

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

7th September 2005

AUTHOR/S: Finance and Resources Director

Tree Preservation Order – Elsworth

Recommendation: To confirm without modification

Purpose

1. To review Tree Preservation Order no.07/05/SC, made under delegated powers at Ashwell House, Fardells Lane, Elsworth.

Effect on Corporate Objectives

2. Quality, Accessible Services	Not applicable
Village Life	The presence and protection of the natural environment enhances the quality of village life.
Sustainability	The presence and protection of trees helps to control pollution levels, and therefore contributes to the Council's commitment to the climate change agenda. Trees provide an important micro habitat for both flora and fauna.
Partnership	Not applicable

Background

3. Section 198 of the Town and Country Planning Act 1990 enables local planning authorities, where it is expedient in the interests of amenity, to make provision for the preservation of trees or woodlands in their areas, to make Tree Preservation Orders with respect to such trees, groups of trees or woodland, as may be specified in the Order.
4. Any such Order may prohibit the unauthorised cutting down, topping, lopping, uprooting, wilful damage, or wilful obstruction of trees and may require replanting of any part of woodland area filled in the course of permitted forestry operations.
5. Once made, Tree Preservation Orders remain in force for a provisional period of six months, but can be confirmed at any time.

Considerations

6. Tree Preservation Order 07/05/SC was made on 1st April 2005.
7. The Council made the Order because the Field Maple tree would be affected by a planning application. The tree contributes visually to the quality and

character of the local environment and enhances the area, and is considered of such value as to warrant its retention.

8. The statutory period for the registering of objections to the Order ended on 11th May 2005. There were no objections received within this period.

Options

9. Under the legislation, the Council can confirm a Tree Preservation Order, confirm it subject to modification, or decide not to confirm it.

Financial Implications

10. There are no financial implications.

Legal Implications

11. Representations, in respect of an Order, must be made to the local planning authority, no later than the date specified in the Notice accompanying the Order. Before confirming the Order, the Authority must first consider any objection or representation. The Authority may confirm the Order with or without modification.
12. The validity of an Order may not be questioned, except by way of an application to the High Court.
13. Contravention of a Tree Preservation Order is an offence, under Section 210 of the Act, and it is an offence of absolute liability. On summary conviction, a person guilty of this offence shall be liable to a fine not exceeding £20,000, or on conviction of indictment, to a fine.

Staffing Implications

14. There are no staffing implications.

Risk Management Implications

15. There are no risk management implications.

Consultations

16. A copy of this report has been sent to the local Members, Councillor MP Howell and Councillor NIC Wright..

Conclusion

17. TPO number 07/05/SC remains provisionally in force until 30th September 2005. By confirming it now, the Council will ensure that the Tree Preservation Order remains in force beyond that date.

Recommendations

18. It is recommended that Tree Preservation Order 07/05/SC in Elsworth be confirmed without modification.

Background Papers: the following background papers were used in the preparation of this report:

- Tree Preservation Order no. 07/05/SC In Elsworth and the relevant file maintained by the Trees and Landscape Section

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