

## OFFICER DECISION RECORD

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| <b>Lead Officer:</b><br>Kirsty Paul, Planning Policy Manager                        | <b>Service:</b> Planning Policy  |
| <b>CMT Officer:</b><br>Carol Pilson, Corporate Director and Monitoring Officer      | <b>Delegated Power Being Exercised:</b><br>Part 3 Responsibilities for Functions, Table 5, Para 8 – to approve any action within their functional area up to the value of £250,000 |
| <b>Subject of Decision:</b> Contract extension for tree support services - planning |  |

### Decision Taken:

To extend our existing contract for arboricultural support services for planning purposes till April 2028.

### Reason for the Decision:

Specialist arboricultural support has been in place since Summer 2024 to maintain service continuity and ensure the effective assessment of planning applications affecting trees, including advice on Tree Preservation Orders, arboricultural impact assessments, method statements, enforcement matters, and planning appeals. The service underpins the Council's ability to make sound, timely, and legally robust planning decisions and to meet its statutory duties in relation to tree protection and environmental stewardship.

The current arrangement was established on a temporary basis while the Council explored the feasibility of appointing an in-house Tree Officer. However, in light of recent local government restructuring announcements and a clearer understanding of the ongoing volume and complexity of tree-related casework, it is considered more practical and cost-effective to continue with external specialist provision at this time. External support also provides flexibility and resilience without the long-term employment liabilities associated with a permanent post.

Continuity of specialist arboricultural advice is particularly important to avoid disruption to decision-making and to ensure consistency in the application of policy, conditions, and enforcement action. The existing provider has developed a detailed understanding of the Council's processes, priorities, and local tree-related issues, enabling advice to be delivered efficiently and proportionately.

Without continued arboricultural support, the Council would be exposed to increased risks, including unsound or poorly evidenced planning decisions, delays in application processing, failure to adequately protect important trees, and increased likelihood of appeals or legal challenge. Such outcomes could result in environmental harm, reputational damage, and higher future costs.

Although the contract extension runs until April 2028, the arrangement will be subject to regular review. The contract includes provisions allowing either party to terminate the agreement on one month's written notice, ensuring that the Council retains flexibility should service requirements, funding arrangements, or organisational structures change.

### Alternative Options Considered (if appropriate):

Option 1: Do Not Extend Specialist Arboricultural Support

Under this option, the existing contract would not be extended, and the Planning Service would operate without dedicated specialist arboricultural support.

This option is not considered appropriate. The Council has statutory and policy responsibilities in

relation to tree protection, including the assessment of development proposals affecting trees, the administration of Tree Preservation Orders, and the discharge of enforcement and appeal functions. Without access to specialist arboricultural expertise, there would be a significant risk of unsound or poorly evidenced planning decisions, delays in application processing, and increased exposure to appeals or legal challenge. This could result in environmental harm through the loss or inappropriate management of important trees, together with reputational and financial consequences for the Council.

#### Option 2: Procure Arboricultural Support from an Alternative Provider

This option would involve appointing an alternative external provider through a new procurement exercise.

This option is not considered appropriate at this time. A competitive tendering exercise was undertaken recently, through which the current provider was appointed. Repeating a procurement exercise at this stage would be unlikely to deliver material additional value and would result in unnecessary delay and officer resource expenditure. In addition, the current provider has developed an in-depth understanding of the Council's planning processes, local policy context, and tree-related issues across the district. Changing provider would result in a loss of continuity and require a period of familiarisation, creating risks to service resilience during an ongoing and time-sensitive caseload. Given that the proposed extension is intended to maintain continuity while service arrangements continue to be kept under review, re-procurement is not considered a proportionate or efficient option.

#### **Background/Reports/Information** considered and attached:

Procurement paperwork available on request.

#### **Legal and Procurement Implications**

The Council has statutory duties in relation to the protection and management of trees, including responsibilities under the Town and Country Planning Act 1990, the Town and Country Planning (Tree Preservation) (England) Regulations 2012, and relevant national planning policy. These duties require decisions to be informed by appropriate technical evidence and specialist expertise. Continued access to qualified arboricultural advice is necessary to ensure that planning decisions, enforcement action, and appeal responses are legally robust and defensible. Failure to secure appropriate specialist input could expose the Council to an increased risk of planning appeals, judicial review, or claims arising from unsound decision-making, as well as potential reputational harm.

The proposed contract extension provides a lawful and proportionate means of maintaining essential specialist capacity. Any future longer-term arrangement would be subject to the Council's Contract Procedure Rules and, where applicable, relevant procurement legislation, including the Public Contracts Regulations 2015.

#### **Financial Implications**

The proposed contract extension has a maximum value of £65,000 through to April 2028 and will be met from existing Planning Service budgets. The extension does not require additional unbudgeted expenditure.

Continuing with external arboricultural support is considered a cost-effective approach when compared to the costs and risks associated with operating without specialist advice, including potential delays, increased appeal costs, and remedial action arising from unsound decisions. The arrangement also avoids the additional employment, on-costs, and long-term liabilities associated with establishing an in-house Tree Officer role.

The contract includes break provisions allowing either party to terminate the agreement on one month's written notice, ensuring financial flexibility and enabling the Council to respond to future changes in service demand, funding arrangements, or organisational structure.

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| Officer's Signature:<br>Kirsty Paul, Planning Policy Manager | Date:<br>16 December 2025 |
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**Please forward to Democratic Services upon completion**

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| <b>For Office Use Only</b>                              |  |
| <b>Date copy passed to Democratic Services</b> 16/12/25 | <b>Implementation Date:</b> 16/12/25<br><b>(if not called-in)</b><br><b>(Allow 5 clear working days after publication of decision)</b> |

Circulation: Democratic Services, Portfolio Holder, Officer and Accountancy.