

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 7

meeting date: THURSDAY, 25 JUNE 2020  
title: TREE PRESERVATION ORDER 7/19/3/216 CARR HALL WOODLANDS  
submitted by: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING  
principal author: ALEX SHUTT – COUNTRYSIDE OFFICER

### 1. PURPOSE

- 1.1 For Committee to consider whether the Carr Hall Woodlands, Off Whalley Road, Wilpshire, Tree Preservation Order 2020 should be confirmed.
- 1.2 Relevance to the Council's ambitions and priorities:
  - Community Objectives – To protect and enhance the existing environmental quality of our area.
  - Corporate Priorities – To comply with the adopted Core Strategy – Environment – Policy DME1: Protecting Trees and Woodlands.
  - Other Considerations – None.

### 2 BACKGROUND

- 2.1 On 19 February 2020 the Council received an anonymous report that a number of mature beech trees had been felled at woodland near Carr Hall, Wilpshire.
- 2.2 The Council's Countryside Officer (CO) carried out a site visit on the 27 February 2020 to ascertain the amount of damage caused. It was clear that a number of mature trees had been removed and a lot of ground works had taken place within the wooded area at Carr Hall. The CO spoke with the landowner (LO) about the felling works that had taken place and was informed that all the trees were dangerous and the majority of soil and hardcore was already on site. Access to the woodland and site was denied by the LO.
- 2.3 From initial assessments, all of the woodlands surrounding Carr Hall are considered to be of high visual amenity value. The woodlands which are primarily of native species, collectively cover a large area which is also an important wildlife and habitat corridor. The W1 part of the woodland has a Public Right of Way footpath that runs adjacent to the South West side and continues South through W2 part of Carr Hall Wood (see Appendix A).
- 2.4 The Council's Countryside Officers carried out a Tree Evaluation Method for a Tree Preservation Order [TEMPO] (see Appendix B) and on the basis of the results and the threat of further clear felling of the woodland, the local authority considered it expedient to serve a TPO (see Appendix C).
- 2.5 On 28 February a Tree Preservation Order was served to two landowners and a tenant. Although no formal objections were received a letter was submitted to the Council by a landowner on the 12 March 2020 outlining a number of discrepancies within the Regulation 5 and Tree Preservation Order. These issues were considered by the Director of Economic Development and Planning and the Council's legal team and determined not to affect the validity of the order.

### 3 ISSUES

- 3.1 The woodlands are considered to be of high visual amenity value to the locality and to the wider tree-scape. As mentioned above the mature woodland contains a mix of mainly deciduous native species and some could be as old as 150 years+. Further details on the woodland cannot be disclosed due to lack of information and access.
- 3.2 The Council served the order because of recent tree felling and land works within the wooded areas and the Council are aware of future potential development projects at the site. As such the trees and woodlands are potentially at risk from loss. Any further clear felling of the woodland will have a negative impact both for amenity and bio-diversity.
- 3.3 A Tree Preservation Order protects trees from lopping, topping and felling but does not preclude tree work being carried out, including felling, however except for emergencies, for which there are exemptions, a tree work application is required for tree management work.
- 3.4 Tree work to protected trees that are considered to be dead and/or dangerous can, under exemptions, be carried out to reduce or remove immediate risk; however, a five-day notice is normally required. If a tree has to be felled or pruned in an emergency, the onus is on the landowner to prove that on the balance of probabilities the tree was dangerous, however dead wood pruning does not require formal consent
- 3.5 Any tree management decisions about any of the trees included in the Preservation Order should be based on a detailed arboricultural quantified tree risk assessment, carried out by a qualified and public indemnity insured arborist. This ensures that any tree management decisions are based on objective and accurate arboricultural information.
- 3.6 There will be some slight variations to the order. The title will be changed to Carr Hall Woodlands, Off Whalley Road, Wilpshire, Tree Preservation Order 2020. If any of the landowners want to have the woodlands and/or tree schedules modified to be more accurate then this can be updated if the correct reports are submitted and access to the woodlands for the Council is permitted.

### 4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
  - Resources – Dealing with tree related issues form part of the Countryside Officers' duties.
  - Technical, Environmental and Legal – Decisions made about trees have to balance protection of the environment against quantifiable risks posed by trees.
  - Political – None.
  - Reputation – The Council's environmental protection measures are being maintained.
  - Equality & Diversity – None.

