

Report of	Meeting	Date
Director of Governance	Planning Committee	27 April 2021

## Proposed Confirmation Chorley Borough Council Tree Preservation Order No 1 (Eccleston) 2020 with Modification

### Purpose of Report

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No 1 (Eccleston) 2020 with modifications as outlined below.

### Recommendation(s)

- Formal confirmation (with modification) of the Order affords permanent as opposed to provisional legal protection to the trees covered by the Order.
- It is recommended that the formal confirmation is done with minor modifications to reflect the original order having identified one of the affected tree species incorrectly.

### Executive Summary of Report

- Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the tree covered by the Order. Not to confirm the Order would mean allowing the Order, and thereby the protection conferred on the trees covered by the Order to lapse

Confidential report Please bold as appropriate	Yes	No

### Corporate Priorities

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	x	A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

### Background

- The Order was made on the 24 November 2020 The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 24 November 2020. The same documents were also served on owners and occupiers of adjacent properties where they could be traced, on 24 November 2020. Copies of the order were also placed on neighbouring land on 27 November 2020 after efforts to locate the landowners proved unsuccessful. The Order was made because on the assessment of the Council's Tree Officer the trees make a

valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.

7. Following the provisional order being made it was noted that tree T3 was listed as an Alder tree but was in fact an Oak tree. The following modification is therefore proposed:
  - The replacement of the species of T3 as Oak, changed from the original description of Alder.
8. No objections have been received in response to the making of the above Order. It is therefore, now open to the Council to confirm the above Order as unopposed. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Orders without first having obtained lawful permission.

### Implications of Report

9. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	x	Policy and Communications	

### Comments of the Statutory Finance Officer

1. If the trees were to be lopped or pruned or chopped in breach of the order the Council would incur staff costs in any criminal investigation and prosecution. Staff costs in the Planning Department are also involved when dealing with applications for consent to work to protected trees.

### Comments of the Monitoring Officer

2. The legal effect of the order and the consequences of breach are addressed within the body of the report.

There are no background papers to this report.

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