

NOTICE OF MEETING

Meeting **APPEALS PANEL**

Date and Time **TUESDAY, 15 APRIL 2008 AT 10.00 A.M.***

Place **ACTIVITY ROOM, GANG WARILY RECREATION CENTRE, FAWLEY**

Telephone enquiries to: **Lyndhurst (023) 8028 5000**
(Direct Line 8028 5389) Jan Debnam
E-mail: jan.debnam@nfdc.gov.uk

***The meeting will be preceded by a visit to the site. Members are requested to assemble at the point marked on the attached map at 9.30am.**

Dave Yates
Chief Executive

Appletree Court, Lyndhurst, Hampshire SO43 7PA
www.newforest.gov.uk

This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

PART I – PUBLIC SESSION

Apologies

1. Election of Chairman

To elect a Chairman for the meeting.

2. Minutes

To confirm the minutes and confidential minutes of the meeting held on 20 July 2007, as previously circulated, as a correct record.

Please note: should Members wish to raise any question on the accuracy of the confidential minutes the press and public will need to be excluded for that matter.

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.

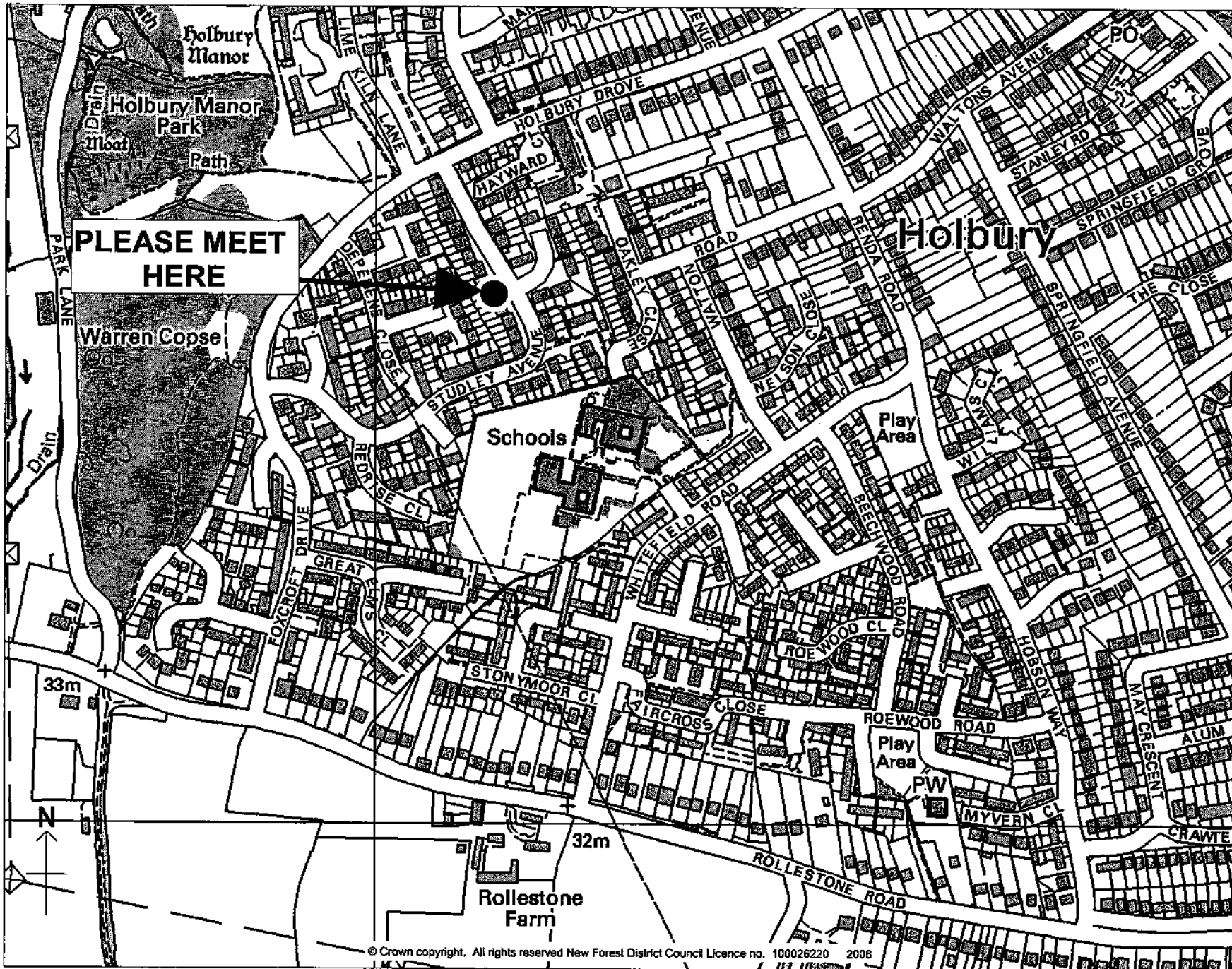
4. Tree Preservation Order 54/07 – Land of 34 Studley Avenue, Holbury

