

Planning Committee

Tuesday, 9th November 2021, 6.30 pm

Council Chamber, Town Hall, Chorley and YouTube

I am now able to enclose, for consideration at the above meeting of the Planning Committee, the following reports that were unavailable when the agenda was published.

Agenda No Item

- | | | |
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| 4 | Chorley Borough Council Tree Preservation Order No.4 (Clayton Le Woods) 2021 | (Pages 47 - 62) |
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Gary Hall
Chief Executive

Electronic agendas sent to Members of the Planning Committee

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Tree Preservation Order

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No.4 (Clayton-Le-Woods) 2021

Chorley Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order -

Citation

This Order may be cited as The Chorley Borough Council Tree Preservation Order No.4 (Clayton-Le-Woods) 2021

Interpretation

- 1. (1) In this Order "the authority" means Chorley Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 2. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall —
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

- 3. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 16th day of June 2021

The Common Seal of Chorley Borough Council

was affixed to this Order in the presence of:]



.....]
Authorised Signatory – Chris Moister – Director of Governance



21471

CONFIRMATION OF ORDER

This Order was confirmed by Chorley Borough Council without modification on the [] day of []

OR

This Order was confirmed by Chorley Borough Council, subject to the modifications indicated by [] on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Chorley Borough Council on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Chorley Borough Council on the [] day of [] by a variation order under reference number [] a copy of which is attached.

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

[This Order was revoked by Chorley Borough Council on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

SCHEDULE**Specification of trees****Trees specified individually**

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	ash	Prominent stand-alone tree North of the apartments away from group G3

Groups of trees

(shown inside the black dotted line on the map)

Number on the Map	Description	Type	Location
G1	9 Sycamore 2 Holly 2 Pine	Group of 13 trees	South west corner of the site bounded by residential gardens and a car park
G2	14 Holly 4 Sycamore 3 Pine 4 Lime 1 Yew	Group of 26 trees	Forms the southern boundary between the apartment building and the properties on Radburn Close
G3	11 Holly 3 Lime 1 Hawthorn 1 Sycamore 1 Ash 4 Oak 3 Pine	Group of 24 trees	Forms the eastern boundary between the apartments and Westwood Primary School



CHORLEY BOROUGH COUNCIL**Town and Country Planning (Tree Preservation) (England) Regulations 2012**

Chorley Borough Council Tree Preservation Order No.4 (Clayton-Le-Woods) 2021

To: The Owners, Occupiers and adjacent landowners

Of: Land to the East Side of Preston Road, Clayton-Le-Woods, Chorley registered at the land registry under title number LA964988

THIS IS A FORMAL NOTICE to let you know that on 16 June 2021 we made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, no one is allowed to cut down, top or lop without permission the trees described in the 1st Schedule of the Order and shown on the map.


We have made the Order because we consider that the trees makes a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public. There removal would have a significant impact on the environment and its enjoyment by the public.

People affected by the Order have a right to object or make comments on the trees covered before we decide whether the Order should be made permanent. If you would like to make any objections or comments, please make sure we receive them by 19th July 2021.

Your comments must meet Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 a copy of which is attached. Please send your comments to Legal Services, Town Hall, Market Street, Chorley PR7 1DP. We will carefully consider all objections and comments before deciding to make the order permanent.

We will write to you again when we have made our decision. In the meantime, if you would like any more information or have any questions about this letter, please contact Adele Hayes Chorley Council, Partnerships, Planning and Policy, Planning, Union Street, Chorley PR7 1AL (telephone: 01257 515151).