## 5 CONCLUSION

- 5.1 The woodlands are of high amenity value to the locality and to the wider tree-scape. The PROW enables the public to enjoy the woodlands visually and physically and to guarantee the woodlands survival it is expedient that they are protected.
- 5.2 Any of the landowners that have an interest to apply for planning permission within W1 & W2 must realise that trees are a material consideration at any stage of the pre-planning, outline or detailed planning process. This TPO does not preclude a planning application being submitted or determined and in instances where a planning permission is granted and where the details indicate which trees are to be removed as part of the detailed consent, the planning permission supersedes a TPO and the loss can be mitigated.

## 6. **RECOMMENDED THAT COMMITTEE**

- 6.1 Confirm the Carr Hall Woodlands, Off Whalley Road, Wilpshire, Tree Preservation Order 2020.

ALEX SHUTT  
COUNTRYSIDE OFFICER

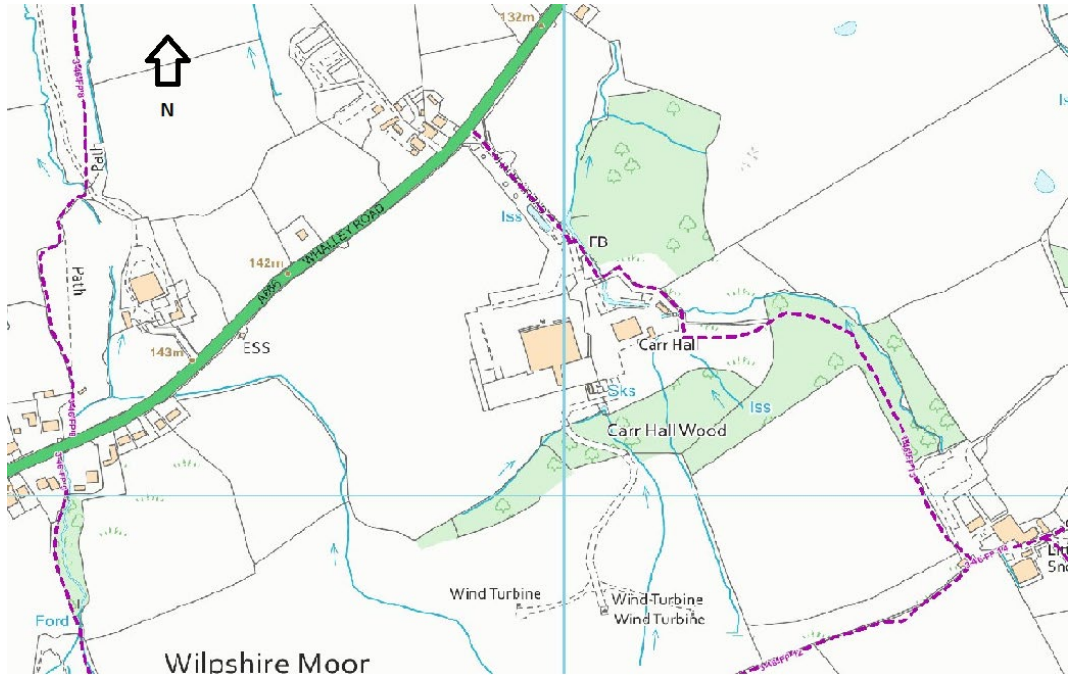
NICOLA HOPKINS  
DIRECTOR OF ECONOMIC DEVELOPMENT AND  
PLANNING SERVICES

## BACKGROUND PAPERS

Tree Preservation Orders and trees in conservation areas

For further information please ask for Alex Shutt, extension 4505.

