

Report of	Meeting	Date
Director of Planning and Development	Planning Committee	10 August 2021

PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL TPO NO.1 (HEAPEY) 2021

PURPOSE OF REPORT

- To consider formal confirmation of the Chorley Borough Council TPO No.1 (Heapey) 2021.

RECOMMENDATION

- Formal confirmation of the Order. This affords permanent as opposed to provisional legal protection to the trees covered by the Order.

EXECUTIVE SUMMARY OF REPORT

- Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the trees 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
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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 5 March 2021. 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 5 March 2021. 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.
- Two letters of objection have been received, from the residents of no.16 High Bank and no.2 The Dingle. Both properties are located immediately adjacent to the land with the protected trees on.

Summary of Objections and Council's Response

Chorley Council have failed to maintain the trees.

The landowner, Persimmon Homes is responsible for the land and the trees on it.

Fallen trees in the brook are causing a flood risk.

The protected trees are on land between the residential development and the brook. None are in the brook. Fallen trees can be removed without formal permission.

Chorley Council have created this TPO following a complaint from one member of the public.

The council received numerous complaints about tree felling and numerous requests to protect the trees with a new TPO.

Chorley Council have acted without impartiality and integrity.

The council has been made aware of tree felling, identified remaining trees under threat and protected them using the legislation. It is standard practice not to inform anyone about a new TPO until it has been served.

Residents are vulnerable to risk from the trees.

The landowner has a duty of care to adjacent residents. Tree work shown to be necessary on safety grounds will be granted permission.

7. The objections have been considered and it is not proposed to revoke or vary the Order.
8. It is, therefore, now open to the Council to confirm the above Order. 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 tree covered by the Order 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

10. 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. All costs would be managed within existing budgets.

COMMENTS OF THE MONITORING OFFICER

11. 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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