

## REPORT OF PLANNING DEVELOPMENT CONTROL COMMITTEE

(Meeting held on 12 April 2006)

### 1. TREE PRESERVATION ORDERS AND TREES IN CONSERVATION AREAS (MINUTE NO. 59)

This Authority and the National Park Authority both have concurrent powers to make and administer Tree Preservation Orders within the National Park area. Following discussions between the two Authorities it has been agreed that this Council will, in future, play no further part in the making and administration of Tree Preservation Orders in the Park area, leaving this function solely to the discretion of the National Park Authority. A formal agreement to this effect is proposed, and was circulated to the Committee as an appendix to the report.

In addition, since the National Park Authority will, in future, be making decisions on tree work applications in respect of Orders that were made originally by this Council, the proposed agreement indemnifies this Council against any liability which may arise from decisions made by the National Park Authority. The legislation makes it clear that liability would, otherwise, fall on the Authority that made the original Order, not on the Authority determining the tree work application.

#### **RECOMMENDED:**

***That the Head of Legal and Democratic Services be authorised to complete an agreement, in the terms set out above, between this Council and the New Forest National Park Authority for carrying out concurrent functions relating to Tree Preservation Orders and trees in Conservation Areas.***

**Cllr Mrs P A Wyeth  
CHAIRMAN**