Dated this 16 June, 2021



.....
Director of Governance
Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

**COPY OF REGULATION 6 OF THE
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS
2012**

Objections and representations

6.—(1) Subject to paragraph (2), objections and representations—
(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

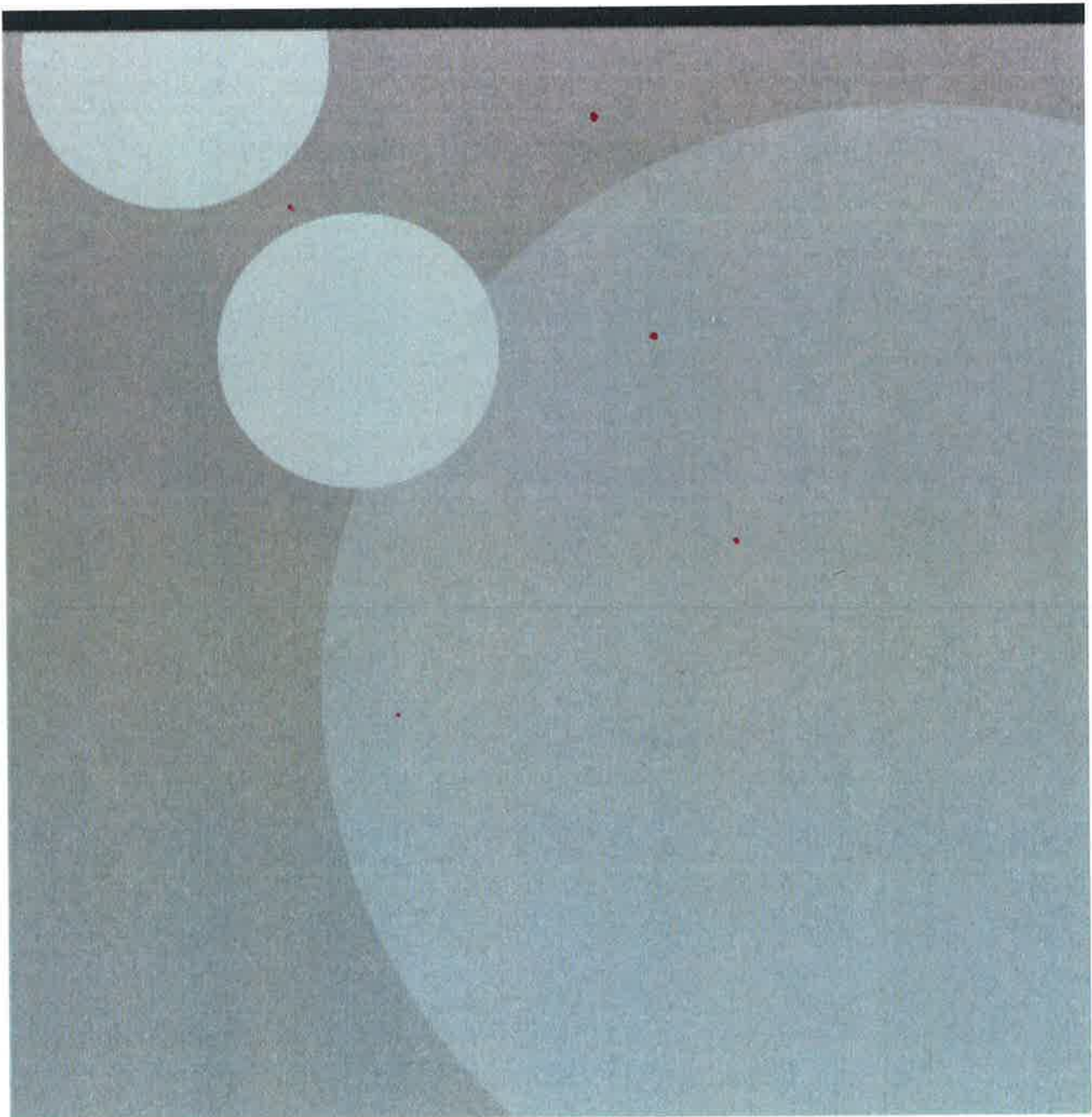
(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.



