

The Clerk explained that following previous emails to TRDC in September 2014, it had been stated that it was the wish of members of this Council to have a TPO and asked for that to be taken forward. TRDC advised at the time that the tree had been inspected and it was advised that the tree did not warrant a TPO. This outcome was referred back to members who asked that the matter be reconsidered. The outcome from TRDC was that the tree had scored low on the TPO assessment. The Clerk continued that as a follow up to this a more formal request for a TPO was placed with TRDC in February 2015 which has led to the current position when TRDC have reassessed the tree and stated that the tree has not scored sufficiently well to be worthy of a TPO – the assessment sheet is attached to these Minutes.

The Clerk continued that following this refusal for a TPO he had requested a formal rejection letter from TRDC to the Council's application for a TPO so that, as appropriate, alternative actions could be considered. The Clerk added that having reviewed the appropriate legislation there could be a possibility that the principles of the Appeal procedure for "consent" of works could be applied under Section 78 of the Town & Country Planning Act 1990 as amended and under the principles of Section 19 of the Town & Country Planning (Tree Preservation)(England) Regulations 2012. The Secretary of State has delegated the appeals procedure to the Planning Inspectorate and the appropriate form had been printed off. The Clerk said that under the Appeal procedure there was 28 days from the formal refusal in which to make such an appeal.

It was stated that spindle trees whilst not being particularly uncommon, the specimen in question is believed to be the only one in Croxley Green and probably the only one visible to the public on public/quasi public land.

Members referred to the survey assessment form that had been completed by the TRDC Officer in relation to the TPO request. It was considered that in some aspects the scores which the tree received could be considered as undervalued and as a consequence the tree would fail to qualify for TPO consideration.

Members reviewed the scoring and considered that in regard to Part 1(a) Condition, the tree had scored 1 point (poor condition) whereas Members considered that the score should be 3 (fair condition). In regard to Part 1(c) Relative public visibility & suitability for TPO, the tree had scored 2 (young, small, or medium/large trees visible only with difficulty – Suitable (for TPO)), Members considered that the tree was clearly visible to the public and therefore should have scored 4 (Large trees, or medium trees clearly visible to the public).

The Clerk explained that with the Members assessment of the tree being over 7 this would qualify the tree to be assessed under Part 1(d) Others Factors and Members considered that a score of 3 would be warranted (Trees with identifiable historic, commemorative or habitat importance). This would bring the assessment score to 10 on the form. Scores over 10 can then be scored under Part 2 Expediency assessment and the tree would likely score 3 (Foreseeable threat to tree). Accordingly with the Members assessment the overall score for the tree would be 13 and under Part 3 Decision Guide, this would make a TPO defensible.

Members discussed the merits of making an Appeal from the decision already made by TRDC but considered that in the first instance a letter should be sent to the Director of Regulatory Services at TRDC to review the Council's request for a TPO and in the event that that proves unsuccessful to then lodge an Appeal to the Planning Inspectorate.

Resolved:

- That the Clerk writes to the Director of Regulatory Services at TRDC to review the Council's request for a TPO and in the event that that proves unsuccessful to lodge an Appeal to the Planning Inspectorate;

- That furtherance of this matter is delegated to Cllr Edmunds and The Clerk given the potential time restrictions in the event of making an appeal.

EA1118/15 Closure

There being no further business the Chairman closed the meeting at 8.35pm.