

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 16 OCTOBER 2014
title: TREE PRESERVATION ORDER – DILWORTH LANE, LONGRIDGE
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: PHIL JOHNSON

1 PURPOSE

1.1 To request Members to make a new Tree Preservation Order (TPO) relating to land at Dilworth Lane, Longridge. To be named the Dilworth Lane, Longridge Tree Preservation Order 2014 No.4.

1.2 Relevance to the Council's ambitions and priorities

- The TPO will help to make people's lives healthier by protecting the natural environment and the benefits that it brings, and;
- Protect and enhance the existing environmental quality of our area by retaining trees in the local landscape.

2 BACKGROUND

2.1 Taylor Wimpey approached the council for pre-application advice relating to a proposed residential development to the North of Dilworth Lane, Longridge. As a part of that process it was made clear to the developer that the trees on the site were a valuable resource that must be duly considered throughout the process. It was also made clear to the developer that the council may decide to place those trees considered to be worthy under the protection of a tree preservation order (TPO). Trees considered to be worthy are those which have a high amenity value (visual and otherwise) to the local environment, and/or a value to the overall wider landscape of the area, and have an estimated remaining lifespan in excess of 10 years.

2.2 Several members of the public have independently contacted the council to request that a tree preservation order be served on all of the trees on the development site, and on all of the trees along the Dilworth Lane frontage on the approach to Longridge. A meeting was held with two local residents and the council countryside officer Phil Johnson. Following on from that meeting it was considered that a TPO should be drafted.

2.3 The trees on site were inspected and details of Taylor Wimpey's tree report were also used to inform the drafted TPO and map. Additional trees have been included that fall within the grounds of Dilworth House, this is because of their high amenity value to the area and in particular the avenue effect along Dilworth Lane.

3 ISSUES

- 3.1 The TPO is not a barrier to development and cannot be used as such. The purpose of the TPO is to ensure that the trees are given due consideration throughout the planning process and that (if permission is granted) once development is completed the trees are retained for as long as they remain in a reasonable condition. The TPO also gives the council the power to make sure that any trees that do require felling are replaced (normally at a 2:1 ratio).
- 3.2 There has been strong support from local residents in favour of a TPO and it is therefore hoped that there will be no objections.
- 3.3 The TPO has been drafted to include all worthy trees with no current regard as to whether or not removal will be required to facilitate development. It is envisaged that a small number of the TPO trees would require removal to enable construction of the main access road (should planning consent be obtained). This is not considered to be a problem because the TPO will initially be in place for a period of 6 months. During that time the council will need to decide whether to confirm the order with or without modifications, or whether to revoke the order. It is envisaged that the subject of planning permission would be decided before the end of the 6 month period which would then allow any necessary modifications to be included within the confirmation of the order.
- 3.4 If the TPO receives no objections the Director of Community Services has delegated authority to confirm the order with or without modifications on behalf of the council.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications
- Resources – In certain circumstances the council may be required to pay compensation in respect of losses suffered as a result of a decision to impose conditions or to refuse consent for work to trees protected by tree preservation order where it was reasonably foreseeable that the decision would result in losses to the applicant. These situations are incredibly rare and no known cases have previously occurred within the borough. Compensation is decided by the council, although if disputed could be taken to Upper Tribunal.
 - Technical, Environmental and Legal – The proposal would allow for the retention of over a hundred very important trees within Longridge.
 - Political – No implications identified.
 - Reputation – The securing of the order may positively affect the council's reputation locally within Longridge.
 - Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

- 5.1 Agree to the making of the tree preservation order so named the Dilworth Lane, Longridge Tree Preservation Order 2014 No. 4.
- 5.2 Agree to the confirmation of the tree preservation order by the Director of Community Services with or without modification should no objections be received (in accordance with the requirements for consultation outlined within the Town and Country Planning Act and the Town and Country Planning (Trees) (England) Regulations 2012).

PHIL JOHNSON
COUNTRYSIDE OFFICER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

See attached copy of the Map and Order.

For further information please ask for Phil Johnson, extension 4505.

REF: PJ/P&D/16.10.14