To consider objection to the making of Tree Preservation Order 54/07 relating to land of 34 Studley Avenue, Holbury.

5. Any other items which the Chairman decides are urgent

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| To: | Councillors: | Councillors: |
| | C Lagdon | C A Wise |
| | D J Russell | P R Woods |
| | Lt Col M J Shand | |

AP150408



**APPEALS PANEL
SITE VISIT
MEETING POINT**

T.P.O 54/07

15 April 2008
at 09:30

34 Studley Avenue
Holbury Fawley
SO45 2PP



New Forest
DISTRICT COUNCIL

Community Services
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

Tel: (023) 80285000

**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. A duly made objection must be sent to the Council in writing. Whether this objection is made by letter or by e-mail it will be considered to be a public document that is open to inspection on the file and may, in the event of an Appeal, be published in full.
- 1.2 At New Forest District Council, objections are considered by a Panel drawn from the Appeals Committee.
- 1.3 Meetings of the Appeals Panel are formal meetings of the Council. The Panel is supported by a legal advisor and a Committee Administrator. The Panel will consider all the evidence that has been submitted in respect of the Order. All of the evidence and representations received are published and in the public domain.
- 1.4 The Appeals Panel will hear the cases put forward objecting to the making of the Order and also in support of confirming the Order. The Members of the Panel will balance the evidence before them, in the light of the statutory constraints and guidance that apply.
- 1.5 The process is designed to be as open as possible and to make it as easy as possible for objectors and supporters of the Order to represent their point of view. They may therefore choose to have someone with them for support; or have their case presented by a friend, relative or professional advisor; and they may call such professional advisors as they feel necessary.

2. GUIDELINE FOR MEMBER ATTENDANCE

- 2.1 If a member of the Panel represent the area in which the contested Tree Preservation Order has been made as the local Ward Councillor, in accordance with the District Council's Code of Conduct, that Panel member must determine for themselves whether or not they have an interest within the terms of that Code and consequently 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 Ward Councillor(s) and a representative of the Parish or Town Council are also 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. They may also choose to have their case presented on their behalf by a friend or a professional advisor. They may also have a friend or other supporter with them for the hearing.
2. The Council's arboriculturist may ask questions of the objector(s) or their representatives.
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. The supporters of the order may also choose to have their case presented on their behalf by a friend or a professional advisor. They may also have a friend or other supporter with them for the hearing.
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 will then discuss the matter on the basis of the evidence that has been presented to it. No additional information will be sought once the

hearing has been closed. 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.

PLEASE NOTE: ALL REPRESENTATIONS THAT ARE TO BE TAKEN INTO ACCOUNT IN HEARING AN APPEAL WILL BE PUBLISHED IN FULL IN ACCORDANCE WITH THE COUNCIL'S NORMAL PROCEDURES FOR PUBLISHING DOCUMENTS FOR MEETINGS.

(Authad/cttee/jmd/appeals panel/procedure)
(11/07)