

**CHERWELL DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**12 MARCH 2009**

**REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS**

**CONFIRMATION OF UNOPPOSED TREE PRESERVATION ORDER (NO 9) 2009,  
BEECH TREE AND YEW TREE AT THE BOTHY, CHURCH LANE, WESTON  
ROAD, BLETCHINGDON.**

**1 Introduction and Purpose of Report**

- 1.1 The purpose of the report is to seek the confirmation of the above unopposed Tree Preservation Order in respect of a Beech Tree and Yew Tree at The Bothy, Weston Road, Bletchington. A plan relating to the Order is attached at Annex 1.

**2 Wards Affected**

- 2.1 Bletchington.

**3 Effect on Policy**

- 3.1 None.

**4 Contact Officers**

- 4.1 Jon Brewin(Extension 1708);  
Richard Hurst (Extension 1693).

**5 Background**

- 5.1 The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments to make Tree Preservation Orders, under the provisions of Sections 198 and 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the trees in question are under imminent threat, and that their retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Area Planning Committees.
- 5.2 The above-mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and served on 7 January 2009. The objection period expired on 4 February and no objections have been received to the Order.

## **6 Risk Assessment, Financial Effects and Contribution to Efficiency Savings**

- 6.1 The following details have been approved by Eric Meadows (Extension 1552) (Financial) and Rosemary Watts (Extension 1566) (Risk).
- 6.2 Risk assessment - the position relating to risk is that the existence of a Tree Preservation Order does not remove the landowner's duty of care to ensure that such trees are structurally sound and pose no danger to passers by and/or to adjacent property. The TPO legislation does contain provisions relating to payment of compensation by the Local Planning Authority in certain circumstances, but these relate to refusal of applications to carry out works under the Order, and no compensation is payable for loss or damage occurring before an application is made.
- 6.3 Financial effects - the cost of processing this Order can be contained within existing estimates.
- 6.4 Efficiency savings - none.

## **7 Recommendation**

- 7.1 It is **RECOMMENDED** that the Committee resolves to confirm the above Tree Preservation Order without modification.

### Background Papers:

- (a) TPO File Ref TT.469.