

COUNCIL

MEETING OF 24 OCTOBER 2023

AGENDA ITEM 8 – QUESTION (2) ASKED PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

The following question has been asked pursuant to Council Procedure Rule No 5.5 by Councillor M Hood:

‘Can the Cabinet Member for Planning please confirm how many outstanding Tree Preservation Order applications have yet to be processed and the length of time for the longest wait?’

Tree Preservation Orders are a valuable tool in protecting significant trees and groups of trees. Currently there is significant failure in the communication between the council and those applying for Tree Preservation Orders. What can be done to improve this? Can the Cabinet Member provide assurances that only the relevant specified criteria are used in assessing trees for this purpose and that the relevant criteria and assessments will be available so that members and residents can be assured that the system is transparent?’

Response of the Cabinet Member for Planning (Cllr M Taylor):

There are currently 53 outstanding requests for the Council to give consideration to the making of new TPOs (there are some cases where decisions have been made but not updated on the system owing to the change from Uniform to Agile). The oldest outstanding request dates from 20th July 2021. The Council must prioritise the requests it receives (the trees subject of the oldest outstanding request are already protected under the legislation by virtue of standing within a Conservation Area).

We are committed to reviewing the TPO procedure as part of the Agile Project and to allow members greater access to the data, and this is programmed in for the 24/25 Service Plan Review following successful implementation of Agile which is seen as the highest priority at the current time. We will also be reviewing the Constitution as part of this review to establish whether greater member oversight can be achieved on certain TPO confirmation applications and will be drafting a Tree Protection Enforcement Protocol which will provide a comprehensive guide on the framework for dealing with tree related enforcement issues in a clear, consistent and transparent manner.

When considering a request for a new TPO the Council has regard to the provisions of the legislation and Governments published guidance (<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#making-tree-preservation-orders>). A TEMPO assessment is also undertaken for all requests. Previous formal decisions by the Local Planning Authority are also relevant.