

Report of	Meeting	Date
Chief Executive	Development Control Committee	28 October 2014

PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER (NO. 2) CROSTON 2014 WITHOUT MODIFICATION

PURPOSE OF REPORT

1. To consider formal confirmation of the Tree Preservation Order No.2 (Croston) 2014 without modification.

RECOMMENDATION(S)

2. Tree Preservation Order No.2 (Croston) 2014 is confirmed i.e. made permanent without modification.

EXECUTIVE SUMMARY OF REPORT

3. 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.
4. The Order will be registered as a local land charge in the event that it is confirmed. The order made on 18 June is revealed at present in response to CON29 enquiries.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

5. 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

6. The order was made on 18 June 2014. 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 June. The same documents were also served on 19 June on Trinity and St. Michael's Church of England/Methodist Primary School as owner/occupier of adjacent land. 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. There was a clear threat to the trees as the owner had applied to fell one of them (Application reference 14/00473/TCON).

7. Croston Parish Council was notified of the order as a courtesy although the relevant Regulations do not require it to be notified.
8. The order protects two individual trees which are a spruce and a silver birch. Members will note from the plan attached to the order within Appendix A that the trees are located in the rear garden of 15 Church Street Croston bordering the River Yarrow.
9. 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

10. 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

11. 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

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

GARY HALL
CHIEF EXECUTIVE

There are no background papers to this report.

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