

Report of	Meeting	Date
Director of Planning and Development	Planning Committee	9 November 2021

PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL TPO NO.4 (CLAYTON LE WOODS) 2021

PURPOSE OF REPORT

- To consider formal confirmation of the Chorley Borough Council TPO No.4 (Clayton Le Woods) 2021.

RECOMMENDATION

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

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 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 16 June 2021. 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 16 June 2021. The Order was made because on the assessment of the Council's Tree Officer and Chief Planning 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.
- One letter of objection was received, from the occupants of no.556 Preston Road Clayton-Le-Woods Chorley PR6 7EB. This property is immediately adjacent to the land with the protected trees on.

7. Summary of Objections and Officer Response

The trees in G1 are not clearly visible to the public.

The trees within G1 are visible from the A6 (Preston Road), Radburn Brow and Radburn Close.

There are thousands of trees in more public locations within Clayton Le Woods.

This is correct, however many of these trees are on Chorley Council land, under LCC's control or in Cuerden Valley Park and, therefore, are not under any known threat. TPO No.4 (Clayton Le Woods) 2021 was made in response to a known threat to these trees.

The trees may cause damage to a fence and a summerhouse.

The Order does not prevent work being undertaken. A tree works application can be made. While any application would be considered on its own merit, property being damaged is generally seen as good justification for work to protected trees.

The trees within G1 are in poor condition and dead branches fall which could damage property.

Dead wood can be removed without permission. The owner of the trees has a duty of care to adjacent residents regardless of the TPO. Safety issues are generally seen as good justification for work to protected trees.

Many of the trees within G1 were classed as category C in the tree survey for 17/00464/FULMAJ and placing TPOs on them will prevent care and maintenance.

The trees in this group were classed as category B and C. The life expectancy stated in the survey is only an estimate. These trees are now more important because of the loss of many other trees from the site. The TPO will not prevent maintenance where there is adequate justification for the work.

The trees shade the garden of no.556 Preston Road.

Excessive shading can be alleviated by a tree works application for sympathetic pruning.

8. The objections have been considered and it is not proposed to revoke or vary the Order.
9. It is, therefore, now open to the Council to confirm the above Order. 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 tree covered by the Order without first having obtained lawful permission.

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 the 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. All costs would be managed within existing budgets.

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.

There are no background papers to this report.

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Bill Whisker	01257 515642	1 November 2021	