

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 29 JUNE 2023
title: TREE PRESERVATION ORDER 7/19/3/233
2 LIMEFIELD AVENUE AND 10 STATION ROAD, WHALLEY 2023
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 2 Limefield Avenue and 10 Station Road, Whalley Tree Preservation Order 2023 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 Ribble Valley Core Strategy, in particular Key Statement DME1: Protecting Trees and Woodlands.
 - Other Considerations – None.

2 BACKGROUND

- 2.1 On 2 March 2023 the Council received a phone call from a resident requesting a Tree Preservation Order (TPO) and Conservation Area (CO) search to be carried out at 2 Limefield Avenue and 10 Station Road, Whalley, as a neighbour wanted to prune both mature copper beech trees.
- 2.2 The Council's Countryside Officer visited the site on 3 March 2023 and carried out a Tree Evaluation Method for a Tree Preservation Order [TEMPO] (see Appendix A). The Countryside Officer evaluated the trees outside 2 Limefield Avenue and 10 Station Road and based on the results and the threat of T1 & T2 being pruned by a third party, the local authority considered it expedient to serve a TPO on that same date (see Appendix B). By placing a temporary TPO on T1 and T2, it enables the Council to protect the trees so any felling or pruning works cannot take place without the Council approval.
- 2.3 In response to the TPO being served, one formal objection has been received by the Council from a resident (see Appendix C) outlining a number of issues with the trees and the proposed TPO.

3 ISSUES

- 3.1 The trees are considered to be of visual amenity value to the locality, they are situated in a prominent position in the village and Conservation Area and are important to the wider treescape.
- 3.2 Both trees appear to have been planted simultaneously and although they have had some historic pruning, both trees are of good form.

- 3.3 The trees were at risk of being pruned both unevenly and not to BS:3998 Recommendations, which could affect their amenity value and stability. Both landowners have not objected, but due to the location of the trees, the Council posted copies to the neighbouring houses to inform all those affected of the TPO. No arboricultural evidence has been submitted and both landowners survey and maintain their trees to a high standard.
- 3.4 A Local Planning Authority may make a TPO if it appears expedient in the interests of amenity, it may also be expedient to make a TPO if the LPA believe that there is a risk of tree[s] being cut down or pruned in ways which would have a significant impact on the amenity of the area.
- 3.5 A TPO 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.
- 3.6 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
- 3.7 Any tree management decisions about any of the trees included in the TPO 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.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – Dealing with tree related issues including tree work applications form part of the Countryside Officer's 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 important feature within the locality of Whalley, as can be seen in Appendix D. The TPO was made to enable the Council to make an informed decision on the future management of the trees.
- 5.2 All trees have a risk of failure but by having trees assessed by an approved arborist or consultant, the risk can be classified as low as reasonably practicable (ALARP). The owners have managed the trees well historically and neither have objected to the TPO,

but due to their high amenity value the Council cannot allow these native, mature trees to be pruned without being consulted by way of a Treework Application. Although the trees do have a high target area, through regular inspection and carrying out any recommended management works, both beech trees should be able to be retained for a good number of years.

- 5.3 As mentioned above, if any of the landowners require works to be carried out on T1 or T2 they can do so by submitting a Treework Application supported by a detailed arboricultural quantified tree risk assessment, carried out by a qualified and public indemnity insured arborist, as evidence that the tree has an intolerable risk of failure.

6 RECOMMENDED THAT COMMITTEE

- 6.1 Confirm the 2 Limefield Avenue and 10 Station Road, Whalley, Tree Preservation Order 2023 .



