailed, the Tree Preservation Order Protocol (at Annex 2) be commended to Cabinet for adoption to aid decision making.

**\*Recommended to Cabinet**