



## **FULL COUNCIL REPORT**

Date Written	27 <sup>th</sup> September 2018
Report Author	Judith Jones
Service Area	Planning & Countryside
Exempt/Non Exempt	Non Exempt
Committee Date	24 <sup>th</sup> October 2018

*To: Mayor, Ladies and Gentlemen*

# **TREE PRESERVATION ORDERS – AMENDMENT TO THE CONSTITUTION**

## **1.0 SUMMARY OF THE REPORT**

- 1.1 The Planning & Countryside department is currently reviewing all its Tree Preservation Order's (TPO's) and associated records, in doing so it has become apparent that some of the records require amendment or correction.
- 1.2 The Constitution currently grants the Head of Planning & Countryside delegated powers to make provisional TPO's. In order to carry out the review, the existing TPO's need to be revoked and confirmed, as there are approximately 40 TPO's it is considered expedient if this could be carried out under delegated powers.

## **2.0 RECOMMENDATIONS that**

- 2.1 The Council's constitution grants delegated power to the Head of Planning & Countryside to revoke old Tree Preservation Order's (TPO's) and confirm TPO's to which there are no objections.

## **3.0 INTRODUCTION AND BACKGROUND**

- 3.1 The Planning & Countryside department is currently reviewing all its Tree Preservation Order's (TPO's) and associated records. Surveys have been carried out of all the TPO's across the County Borough and in doing so it has become apparent that some of the records require amendment or correction in order to accurately reflect what is on the ground.

- 3.2 The legal process for amending and correcting TPO records requires that the current TPO is revoked and a new TPO is made on the same day so that the protection is not lost.
- 3.3 Scheme C Part II para 3.2 of the Council's Constitution grants the Head of Planning delegated powers to issue Provisional Tree Preservation Orders, it does not currently however grant the Head of Planning the power to revoke old TPO's or to confirm the provisional TPO's to which there are no objections.
- 3.4 As there are approximately 40 TPO's to be revoked and made (comprising of a combination of single trees, groups of trees and woodlands), in order to carry out the review of the County Borough's TPO records it is considered to be expedient if the Head of Planning & Countryside is granted delegated powers to revoke and confirm TPO's to which there are no objections, In accordance with the current Constitution, those TPO's made that receive objections will be reported to the Appeals committee.
- 3.5 It is not proposed to make any brand new TPO's at this time i.e. the TPO's that will be made will be replacing existing TPO's for which the records are not accurate.

#### 4.0 FINANCIAL IMPLICATION(S)

- 4.1 None

#### 5.0 INTEGRATED IMPACT ASSESSMENT

	Positive Impacts	Negative Impacts	Not Applicable
<b>1. Merthyr Tydfil Well-being Objectives</b>	2 of 4	0 of 4	2 of 4
<b>2. Sustainable Development Principles - How have you considered the five ways of working:</b> <ul style="list-style-type: none"> <li>• Long term</li> <li>• Prevention</li> <li>• Integration</li> <li>• Collaboration</li> <li>• Involvement</li> </ul>	5 of 5	0 of 5	0 of 5
<b>3. Protected Characteristics</b> <i>(including Welsh Language)</i>	9 of 10	0 of 10	1 of 10
<b>4. Biodiversity</b>	1 of 1	0 of 1	0 of 1
<b><u>Summary:</u></b>			

The main positive impacts against:

- **Wellbeing Objectives** are that it will maintain and enhance biodiversity and ecosystem resilience and those trees have a positive impact on mental health and wellbeing.
- **Sustainable Development Principles** are that the proposal will future proof our records which should prevent legal challenge and errors occurring. It integrates with both Council and WG strategies.
- **Protected Characteristics and Welsh language** are that the proposal will contribute to the wellbeing of all through protection of the natural environment.
- **Biodiversity** are that the proposal will support the protection of trees and develop good quality, biodiverse and connected green infrastructure and open spaces.

No negative impacts have been identified against the Well-being Objectives, the Sustainable Development Principles, the protected characteristics and Biodiversity.

**CHERYLLEE EVANS**  
**CHIEF OFFICER NEIGHBOURHOOD**  
**SERVICES, PLANNING & COUNTRYSIDE**

**COUNCILLOR KEVIN GIBBS**  
**CABINET MEMBER FOR**  
**NEIGHBOURHOOD SERVICES,**  
**PLANNING & COUNTRYSIDE**

<b>BACKGROUND PAPERS</b>		
<b>Title of Document(s)</b>	<b>Document(s) Date</b>	<b>Document Location</b>
Constitution	Dec 2014	Council website
<b>Does the report contain any issue that may impact the Council's Constitution?</b>		<b>Yes</b>

***Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.***