

Notice of Delegated Decision

This form is a written record of a delegated decision taken by an Officer

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| <p>Decision Subject</p> <p><i>(If the decision is key and has appeared on the list of key decisions, the title of the decision should be the same as that used in the list)</i></p> | <p>Tree Preservation Order – Land east of Martham, Martham Broiler Farm. 14x Oak Trees (T2, G1-G5), 13x Ash (G1-G3), 5x Lombardy Poplar (G1, G3), 4x Field Maple (G1), 2x Hazel (G3), 1x Prunus (G2), 1x Beech (G2), 1x Tree of Heaven (T1)</p> |
| <p>Decision Type₁</p> | <p><input type="checkbox"/> Key Decision (Executive)</p> <p>Is the decision eligible for Call-In Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Is the decision exempt from Call-in Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> Significant Decision</p> <p><input checked="" type="checkbox"/> Material Decision</p> <p><input type="checkbox"/> Urgent Decision</p> |
| <p>Decision Maker with Ultimate Responsibility for Function</p> <p><i>(Council/Committee/Member with ultimate responsibility for the functions the decision relates to i.e. the giver of the delegation)</i></p> | <p>Mark Turner (Head of Planning)</p> |
| <p>Officer receiving delegated authority</p> <p><i>(Your name and post – you are using the delegated power in question)</i></p> | <p>Kim Balls (Principal Strategic Planner)</p> |
| <p>Decision Details</p> <p><i>(Details of the decision you have made under delegated powers. Please refer to supporting report if applicable, including date, title and URN)</i></p> | <p>Review of TPO officer report detailing, location, amenity value and the expediency of threat to the tree(s)</p> |
| <p>Reasons for decision</p> <p><i>(Include here any significant financial, risk, procurement, legal or equality implications)</i></p> | <p>The officer report, following assessment and recommendations of the Arboricultural Officer confirms that</p> |

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| <i>considered following consultation with Section 151 Officer, Monitoring Officer)</i> | individual and groups of trees have the public amenity value and there is a perceived threat to loss which warrants their protection under Section 198 of the Town and Country Planning Act 1990. | |
| Alternative options considered <i>(Please provide brief details of any alternative options that were considered and rejected by the decision maker)</i> | Through the officer report's assessment, the alternative option not to protect the individual and groups of trees has been discounted given the public amenity value and perceived threat to loss of the trees. | |
| Approximate Value <i>(if applicable)</i> | N/A | |
| Affected Wards | West Flegg | |
| Details of any consultations undertaken <i>(Please include here if any declarations of interest were declared by an elected Member during the consultation period and include dates of any relevant dispensations if given)</i> | To be undertaken with landowners, agent, neighbours, and relevant ward members upon making the Tree Preservation Order. | |
| Implementation Date | 17/10/2023 | |
| Call in <i>Is this decision available for Call-in</i> | No | |
| Exempt from Call-in <i>Please include the reasons why</i> | Non-executive decision | |
| Approval of Decision | <i>Delegated Decision Maker</i> <i>Kim Balls</i> | |
| | Signature <i>K. Balls</i> | Date <i>17/10/2023</i> |

Key Decisions, Material Decisions, Significant Decisions and Urgent Decisions are defined below:

Key Decisions are Executive decisions that are 'significant':



- in relation to the budget for the service or function in question, i.e., if they result in the Council incurring expenditure or making savings of £250k or more (calculated on a whole life basis); or
- in terms of the effect on communities living or working in an area comprising two or more electoral Wards.

Material Decisions are Executive decisions (other than purely operational or administrative in nature) taken by Officers under powers delegated by a specific resolution of the Cabinet/Cabinet Member or under the Scheme of Delegation:

that are contentious, controversial, or politically sensitive; or

where there is likely to be a strong public interest; or

where there is significant variance in expenditure outside the agreed scope or budget for a project or issue; or

raise new issues of policy.

Significant Decisions are Non-Executive decisions (other than purely operational or administrative in nature) taken by Officers under powers delegated by a specific resolution of full Council, a Committee or under the scheme of delegation and having wide public impact/interest; where the effect of the decision:

is to grant a permission or licence; or

affects the legal rights of an individual; or

is to award a contract or incur expenditure which 'materially' affects the Council's financial position.

Urgent Decisions are decisions made in circumstances where:

a decision is required by statute or otherwise within a specified timescale; or

any delay likely to be caused by not making the decision would seriously prejudice the Council's or the public's interests; or

any delay likely to be caused by not making the decision would be likely to expose the Council, its Members or the public to a significant level of risk, loss, damage or disadvantage.