

Report of	Meeting	Date
Head of Governance	Development Control Committee	5 February 2013

PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER (NO. 3) ADLINGTON 2012 WITHOUT MODIFICATION

PURPOSE OF REPORT

- To consider formal confirmation of the Tree Preservation Order No.3 (Adlington) 2012 without modification.

RECOMMENDATION(S)

- Tree Preservation Order No.3 (Adlington) 2012 is confirmed i.e. made permanent without modification.

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

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 31 October 2012. The Order was made and served along with the statutory notice prescribed in Regulations and a brief guide to protected trees issued by CLG on all those with an interest in the land on which the trees are situated on 31 October. The order was made because on the assessment of Planning Officers 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.
- The order protects 18 individual trees which are a mixture of oak, alder, sycamore, ash, birch, willow and horse chestnut. A further twelve separate groups of trees are protected by

the order which include most of the above types as well as hawthorn, silver birch, holly, goat willow, crack willow and hazel. Members will note from the plan attached to the order that the trees are spread across an extensive site.

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. the trees protected by the Order without first having obtained lawful permission. Offences are punishable by a fine of up to £20,000 in the magistrates' court.

IMPLICATIONS OF REPORT

8. 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

9. If any of 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

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

CHRIS MOISTER
HEAD OF GOVERNANCE

There are no background papers to this report.

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