Protected trees

A guide to tree preservation procedures



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This document/publication is also available on our website at www.communities.gov.uk

Any enquiries regarding this document/publication should be sent to us at:

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

April, 2012

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5. If I see work being carried out on a protected tree, how can I find out if the owner has permission?

Check with the local planning authority, which will have a register of applications and decisions that you can look at.

6. There are trees which I think should be protected by a tree preservation order. What can I do?

Contact the local planning authority, giving details of the trees and the reasons why you think the trees should be protected.

7. When does a tree preservation order come into effect?

Provisional protection comes into effect as soon as the local planning authority makes the order. The authority will then need to confirm the order to provide long-term protection.

8. How will I know when a local planning authority makes a tree preservation order?

The authority will write to those who may have a right to work on the tree, generally the tree owner and sometimes others, such as tenants and neighbours. Copies of new orders are also available for inspection at the planning authority's offices.

9. How can I object to or express support for a new tree preservation order?

Write to the local planning authority within the period it allows for comment (usually 28 days), identifying the tree or trees in question and giving your reasons.

The authority will take your comments into account when deciding whether or not to confirm the order. The authority can also modify an order when it confirms it, for example to exclude some of the trees.

10. Does the local planning authority become responsible for looking after protected trees?

No. Owners remain responsible for trees covered by tree preservation orders, their condition and any damage they may cause. But the authority's permission is usually required before any work is carried out to the trees (see questions 11-14).

The authority may be able to offer help and advice on how the trees should be managed.

11. What if I want to work on a tree covered by a tree preservation order?

Apart from special exceptions (see questions 13-15) you (or your agent) must seek permission from the local planning authority by submitting a standard application form to it. The form is available from the Planning Portal (www.planningportal.gov.uk) or the authority. It is important to clearly specify

- by or at the request of certain organisations listed in the regulations (see Further information at the end of this leaflet).

3) removing dead branches from a living tree

If you are in any doubt about what needs permission, check with the local planning authority (see question 14).

14. What happens if I carry out work on a protected tree without permission?

If you deliberately destroy a protected tree, or damage it in a manner likely to destroy it, **you could be liable to an unlimited fine**. You could also be fined if you cause or permit such work. Other offences can lead to fines of up to £2,500.

15. When will I have to plant a replacement tree?

You will have to replant:

- 1) if you cut down or destroy a protected tree:
 - in breach of a tree preservation order, or
 - because the tree is dead or dangerous;
- 2) if the local planning authority gives you permission to cut down a protected tree but makes replanting a condition of its consent;
- 3) in most cases where the Forestry Commission grants a felling licence.

Local planning authorities have legal powers to ensure that you plant a replacement tree when required.

16. What if my application to carry out work under a tree preservation order is refused, or I object to the conditions imposed by the local planning authority?

You can appeal to the Secretary of State for Communities and Local Government in writing within 28 days of receiving the local planning authority's decision. The authority will give you the address. The Secretary of State may allow or dismiss the appeal, or vary the original decision.

Further information about tree preservation and tree replacement appeals is on the Planning Portal (www.planningportal.gov.uk).

17. Can I get compensation if my application to carry out work under a tree preservation order is refused or conditions are imposed?

In certain circumstances which are set out in the legislation (see Further information) you can seek compensation from the local planning authority for loss or damage which results from the authority refusing consent or granting consent with conditions. However, the legislation sets limitations and strict criteria that must be met. See question 11 regarding the need for adequate information to support your case.

22. What happens to tree preservation orders made before 6 April 2012 under old procedures?

On 6 April 2012 the Town and Country Planning (Tree Preservation)(England) Regulations 2012 introduced a single set of procedures for all trees covered by tree preservation orders. Consequently:

- orders made before 6 April 2012 continue to protect the trees they cover and answers to earlier questions apply;
- the legal provisions listed in orders made before 6 April 2012 have been automatically cancelled and replaced by the provisions in the new regulations. Only the information necessary to give these orders legal effect and identify the trees they protect is retained;
- there is no need for existing orders to be remade, amended or reissued.

