

NOTICE OF MEETING

Meeting APPEALS PANEL

Date and Time FRIDAY, 10 SEPTEMBER 2004 AT 10.30 A.M.*

Place THE COUNCIL CHAMBER, THE TOWN HALL, LYMINGTON

Telephone enquiries to: Lyndhurst (023) 8028 5000
(Direct Line 8028 5389) Jan Debnam

*The meeting will be preceded by a visit to the site. Members are requested to assemble at 9.45 a.m. at the point marked on the attached map.

Dave Yates
Chief Executive

Appletree Court, Lyndhurst, Hampshire SO43 7PA

AGENDA

Apologies

1. Appointment of Chairman

To appoint a Chairman for the meeting.

2. Minutes (Report A)

To agree the minutes of the meeting held on 7 July 2004 as a correct record.

3. Declarations of Interest

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

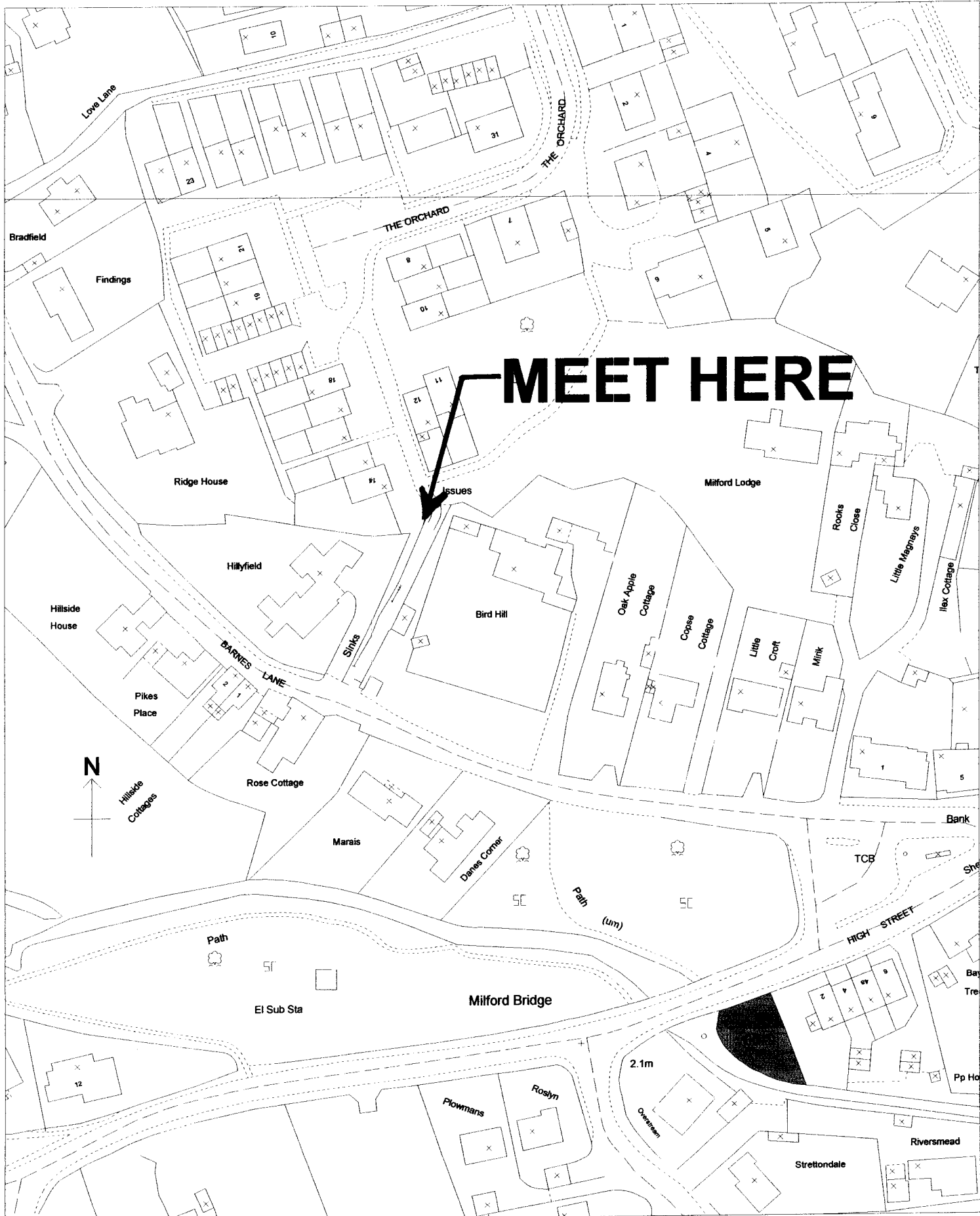
4. Tree Preservation Order No. 23/04 – Land of Hillyfield Rest Home, Barnes Lane, Milford-on-Sea (Report B)

