

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

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Agenda Item No.

meeting date: THURSDAY, 7 OCTOBER 2010  
title: TREE PRESERVATION ORDER – WILPSHIRE METHODIST CHURCH  
submitted by: DIRECTOR OF DEVELOPMENT SERVICES  
principal author: COUNTRYSIDE OFFICER

## 1 PURPOSE

1.1 The purpose of this report is for Committee to decide whether or not to confirm a Tree Preservation Order.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – To make people's lives safer and healthier – protecting trees helps to safeguard the natural environment.
- Community Objectives – Safeguarding local and visual amenity.
- Corporate Priorities – To maintain the environmental quality of Ribble Valley.
- Other Considerations – None.

## 2 BACKGROUND

2.1 A Tree Preservation Order was made on the 9 June 2010 to protect a Yew tree growing at the Wilpshire Methodist Church, Ribchester Road, Wilpshire (see Appendix 1 – Tree T1 on the location plan).

2.2 The Order was made at the request of Mr Briffett who was concerned that the tree may be about to be felled.

2.3 In accordance with due process a copy of the Order was served on the Wilpshire Methodist Church.

2.4 When a Tree Preservation Order is made it is on a provisional basis continuing in force for 6 months or until the Order is confirmed with or without modifications, whichever occurs first. However, if objections are raised to a Tree Preservation Order, the Council have to give due consideration to those objections before deciding whether to confirm the Order.

## 3 ISSUES

3.1 The tree included in the Tree Preservation Order is a Yew tree growing northeast side of Wilpshire Methodist Church, Ribchester Road.

3.2 The tree in question is one of a number of trees growing in the locality and can be seen from Ribchester Road approaching from the north, as well as from properties fronting

Ribchester Road. It is in fair condition and fairly suitable for the location (see Appendix 2 – Tree Assessment Method for Tree Preservation Orders).

3.3 Under normal growing conditions a Yew tree can live for approximately 350 years or more. The estimated use for life expectancy of the tree in question is around a further 100+ years subject to climate change, weather conditions, pest and diseases.

3.4 The Chairman of the Wilpshire Methodist Committee has objected (see Appendix 3 – Letter of Objection).

3.5 A summary of the grounds of objection are:

- a Tree Preservation Order was not made when the proposal to fell the tree was initially made;
- the trees value to the community was not previously recognised otherwise a Tree Preservation Order would have been made some time ago;
- the tree is too close to the Church, is incompatible with the location, may cause damage to the boundary wall, railings and foundations;
- the multi stem form of the tree threatens its structural integrity and as a consequence the tree poses a threat to the road and buildings.

#### 4. COUNTRYSIDE OFFICER'S REPORT

4.1 The reasons indicated for the proposal to fell the Yew tree are not based on any observations carried out by an arboriculturalist or building surveyor.

4.2 There are a number of trees growing in the Ribble Valley that are of visual amenity value but are not covered by a Tree Preservation Order. It is only when there is a perceived threat to a tree that an Order is normally served.

4.3 The location and condition of the tree in question has never been raised as an issue in the past and the multi stemmed form of a tree is not a indication of its true condition.

#### 5 CONCLUSIONS

5.1 Mr Briffett requested the Tree Preservation Order because he was concerned that the tree would be felled for what appeared to be fairly tenuous reasons.

5.2 The letter of objection has not been substantiated with a detailed arboricultural or surveyor's report.

5.3 The tree is of visual amenity value, has a useful biological life expectancy and is in fair condition.

5.4 Yew trees are an iconic species and one of the oldest living trees in Britain, often associated with Churches.

5.5 Confirmation of the Order would make it illegal for anyone to lop, top or fell the tree except in an emergency, eg if the tree is dying/dead and is considered to pose an immediate threat to life and/or property.

5.6 The Order does not make it illegal to remove overhanging branches for the abatement of actionable nuisance ie obstruction of pedestrian or vehicular access, however all other routine tree work will require a tree work application to be submitted.

## 6 RISK ASSESSMENT

6.1 The approval of this report may have the following implications:

- Resources – The Council is responsible for maintaining records of all Tree Preservation Orders within the district.
- Technical, Environmental and Legal – The Council is responsible for processing applications for tree work on trees included in Tree Preservation Orders.
- Political – None.
- Reputation – The Council's reputation for safeguarding the natural environment will be enhanced.

## 7 **RECOMMENDED THAT COMMITTEE**

7.1 Confirm the Tree Preservation Order served on the 9 June 2010 as an unmodified Order.

## DIRECTOR OF DEVELOPMENT SERVICES

For further information please ask for David Hewitt, extension 4505.

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