# APPENDIX A



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

## SURVEY DATA SHEET & DECISION

Date: 27/02/2020 Surveyor: Alex Shutt

<b>Tree Details</b>			
TPO Ref (if applicable):	7/19/3/216	Tree/Group No:	W1 & 2
		Species:	Mixed broadleaf & Evergreen
Owner (if known):	Mr Donelan & Ms Cummings	Location:	Carr Hall Farm, Whalley Road, Wilpshire

### Part 1: Amenity Assessment

#### a) Condition & Suitability for TPO

5) Good	<input type="checkbox"/>	Highly suitable	<input type="checkbox"/>	<b>Score &amp; Notes =</b> 3 - No access to woodland so cannot be properly ascertained
3) Fair	Y	Suitable	<input type="checkbox"/>	
1) Poor	<input type="checkbox"/>	Unlikely to be suitable	<input type="checkbox"/>	
0) Dead	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>	
0) Dying/dangerous*	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>	

*\*Relates to existing context and is intended to apply to severe irremediable defects only*

#### b) Retention Span (in years) & Suitability for TPO

5) 100+	<input type="checkbox"/>	Highly suitable	<input type="checkbox"/>	<b>Score &amp; Notes =</b> 4 - No access to woodland so cannot be properly ascertained
4) 40-100	Y	Suitable	<input type="checkbox"/>	
2) 20-40	<input type="checkbox"/>	Unlikely to be suitable	<input type="checkbox"/>	
1) 10-20	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>	
0) <10*	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>	

*\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.*

#### c) Relative Public Visibility & Suitability for TPO

5) Very large trees with some visibility, or prominent large trees	Y	Highly suitable	<input type="checkbox"/>	<b>Score &amp; Notes =</b> 5
4) Large trees, or medium trees clearly visible to the public	<input type="checkbox"/>	Suitable	<input type="checkbox"/>	
3) Medium trees, or large trees with limited view only	<input type="checkbox"/>	Suitable	<input type="checkbox"/>	
2) Young, small, or medium/large trees visible only with difficulty	<input type="checkbox"/>	Barely suitable	<input type="checkbox"/>	
1) Trees not visible to the public, regardless of size	<input type="checkbox"/>	Probably unsuitable	<input type="checkbox"/>	

#### d) Other Factors

5) Principal components of arboricultural features, or veteran trees		<b>Score &amp; Notes =</b> 4
4) Tree groups, or members of groups important for their cohesion		
3) Trees with identifiable historic, commemorative or habitat importance		
2) Trees of particularly good form, especially if rare or unusual		
1) Trees with none of the above additional redeeming features		

### Part 2: Expediency Assessment

5) Immediate threat to tree	Y	<b>Score &amp; Notes =</b> 5
3) Foreseeable threat to tree	<input type="checkbox"/>	
2) Perceived threat to tree	<input type="checkbox"/>	
1) Precautionary only	<input type="checkbox"/>	

### Part 3: Decision

Any 0	Do not apply TPO	<input type="checkbox"/>	<b>ADD SCORES FOR TOTAL</b>  21	<b>Decision</b>  Definitely Merits TPO
1-6	TPO indefensible	<input type="checkbox"/>		
7-11	Does not merit TPO	<input type="checkbox"/>		
12-15	TPO defensible	<input type="checkbox"/>		
16+	Definitely merits TPO	21		

## Form of Tree Preservation Order

Town and Country Planning Act 1990

The Carr Hall Woodlands, Off Whalley New Road, Wilpshire, Tree Preservation Order 2020

The Ribble Valley Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as Carr Hall Woodlands, Off Whalley New Road, Wilpshire, Tree Preservation Order 2020.

**Interpretation**

2.— (1) In this Order “the authority” means the Ribble Valley Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.


**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 28 day of February 2020

Signed on behalf of the Ribble Valley Borough Council

  
.....

 Mrs Nicola Hopkins Director of Economic Development and Planning Services  
Authorised by the Council to sign in that behalf

## SCHEDULE

### Specification of trees

#### Trees specified individually

(encircled in black on the map)

-NONE-

#### Trees specified by reference to an area

(within a dotted black line on the map)

