
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	29 OCTOBER 2002	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	TONY YOUNG (5745)	DOC:
SUBJECT:	TREE PRESERVATION ORDER NO. 190 – KING GEORGE V PLAYING FIELD, ETWALL	REF:
WARD AFFECTED:	ETWALL	TERMS OF REFERENCE:DC01

1.0 Recommendations

- 1.1 That this Tree Preservation Order be confirmed without modification.

2.0 Purpose of Report

- 2.1 To consider confirmation of this Tree Preservation Order. This item was deferred by the Committee of 17 September 2002 for a response regarding the Council's liability for compensation (see section 4.0 below).

3.0 Detail

- 3.1 This Tree Preservation Order was made on 2 May 2002 in respect of two oak trees at the south eastern corner of the playing field as indicated on the plan attached as Annex 'A'. The Order was made for the following reasons:

'These mature oak trees are highly visible and provide an attractive backdrop to the public playing field and can also be seen from the highway. Recent enquiries have been made to lop branches from T1 and therefore in view of the amenity value of the trees, South Derbyshire District Council considers it expedient that this Order be made.'

- 3.2 The neighbouring residents wishes to be assured that the Council would be wholly responsible for any damage that the tree may cause to her property.

4.0 Planning Assessment

- 4.1 It is expedient in the interests of amenity that these trees be made subject to a tree preservation order. The Council cannot be made liable for damage caused by the tree before or following confirmation of the Order. TPOs make provision, however, for the payment by the LPA of compensation for loss or damage caused or incurred as a result of:

- (1) their refusal of any consent under the TPO, or
- (2) their grant of a consent subject to conditions.

5.0 Financial Implications

- 5.1 None

6.0 Corporate Implications

- 6.1 None

7.0 Community Implications

- 7.1 None

8.0 Background Papers

- 8.1 Tree Preservation Order
20 May 2002 letter from neighbour