

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING & DEVELOPMENT COMMITTEE

DECISION

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meeting date: THURSDAY, 10 MARCH 2022  
title: TREE PRESERVATION ORDER 7/19/3/224 WOODLAND CORRIDOR, OFF WHALLEY ROAD, MELLOR BROOK  
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 Woodland Corridor, Off Whalley Road, Mellor Brook Tree Preservation Order 2021 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 6 October 2021 the Council received an email from residents within the Mellor brook area (see Appendix A) highlighting the fact that trees opposite a recently protected site had been historically felled. A recent planning application adjacent to this site had been refused at appeal by the Planning Inspectorate in part due to the importance of the woodland corridor, and they felt this strip of woodland is as important.

2.2 The Council's Countryside Officer (CO) carried out a site visit on the 17 October 2021 to investigate the report.

2.3 From initial assessments, the site had been clear felled except for a couple of linear semi mature trees along Mellor Brook or tributary of. The retained trees to the east of the site, collectively are of amenity value, however as touched upon in Appendix A they all form part of a woodland habitat corridor originating from Mammon Wood (Ancient Woodland) and extending for at least 300 metres. It became apparent the area could be classified as a woodland corridor the trees within this area considered to be of visual amenity value due to the native species and maturity and collectively, they cover a large linear area which is an important wildlife and habitat corridor.

2.4 The Council's Countryside Officer carried out a Tree Evaluation Method for a Tree Preservation Order [TEMPO] (see Appendix B) and based on the results and the threat of further clear felling of the group, the local authority considered it expedient to serve a Tree Preservation Order (TPO) (see Appendix C & D). By placing a temporary TPO on W1, it enabled the Council to protect the trees so no more felling works can take place without the Council approval.

- 2.5 On 18 November 2021 a TPO was served to 6 landowners initially, however a seventh landowner contacted the Council due to sharing ownership of the trees on land to the south of W1. One formal objection was submitted to the Council by a landowner (Please see Appendix E & F) outlining several issues with the proposed Tree Preservation Order and an email in favour of the TPO was also submitted (see Appendix H).

### 3 ISSUES

- 3.1 The woodland corridor has been under threat due to development for a number of years, a portion of land within this area has already been clear felled and without any protection the rest of the corridor could be felled. The woodland corridor is of visual amenity value to the locality and to the wider tree-scape and an important wildlife corridor.
- 3.2 The objection received cites that the TPO will affect a proposed commercial planning application. Members should note that the plan (Appendix F) submitted with the objection is not subject to a planning application and appears to be the landowners aspirations at this stage. If a planning application is submitted any tree management decisions about any of the trees included in the Preservation Order should be based on a detailed Arboricultural Impact Assessment carried out by a qualified and public indemnity insured arborist and a Habitat Phase 1 Ecology Survey carried out by a licensed ecologist. This will ensure that any tree management or decisions are based on objective and accurate arboricultural and ecological information.
- 3.3 Appendix F shows the area before any felling works were carried out and Appendix G shows the affects felling works have had on the area. Both plans and pictures clearly show the importance of manging and protecting W1 from future mismanagement. This woodland and hedgerow network is an important pathway not just for amenity but also habitat connectivity. The TPO will ensure any proposed development within this area will retain important trees and boundaries where possible and enable enhancement with low impact landscaping designs and the implementation of bird and bat boxes. As can be seen in the proposed site plan a number of trees may be affected but this TPO will ensure that the impact of the proposed development will be a low as possible.
- 3.4 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.
- 3.5 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

### 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 trees are an intrinsic part of the Mellor Brook area and although some of the trees have developed from boundary stock, they have developed into high category specimens with high amenity and habitat value. The Council categorised the area a Woodland classification as this protects all trees within the area including self-seeded trees and stumps. This allows areas that have been felled to naturally regenerate.

5.2 A TPO does not preclude a planning application being submitted or determined and in instances where a planning permission is granted any loss or impact on protected trees is mitigated as part of the planning approval process.

6. **RECOMMENDED THAT COMMITTEE**

6.1 Confirm the Woodland Corridor, Off Whalley Road, Mellor Brook Tree Preservation Order 2021.



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