

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

6th April 2005

AUTHOR/S: Head of Legal Services and Director of Development Services

DELEGATED POWERS : HEDGEROWS AND PROTECTED TREES

Purpose

1. To increase delegated powers in respect of hedgerow and protected tree control

Effect on Corporate Objectives

2. Quality, Accessible Services	Powers would speed decision and action where sometimes important
Village Life	Proper tree and hedgerow control enhances village amenity and the environment generally
Sustainability	
Partnership	

Background

3. Committee has powers to deal with matters in relation to ***Protection of Important Hedgerows*** and ***Tree Preservation and safety***. The Director of Development Services and Conservation Manager already have limited powers to make tree preservation orders in emergency (subject to confirmation later by Committee whether or not there is any objection), to decide if hedgerows have been removed and to decide on applications for work to protected trees.

Considerations

4. Unfortunately, the delegated powers do not extend to the following
 - Permitting the removal of hedgerows in the circumstances set out in regulations 5 of the Hedgerows Regulations 1997 on owner's application called 'hedgerow removal notice' - regulation 6 permits where appropriate removal for substituted openings, temporary accesses, necessary accesses, carrying out development permitted, flood defence, land drainage, major highway works, electricity works, national defence, pest and disease control and proper management.
 - Requiring any hedgerow to be retained
 - Determining the arrangements for any replacement hedgerow
 - Prosecuting where hedgerows are intentionally or recklessly removed
 - Entering land for the statutory purposes (extending to any council officer)
 - Determining similar applications for the cutting down of protected trees
 - Determining the arrangements for any replacement trees
 - Prosecuting under section 210 (TPO) or 211 (Conservation Area) of the Town and Country Planning Act, 1990 ('the 1990 Act') in cases of cutting down, uprooting or wilfully destroying any protected tree, or wilfully damaging, topping or lopping any tree such as to be likely to destroy it

- Seeking any injunction to preserve any hedgerow or protected tree or to order works of replacement to be carried out
- All other Council functions under Chapter I of Part VIII – Trees – of the 1990 Act apart from the confirmation of any Tree Preservation Order where there is any objection which cannot be resolved by any modification of the order
- All other Council functions under the Hedgerow Regulations

Options

5. The Director of Development Services feels that it would be sensible to have these operational powers delegated to him and the Conservation Manager to avoid doubt as to where in some cases the dividing line on powers of delegation and decision-making lie, to assist in providing a prompt and efficient framework of special control and to reflect the overall degree of responsibility already borne by the Director and his team in other areas of development control.

Financial, etc Implications

6. There are no significant financial, legal, human rights, racial equality, staffing or risk management implications involved in this matter.

Recommendations

7. To delegate the powers as above, subject to prior consultation with the Chairman of the Committee and local member(s) and to the constitutional safeguards.

Background Papers: the following background papers were used in the preparation of this report: Constitution; Hedgerow Regulations 1997; the 1990 Act and regulations and guidance made under it.

Contact Officer: C. Taylor – Head of Legal Services
Telephone: (01954) 713060