

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

TREE PRESERVATION ORDER NO.4 (CHARNOCK RICHARD) 2012

PURPOSE OF REPORT

- To consider formal confirmation of the Tree Preservation Order No.4 (Charnock Richard) 2012 without modification.

RECOMMENDATION(S)

- That Tree Preservation Order No.4 (Charnock Richard) 2012 be formally confirmed without modification. Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the tree covered by the Order.
- Not to confirm the Order would mean allowing the Order, and thereby the protection conferred on the tree covered by the Order to lapse.

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 6 August 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 6 August 2012. 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.

7. The order protects 3 individual trees which are all sycamore on the embankment of the brook and adjacent to the footpath. Members will see from the Plan where the trees are situated.
8. 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

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 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

11. 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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