

BROMSGROVE DISTRICT COUNCIL

Council
2021

14th July

REPORT TITLE: PLANNING COMMITTEE – PUBLIC SPEAKING RULES – TREE PRESERVATION ORDERS (TPOs)

Relevant Portfolio Holder	Councillor Geoff Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	
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Wards Affected	N/A
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	An Effective and Sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

Council is asked to RESOLVE that:-

The Planning Procedure Rules be amended as detailed at Appendix 1 to permit public speaking at meetings of the Planning Committee in respect of Tree Preservation Orders.

2. BACKGROUND

- 2.1 Following a request from the Planning Committee to investigate the option of allowing speakers in respect of TPOs, the Constitution Review Working Group (CRWG) asked Officers to investigate the matter further and review the procedures at other Councils.
- 2.2 The outcomes of this investigation by Officers was reported for Members' consideration at a meeting of the CRWG held on 31st March 2021. This investigation found that, whilst many Councils have a public speaking process in respect of planning applications advertised on their websites, there was little information available about public speaking in respect of TPOs.
- 2.3 However, during the meeting of the CRWG, Members noted that there was no logical reason why public speaking should not be permitted in respect of TPOs at Planning Committee. Therefore, given the potential for public interest in TPOs, the group recommended that the Planning Procedure Rules should be amended to permit public speaking at

meetings of the Planning Committee in respect of TPOs as highlighted in Appendix 1.

3. FINANCIAL IMPLICATIONS

3.1 There are no specific financial implications.

4. LEGAL IMPLICATIONS

4.1 The law on TPOs is in Part VIII of the Town and Country Planning Act 1990, The Town and Country Planning (Tree Preservation) (England) Regulations 2012 [the Regulations] and detailed Guidance in 'A Guide to the Law and Good Practice published by the Department of Communities and Local Government [DCLG – now Dept of Housing CLG]

4.2 There is no statutory requirement for the public to be able to speak at Planning Committees in respect of TPOs. Equally, there is no legal bar that would prevent the council from introducing public speaking arrangements for TPOs.

4.3 As with planning applications to develop land, there are consultation requirements imposed on the local planning authority when making and confirming TPOs. These are set out in regulation 5 of the Regs.

4.4 The main distinction between development applications and TPOs is that the former are submitted by external parties, with the Local Planning Authority [the LPA] processing them within the planning framework. Applications are referred to Planning Committee in some circumstances and certain parties can register to address the Committee.

4.5 TPOs however, are made within the Council by professional officers of the Council fulfilling their statutory responsibilities in respect of the protection of trees and woodlands and the TPO acts to prohibit any works to be undertaken to protected trees without permission from the local planning authority [LPA]. This may partly explain why there does not appear to be public speaking on TPOs at other LPAs.

4.6 TPOs are first made and then consulted upon. The Regulations set out the requirement to publicise the Order, notify parties that it has been made and allow 28 days for a relevant party to submit objections or representations in respect of the TPO to the LPA.

4.7 TPOs must be confirmed within six months of being made and only where objections have been received is the proposed confirmation referred to Planning Committee as offices do not have delegated

authority to confirm an Order where objections have been made.

4.8 At present the Tree Officer includes in their Report to Committee the details of the objection/s received and answers members' questions in relation to the Order and the objections.

4.9 The proposal in this report is that parties who had made such objections should be able to support their objection at the Planning Committee by addressing the Committee in the same way that parties can speak to the Committee in development applications. The changes to the public speaking rules would also enable members of the public who wish to speak in favour of an application, to register to do so at Planning Committee.

5. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

5.1 The proposal detailed in this report support the purpose 'An Effective and Sustainable Council'.

5.2 By agreeing the action recommended by the CRWG, Members will be enhancing the democratic process by enabling the public to participate in the debate regarding TPOs.

Climate Change Implications

5.2 There are no specific climate change implications.

6. OTHER IMPLICATIONS

Equalities and Diversity Implications

6.1 There are no equalities and diversity implications.

Operational Implications

6.2 Temporary planning procedure rules apply to meetings of the Planning Committee whilst these meetings are taking place virtually. The CRWG proposed the changes to speaking rules in respect of TPOs to start with immediate effect. Therefore, the amendments have been highlighted in track changes in both the permanent version of the Planning Procedure Rules, at Appendix 3, and in the temporary Planning Procedure Rules, at Appendix 4.

7. RISK MANAGEMENT

- 7.1 No risks have been identified arising from the introduction of public speaking in respect of TPOs at meetings of the Planning Committee.

8. APPENDICES and BACKGROUND PAPERS

Appendix 1 – Planning Committee Procedure Rules – amended

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor Geoff Denaro, Portfolio Holder for Finance and Enabling (including governance arrangements)	31 st March 2021
Lead Director / Head of Service	Kevin Dicks, Chief Executive	April 2021
Legal Services	Clare Flanagan, Principal Solicitor	Various dates March and April 2021