Further information

You can find out more about felling licences in the Forestry Commission's booklet *Tree Felling – getting permission* (www.forestry.gov.uk or telephone 0161 495 4845).

You can find out more about tree preservation orders in the Town and Country Planning (Tree Preservation) (England) Regulations 2012, which are available through www.legislation.gov.uk or TSO (telephone 0870 600 5522) and some public libraries.

You can also find more information about the tree preservation order and planning systems on the Planning Portal (www.planningportal.gov.uk).

You may also find it helpful to refer to the local planning authority's website for information on tree protection in the local area.

There is guidance on selecting a tree expert at www.tree-care.info/findanarb.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Reference: 006758

CHORLEY BOROUGH COUNCIL

To: The Owners

Date: 16 June, 2021

Re: Land to the East Side of Preston Road, Clayton-Le-Woods, Chorley registered at the land registry under title number LA964988 as shown edged red on the plan attached.

REQUISITION FOR INFORMATION

TAKE NOTICE that, pursuant to the provisions of Section 330 of the Town and Country Planning Act 1990, the above-named Authority hereby requires you to state in writing, the nature of your interest in the land specified above.

You are also required to state in writing, the name and address of any other person known to you as having an interest in the said land as freeholder, mortgagee or otherwise, or who receives rent for the land.

To provide the information requested, please fill out the form (page 3) attached and then return this to the address below. The form must be returned within 28 days from the date of the service on you of this notice. There is no need to send a covering letter when returning this form. The purpose for which this information is required is set out overleaf on page 2.

.....
Director of Governance

Legal Services
Chorley Borough Council
Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

NOTE

Section 330 of the Town and Country Planning Act 1990 provides as follows:

- (1) For the purpose of enabling the Secretary of State or a local authority to make an Order or issue or serve any notice or other document which, by any of the provisions of this Act, he or they are authorised or required to make, issue or serve, the Secretary of State or the local authority may by notice in writing require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any land to give in writing such information as to the matters mentioned in subsection (2) as may be so specified.
- (2) Those matters are:
 - (a) the nature of the interest in the premises of the person on whom the notice is served;
 - (b) the name and postal address of any other person known to him as having an interest in the premises
 - (c) the purpose for which the premises are being used
 - (d) the time when that use began
 - (e) the name and postal address of any person known to the person on whom the notice is served as having used the premises for that purpose
 - (f) the time when any activities being carried out on the premises began
- (3) A notice under subsection (1) may require information to be given within 21 days after the date on which it is served, or such longer time as may be specified in it, or as the Secretary of state or, as the case may be, the local authority may allow.
- (4) Any person who, without reasonable excuse, fails to comply with a notice served on him under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Any person who, having been required by a notice under subsection (1) to give any information, knowingly makes any mis-statement in respect of it shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum or on indictment to imprisonment for a term not exceeding two years or to a fine, or both.
- (6) This section shall have effect as if the references to a local authority included references to a National Park authority

2

Reference: 006758

To the

CHORLEY BOROUGH COUNCIL

Return of information required to be given under section 330 of the Town and Country Planning Act 1990

From: (Signature).....

Re: land at, as shown edged red on the plan attached.

In reply to the notice dated, I hereby declare that the following information is correct to the best of my knowledge.

(a) Name (in full) and address.	
(b) State nature of interest in the land.	
(c) Name (in full) and address of any other person having an interest in the land (including mortgagees)	
(d) State the purpose for which the premises are being used	
(e) State time when use began	
(f) Name (in full) and address of any other person known as having used the premises for that purpose	
(g) State time when any activities being carried out began.	

This form must be returned to Legal Services at the following address: Legal Services, Chorley Borough Council, Town Hall, Market Street, Chorley, Lancashire PR7 1DP