

| Report of | Meeting | Date |
|------------------------|--------------------|----------------|
| Director of Governance | Planning Committee | 5 October 2021 |

| | |
|---|--|
| Is this report confidential? | Yes/Partly/No Delete as applicable. If confidential please give a short explanation as to why |
| Is this decision key? | Yes/No Delete as applicable and bold the reason below if key |
| Savings or expenditure amounting to greater than £100,000 | Significant impact on 2 or more council wards |

Confirmation without modification of the Chorley Borough Council Tree Preservation Order No. 3 (Coppull) 2021

Purpose of the Report

1. To seek member approval to the confirmation without modification of the Chorley Borough Council Tree Preservation Order No. 3 (Coppull) 2021 as an unopposed order.

Reasons for recommendations

2. No objection has been received to the making of the order. If the order is confirmed then permanent legal protection will be given to the tree.

Other options considered and rejected

3. Not to confirm the order. However this would mean that the TPO would become unenforceable six months from the date of its making and the protection afforded by the order would be undermined. Without the deterrence of prosecution the amenity provided by the tree would be at risk of being lost permanently if it were cut down or damaged.

Corporate priorities

4. The report relates to the following corporate priorities: (please bold all those applicable):

| | | | |
|--|--|------------------------|--|
| Involving residents in improving their local area and equality of access for all | | 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 | X |
|-------------------------------------|--|---|---|

Background to the report

5. The Order was made because on the assessment of the Council's Tree Officer the Ash tree makes a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and because its removal would have a significant impact on the environment and its enjoyment by the public.

The making of the Order

6. The Order was made on 30 April 2021 and is attached to this report as Appendix A. The Order was served along with the statutory notice prescribed in Regulations on all those with a registered interest in the land on which the tree is situated on 30 April 2021.
7. No objection has been received in response to the making of the above Order.
8. 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., the tree covered by the Order without first having obtained lawful permission from the Council.

Climate change and air quality

9. The work noted in this report does not significantly impact the climate change and sustainability targets of the Council's Green Agenda although the amenity from the tree is of benefit to the community.

Comments of the Statutory Finance Officer

10. If the tree 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

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

There are no background papers to this report.

Appendices

Appendix A

| Report Author: | Email: | Telephone: | Date: |
|---|--|-----------------|------------------------|
| Alex Jackson (Legal Services Team Leader) | Alex.jackson@chorley.gov.uk | 01257 515166 | 3 September 2021 |