ALEX SHUTT
COUNTRYSIDE OFFICER

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND
PLANNING SERVICES

BACKGROUND PAPERS

1. <https://www.qtra.co.uk/docs/practice.pdf>

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



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET & DECISION

Date: 2/04/22 Surveyor: Alex Shutt

Tree Details

TPO Ref (if applicable): _____

Tree/Group G1 Species: T1 & T2 Copper Beech

Owner (if known): _____

Part 1: Amenity Assessment

a) Condition & Suitability for TPO

5) Good	<input type="checkbox"/>	Highly suitable	<input type="checkbox"/>
3) Fair	<input checked="" type="checkbox"/>	Suitable	<input checked="" 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"/>

Score & Notes = 3

**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"/>
4) 40 – 100	<input checked="" type="checkbox"/>	Suitable	<input checked="" 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"/>

Score & Notes = 4

**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	<input checked="" type="checkbox"/>	Highly suitable
4) Large trees, or medium trees clearly visible to the public	<input type="checkbox"/>	Suitable

Score & Notes = 5

- | | | | |
|--|--------------------------|---------------------|--|
| 3) Medium trees, or large trees with limited view only | <input type="checkbox"/> | Suitable | |
| 2) Young, small or medium/large trees visible only with difficulty | <input type="checkbox"/> | Barely suitable | |
| 1) Trees not visible to the public, regardless of size | <input type="checkbox"/> | Probably unsuitable | |

d) Other Factors

- | | |
|--|------------------------------|
| 5) Principal components of arboricultural features, or veteran trees | Score & Notes = 1 |
| 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 | X | Score & Notes = 5 |
| 3) Foreseeable threat to tree | | |
| 2) Perceived threat to tree | | |
| 1) Precautionary only | | |

Part 3: Decision

Any 0	Do not apply TPO		ADD SCORES FOR TOTAL 18	Decision TPO SERVED
1 – 6	TPO indefensible			
7 – 11	Does not merit TPO			
12 – 15	TPO defensible			
16+	Definitely merits TPO	X		

Form of Tree Preservation Order

Town and Country Planning Act 1990

The 2 Limefield Avenue & 10 Station Road, Whalley Tree Preservation Order 2023

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 2 Limefield Avenue & 10 Station Road, Whalley Tree Preservation Order 2023.

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 3 day of March 2023

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)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Copper Beech	2 Limefield Avenue's front garden
T2	Copper Beech	10 Station Road's front garden

Trees specified by reference to an area

(within a dotted black line on the map)

