

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

## PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 7 (ADLINGTON) 2012 WITHOUT MODIFICATION

### PURPOSE OF REPORT

- To consider formal confirmation of the Tree Preservation Order No.7 (Adlington) 2012 without modification.

### RECOMMENDATION(S)

- Tree Preservation Order No.7 (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 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.

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		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 19 December 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 19 December 2012. The order was made because on the assessment of Planning Officers the 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 order protects one oak tree. 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

7. 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

8. If the oak 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

9. 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.

Report Author	Ext	Date	Doc ID
Alex Jackson	5166	04/02/13	***