

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

|   |  |
|---|--|
| Is this report confidential?                              | <del>Yes</del> /Partly/No<br>Delete as applicable. If confidential please give a short explanation as to why |
| Is this decision key?                                     | <del>Yes</del> /No<br>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. 5 (Clayton-le-Woods) 2021

### Purpose of the Report

1. To seek member approval to the confirmation without modification of the Chorley Borough Council Tree Preservation Order No. 5 (Clayton-le-Woods) 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 trees.

### 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 trees would be at risk of being lost permanently if they 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 |  | A strong local economy |  |
|--|--|------------------------|--|

|                                     |  |   |   |
|-------------------------------------|--|---|---|
| area and equality of access for all |  |   |   |
| 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 oak trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and because their 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 24 May 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 trees are situated on 24 May 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 trees 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 trees is of benefit to the community.

### **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.

### **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:                  |
|---|--|-----------------|------------------------|
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