

Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Development Control Committee	27 April 2015

PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NO (2) ADLINGTON 2015 WITHOUT MODIFICATION

PURPOSE OF REPORT

1. To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No (2) Adlington 2015 without modification.

RECOMMENDATION(S)

2. Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the trees covered by the Order.

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.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

4. 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

5. The Order was made on the 5 February 2015. 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 5 February 2015. The same documents were also served on owners/occupiers of adjacent properties. 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.

6. One objection has been received in response to the making of the above Order. Ms Taylor of 83 Railway Road, Adlington makes comment that she is in full agreement with the Order, however has concern relating to trees T1, T2 and T3. Ms Taylor is of the view that the trees should be pruned before protection is permanently afforded due to the considerable damage that could be caused to her property when the weather is windy due to their tall and lean nature. The planning officer, Ian Heywood, has been informed of Ms Taylor's comments and believes that the trees are in a suitable condition therefore the Order should be made without modification. It is therefore, now open to the Council to confirm the above Order without modification. 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, any of the trees covered by the Orders without first having obtained lawful permission.

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 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

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

There are no background papers to this report.

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