To consider objections to Tree Preservation Order 23/04 relating to land of Hillyfield, Barnes Lane, Milford-on-Sea

5. Any other items which the Chairman decides are urgent

To:	Cllr K F Ault	Cllr D J Russell
	Cllr Mrs B M Maynard	Cllr A Weeks
	Cllr J Penwarden	

ap100904



Community Services
 New Forest District Council
 Appletree Court
 Lyndhurst
 Hants
 SO43 7PA
 Tel (023) 80285000

Title Meeting place in
 The Orchard, Milford

Date
 02/09/04

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**NEW FOREST DISTRICT COUNCIL
DETERMINING TREE PRESERVATION ORDERS WHERE OBJECTIONS TO
THE ORDER HAVE BEEN MADE**

Procedure at the Appeals Panel for Tree Preservation Orders

1. INTRODUCTION

- 1.1 Regulations oblige local authorities to take into consideration any duly made objections before deciding whether to confirm a Tree Preservation Order.
- 1.2 At New Forest District Council, objections are considered by a Panel drawn from the Appeals Committee.

2. GUIDELINE FOR MEMBER ATTENDANCE

- 2.1 If a member of the Panel is also a Local Member for the area in which the contested Tree Preservation Order has been made, that Panel member is not automatically required to leave, but determines for themselves, in accordance with the National Code of Local Government conduct, whether or not they have an interest within the terms of that Code and on this basis, whether they should take part in the decision making process.

3. SITE VISITS

- 3.1 Members meet on site before the meeting to view the tree(s) covered by the Order. The objector(s), arboriculturist, Local Member(s) and a representative of the Parish or Town Council are invited to the site visit. No discussion on the merits of the Order may take place at the site visit. The purpose of the visit is for Members to familiarise themselves with the site and the tree(s) and for the arboriculturist and the objector(s) to point out any features of the tree(s).

4. OBJECTION MEETING

- 4.1 The Chairman will explain that this is a procedure adopted by the Council for determining objections to Tree Preservation Orders.
- 4.2 The procedure for the meeting will be as follows:-
 1. The objector(s) will explain the reasons for objection. They may expand on their written objection and may call any expert witnesses.
 2. The Council's arboriculturist may ask questions of the objector(s).
 3. Members of the Panel may ask questions of the objector(s).
 4. Supporters of the objector(s) may be heard, following the same procedure as in 1, 2 and 3.

5. The Council's arboriculturist will put the case for preservation.
 6. The objector(s) may ask questions of the arboriculturist.
 7. Members of the Panel may ask questions of the arboriculturist.
 8. The supporter(s) of the Order may be heard. They may ask questions of the objector(s) and the arboriculturist.
 9. The local member may be heard.
 10. The Town or Parish Council may be heard.
 11. Members of the Panel may ask questions of the supporter(s).
 12. The arboriculturist may sum up.
 13. The objector(s) may sum up.
- 5.1 At the conclusion of the objection meeting the Chairman will declare the hearing closed.
 - 5.2 The Panel makes its decision on the basis of factual information in its possession when the hearing is closed, and no additional information will be sought. The press and public may remain while the decision is made.
 - 5.3 The decision of the Panel will be conveyed in writing to the objector(s) and all other persons originally served with a copy of the Order as soon as possible following the meeting.