

Report of	Meeting	Date
Head of Governance	Development Control Committee	28 th October 2014

PROPOSED VARIATION OF TREE PRESERVATION ORDER NO. 13 (CHORLEY) 2013

PURPOSE OF REPORT

1. To consider a variation of Tree Preservation Order No.13 (Chorley) 2013.

RECOMMENDATION(S)

2. Tree Preservation Order No.13 (Chorley) 2013 is varied.

EXECUTIVE SUMMARY OF REPORT

3. Formal variation of this Order affords permanent legal protection to the correct trees covered by the Order. Not to allow the variation of this Order would mean allowing a group of trees in the original order known as G3 to be protected by the Order when this is not needed.
4. The Order will be registered as a local land charge in the event that it is varied.

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 and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 12th December 2013. 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. No objections were made and the Order was confirmed on the 5th March 2014.
7. On assessment it was decided to remove the group of trees known as G3 (which include Goat Willow, Silver Birch and Sycamore) and situated on the adjacent west boundary of

Cowling Mill site from the original confirmed Tree Preservation Order No.13 (Chorley) 2013. This group of trees no longer make a valuable contribution to the visual amenities of the area being prominently situated and clearly visible to the public. This group of trees do not have a significant impact on the environment and its enjoyment by the public. The group of trees named G4 (which include Alder) in the original order will now be renamed as G3.

8. It is therefore, now open to the Council to vary the above Order as unopposed. The effect of formally varying the Order will be to give permanent legal force to the Order, 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.

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 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.

I attach a copy of the original Tree Preservation Order No.13 (Chorley) 2013 and a new Plan of the location of the trees affected in this Order.

Report Author	Ext	Date	Doc ID
Elizabeth Walsh	5169	6.10.14	2510