

Appendix B – Scheme of Delegations for Trees

BDC clauses regarding TPOs in Scheme of Delegations - Existing with proposed amendments in track changes

Tree Preservation Orders.	To initiate Tree Preservation Orders.	Council.	Assistant Director of Environmental and Housing Property Services.
Tree Preservation Orders - Confirmation.	<u>1.</u> To confirm Tree Preservation Orders under the provisions of the Town & Country Planning Act 1990 in cases where: <u>a.</u> objections have been received: <u>or:</u> <u>b. it is proposed that a tree be protected which is located on Council-owned land</u> <u>4.</u> 2. To confirm Tree Preservation Orders in all other cases.	1. Council. 2. Planning Committee. <u>Council</u>	1. Planning Committee. 2. Assistant Director of Environmental and Housing Property Services
Tree Preservation Orders - Applications to <u>for consent to carry out works Felt - Regulation 16 Town and</u>	<u>1.</u> To determine applications <u>for consent to the cutting down, topping, lopping or uprooting of any tree for the felling of large trees (i.e. mature or over-mature trees), major pruning operations (i.e.</u>	Council	Planning Committee <u>Assistant Director of Environmental and Housing Property Services.</u>

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<u>Country Planning (Tree Preservation) (England) Regulations 2012</u> <u>NOTE:</u> applications in this category fall under the <u>National Scheme of Delegations - Schedule 2 - para 10</u>	<u>major canopy reduction, reshaping works) and contentious applications for tree work, whether or not as part of a planning application: which do not involve any of the following features: -</u> <u>a. The tree(s) to be felled/removed have been deemed by officers to have a CAVAT value of £150,000 or more and officers are minded to refuse the application;</u> <u>b. Permission is sought for major works consisting of a full crown reduction of greater than 20% and officers are minded to refuse the application.</u> <u>2. Any applications not falling under paragraph (1) will be referred to the nominated officer and nominated member for consideration under the Gateway Test and shall be determined as follows:</u> <u>a. Where outcome of Gateway Test is referral for determination by Members at Planning Committee</u> <u>b. Where outcome of Gateway Test is for determination by officers</u>	<u>Council</u> <u>Council</u>	<u>Planning Committee</u> <u>Assistant Director of Environmental and</u>
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			Housing Property Services
Tree Preservation Orders - Works to Protected Trees.	1. To authorise certain categories of works to protected trees. 2. To determine applications to carry out the following work: a. the felling of small trees. b. the removal of dead, dying or diseased trees. c. pruning for reasons of health and safety to trees of any size. d. minor pruning works. e. the felling of conifers and pioneer trees species (including but not limited to birch, ash, rowan and hawthorn).	1. Planning Committee. 2. Planning Committee.	1. Assistant Director of Environmental and Housing Property Services. 2. Assistant Director of Environmental and Housing Property Services.
Tree Preservation Orders - Contravention.	To institute proceedings under S210 of the Town & Country Planning Act 1990 in respect of contraventions of Tree Preservation Orders.	Council	Planning Committee

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Tree Preservation Orders - revocation or variation.	1. To revoke or vary a Tree Preservation Order where the original confirmation was made by Planning Committee. 2. To revoke or vary in all other cases	1. Council 2. Planning Committee	1. Planning Committee 2. Assistant Director of Environmental Housing Property Services
Trees & Shrubs overhanging the Highway.	To serve notices under section 154 of the Highways Act 1980 requiring the lopping or cutting of the hedge, tree or shrub on the owner of a hedge, tree or shrub, or on the occupier of land on which a hedge tree or shrub is growing, which overhangs a highway or any other road or footpath to which the public has access so as to endanger or obstruct the passage of vehicles or pedestrians or obstructs or interferes with the view of drivers of vehicles or the light from a public lamp so as to remove the cause of danger, obstruction or interference.	Leader/Executive	Assistant Director of Environmental and Housing Property Services
Trees - Dangerous.	1. Where notice is received under s23(2) of the Local Government (Miscellaneous Provisions) Act 1976 that trees are in such condition that they are likely to cause damage to	1. Planning Committee	1. Assistant Director of Environmental and Housing Property Services

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	persons or property on the land of the person giving notice: a. To take any steps necessary to make the trees safe (whether by felling or otherwise) where the owner of the land is not known. b. to serve a notice under s23 (3) of the Act on the owner or occupier of the land on which the trees are growing where the name and address of such or occupier is known requiring the taking of steps to make the trees safe and if the Notice is not complied with to take the steps specified therein and recover such expenses. 2. To take any necessary action under s23 – 26 of the Local Government (Miscellaneous Provisions) Act 1976 to secure the removal of dangerous trees and to deal with dangerous excavations.	2. Planning Committee	2. Assistant Director of Environmental and Housing Property Services
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