

Report of	Meeting	Date
Director of Transformation	Development Control Committee	16 November 2010

PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 2 (WHEELTON) 2010 WITH MODIFICATION

PURPOSE OF REPORT

1. To consider formal confirmation of the Tree Preservation Order No.2 (Wheelton) 2010 with modification.

RECOMMENDATION(S)

2. That Tree Preservation Order No.2 (Wheelton) 2010 be formally confirmed with modification to the location of the protected tree as described in paragraph 8 below.

REASONS FOR RECOMMENDATION(S)

3. Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the tree covered by the Order.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. Not to confirm the Order would mean allowing the Order, and thereby the protection conferred on the tree covered by the Order to lapse.

CORPORATE PRIORITIES

5. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the central Lancashire sub region		Improved access to public services	
Improving equality of opportunity and life chance		Develop the character and feel of Chorley as a good place to live	X
Involving People in their Communities		Ensure Chorley is a performing Organisation	

BACKGROUND

6. The order was made on 14 June 2010. 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 beech tree is situated on 14 June. The same documents were also served

owners/occupiers of adjacent properties. 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. No objection has 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.
8. An error in the postal description of the land on which the single protected beech tree is situated was identified after the Order was made. The Schedule in the Order as made states that the tree is situated on the southern boundary of 1 Victoria Street Wheelton. In fact the correct description is on the southern boundary of 1 St. Paul's Close Wheelton. The description is contained in Schedule 1 to the Order. The plan is correct and Guidance issued by the Government states that ambiguity in the verbal description should be settled by reference to the position of the tree shown on the map.

DETAILS OF PROPOSALS

9. It is proposed that the above Tree Preservation Order is approved with modification to Schedule 1 to replace the words "Southern boundary of 1 Victoria Street Wheelton" with the words "Southern boundary of 1 St. Paul's Close Wheelton". The Order in all other respects is to remain the same.

IMPLICATIONS OF REPORT

10. This report does not have any implications in relation to any of the following areas:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal			

GARY HALL
DIRECTOR OF TRANSFORMATION

There are no background papers to this report.

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