

Appendix 3

Written statement in relation to future TPO applications at Marlhill Copse

Members are invited to note and approve the following written statement in relation to future applications for TPO trees in Marlhill Copse.

1. Members will be aware of The Southampton (Townhill Park - Cutbush Lane) Tree Preservation Order 1956 and of the applications that Southampton Airport has made to the council in the last few years.
2. Following a petition submitted to a full council meeting held in 2019 in connection with one such application, members of full council were advised that the constitution did not permit the consideration of matters at a full council meeting where another committee had been identified as the appropriate decision making body. This is in accordance with the Constitution. This advice was followed up in an email from council officers, which stated *"the Council does understand the concerns regarding Marlhill Copse and I can assure you that as and when any application to carry out any works to trees on the Copse that requires the Council's consideration/consent that the matter will not be dealt with by officers under delegated powers but will be subject to a full report which will be placed before the Planning Committee at a public meeting for elected members to decide"*.
3. The terms of reference of the council's Planning and Rights of Way panel at paragraph 81 includes *"powers relating to the preservation of trees"* and notes that *"where a function or matter within the Panel's competence has been delegated to an officer, the Panel may exercise that function/matter concurrently with the officer to whom it has been delegated."*
4. The council's scheme of delegation at paragraph Part 10, 30.15 of the Constitution states *"To determine applications for works to trees that are subject to protection by Tree Preservation Order and to impose such conditions on any consent that s/he deems appropriate"*. Members will note that it authorises officers to determine all TPO applications. Any change to the scheme of delegation will require amendment to the council constitution at a meeting of full council. Officers as a matter of good practice and to reflect changes to the organisation and to legislation continuously review the scheme of delegation and bring reports to full council from time to time.
5. Officers now wish to provide further clarification in relation to the statement, which was intended to provide assurance to the public that applications of significant public interest made by the airport in relation to Marlhill Copse would be considered at a meeting of the council's Planning and Rights of Way panel.
6. Officers in the course of their duties exercise due care and attention when deciding whether to report a particular application to PROW panel, having regard to any number of relevant considerations such as the significance and size of the application and the level of interest from local councillors and members of the public.
7. Reporting all and any matters relating to Marlhill Copse to PROW panel is neither considered to be appropriate nor the best use of council resources.
8. In light of all of the above, and having regard to the present scheme of delegation and the discretion properly afforded to officers to exercise having regard to all relevant considerations, members are invited to note and approve that, in future, officers will exercise their discretion in relation to applications at Marlhill Copse and refer those applications made by the airport (or on its behalf) for consent to carry out works under a TPO that either relate to the operations of the airport or those that they consider to be significant or in the public interest. This is considered to be consistent with the statement made at full council and in the interests of good administration.