-None-

Groups of trees

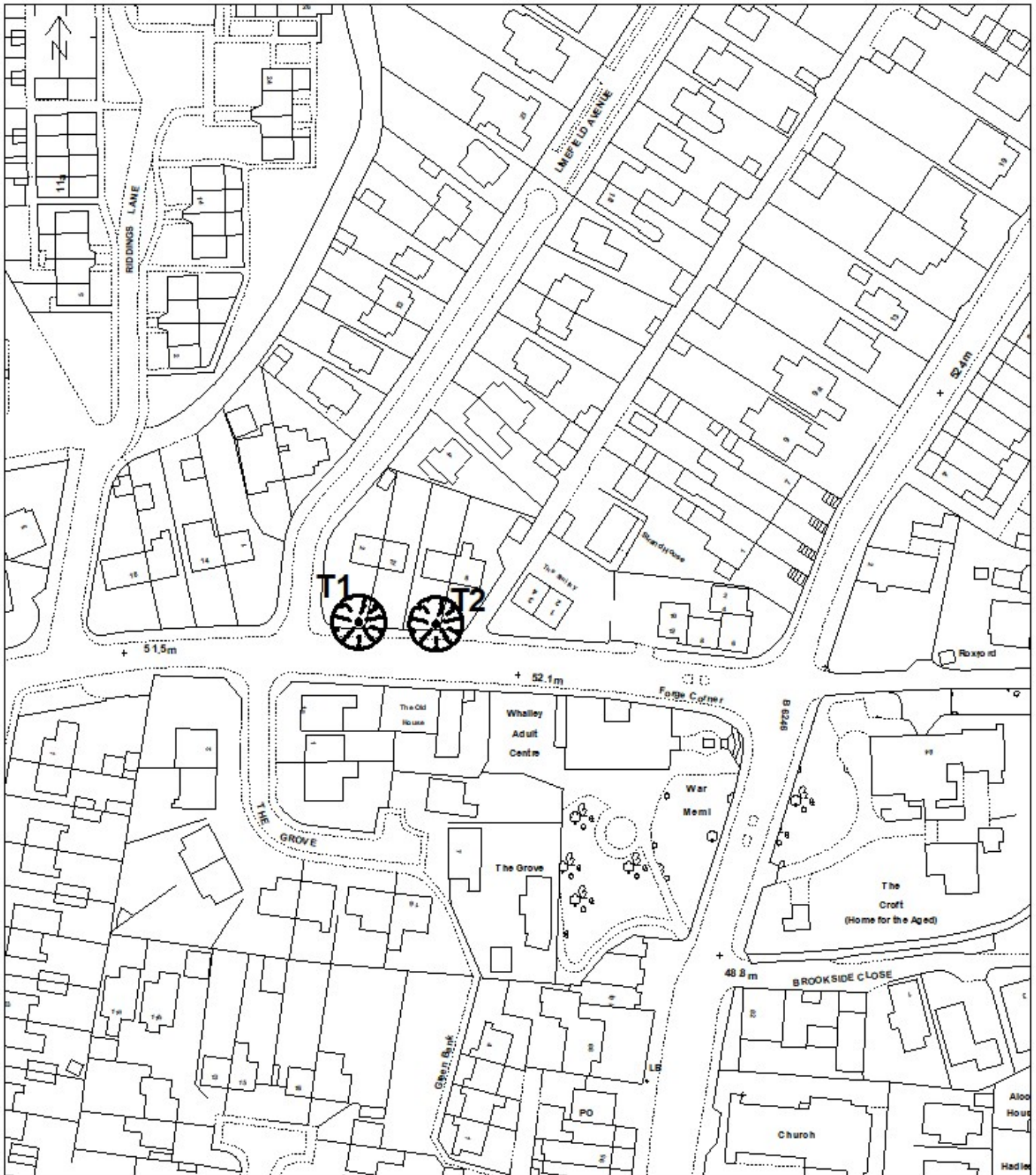
(within a broken black line on the map)

-None-

Woodlands

(within a continuous black line on the map)

-None-



RIBBLE VALLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NO./NOS. 7/19/3/233
 TOWN & COUNTRY PLANNING ACT 1990
 TOWN & COUNTRY PLANNING (TREES) REGULATIONS 1999

LOCATION: Station Road, Whalley
 PARISH: Whalley

OS SHEET: SD7336SW

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Scale 1:1250

APPENDIX C

Countryside Officer
Planning Section
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lanashire
BB7 2RA



A hand delivered letter was received from yourselves on 3rd March 2023 regarding a preservation order on a tree situated in the garden of 10 Station road. T. 2.



We write this letter on behalf of [redacted] as [redacted] had many problems with the tree.

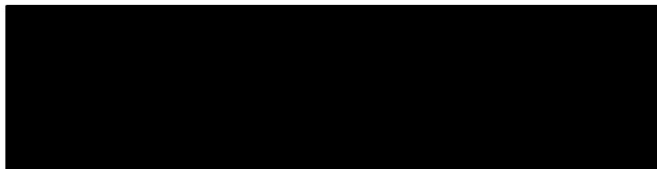
[redacted] contacted the council on several occasions due to the leaves from the tree blocking not only [redacted] drains but also the drain on the main road outside [redacted] house.

The gutters also get blocked with the leaves and have to be regularly cleared.

The front rooms of [redacted] property are extremely dark in the summer due to the sheer size of the tree blocking out the daylight.

The main problem though is the tree roots. They are now spreading and appearing on the top of the lawn in the front garden of the property and it is of great concern as to what damage the roots may be causing to the underneath of the property.

Please accept this letter as a formal objection to a preservation order being listed for the tree.



APPENDIX D