-NONE-

#### Groups of trees

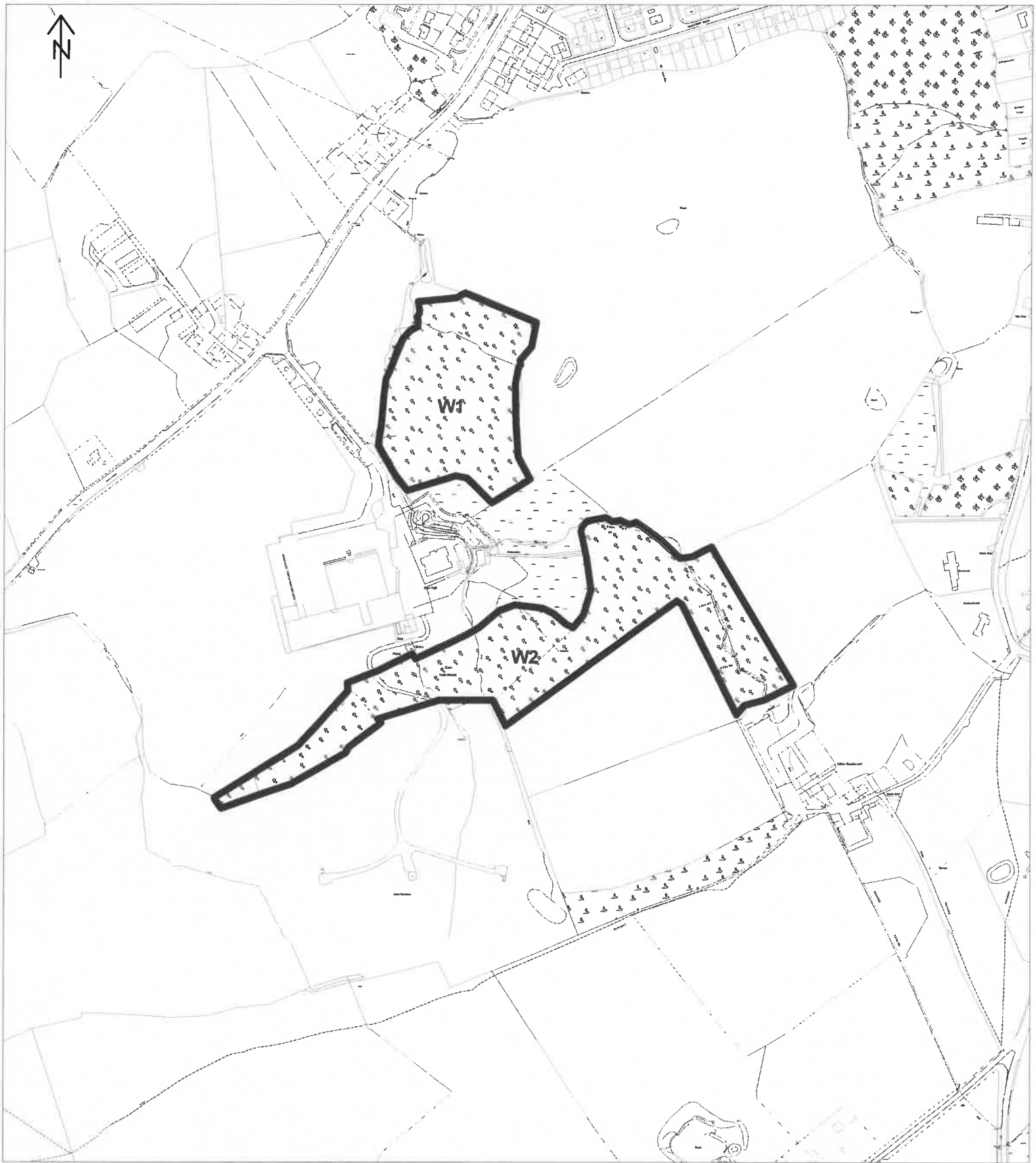
(within a broken black line on the map)

-NONE-

#### Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[W1]	Trees (of whatever species) within the woodland marked W1 on map	To the South of Whalley New Road
[W2]	Trees (of whatever species) within the woodland marked W2 on map	To the South of Whalley New Road



**RIBBLE VALLEY BOROUGH COUNCIL    TREE PRESERVATION ORDER NO./NOS. 7/19/3/216**  
**TOWN & COUNTRY PLANNING ACT 1990**  
**TOWN & COUNTRY PLANNING (TREES) REGULATIONS 2012**

**LOCATION: OFF WHALLEY ROAD, WILPSHIRE**  
**PARISH:    WILPSHIRE**

**OS SHEET: SD7033**

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**Scale 1:5000**