

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

2 November 2005

AUTHOR/S: Finance and Resources Director

Tree Preservation Order – Longstanton

Recommendation: To confirm subject to modification

Purpose

1. To review Tree Preservation Order no.08/05/SC, made under delegated powers at Thatchers Wood, Longstanton.

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 08/05/SC was made on 1st July 2005.

7. The Council made the Order because the trees provide a buffer to Pole Barn Farm, while contributing visually to the local environment. A Plan and Schedule of trees are attached to this report.
8. The statutory period for the registering of objections to the Order ended on 31st August 2005. The three letters of objection are attached to this report.. A site visit took place on 12th October 2005, at which the local Member, Councillor Alex Riley, and Vice Chairman of the Development and Conservation Control Committee, Councillor NIC Wright, agreed that the Tree Preservation Order should be confirmed, but with modifications.

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. Tree Preservation Orders are the principal means of protecting trees that are valued locally and might be lost as a result of future development. In making an Order, the main risk is one of administration in that any objections to it, which are not withdrawn, trigger a site visit, the consideration of amendment, and additional staff time. A further risk is that, where there is a suspicion that the proper legal process has not been followed, the Authority could be judicially reviewed.
16. The risk from not making a Tree Preservation Order in a particular case is that the tree, group, area or woodland could be damaged to the detriment of the local environment.

Consultations

17. The local Member, Councillor Alex Riley, endorses the report.

Conclusion

18. TPO number 08/05/SC remains provisionally in force until 31st December 2005. By confirming it now, the Council will ensure that the Tree Preservation Order remains in force beyond that date.

Recommendations

19. It is recommended that Tree Preservation Order 08/05/SC in Longstanton be confirmed, subject to the deletion of all reference to those trees numbered . T4,T5 and T6 in the First Schedule of the Order (each in poor condition) and T21 (removed prior to service of the Order).

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

- Tree Preservation Order no. 08/05/SC In Longstanton and the relevant file maintained by the Trees and Landscape Section
- Letters dated 21st August 2005 from Mr C Hicks, 27th August 2005 from Mr and Mrs Woollard and 27th August 2005 from Mr and Mrs Chalklin

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