

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 12<sup>th</sup> MARCH 2015  
title: TREE PRESERVATION ORDER – WILPSHIRE GOLF CLUB  
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 woodland to the rear of properties along Whalley Road, Wilpshire mostly within the boundaries of Wilpshire Golf Club. To be named the Wilpshire Golf Club Tree Preservation Order 2015 No 1.

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 In early 2015 the Council was approached by a several members of the public regarding trees, woodlands and potential development within the grounds of Wilpshire Golf Club and neighbouring properties. On the basis of the concerns expressed Council Officers held a site meeting with representatives of Wilpshire Golf Club regarding tree works generally across the site. At that time it was considered that the tree works undertaken thus far have been reasonable and therefore a wider tree preservation order covering the whole site was not necessary. It was noted that the woodland area close to the entrance of the golf club and to the rear of 34 – 70 Whalley Road was more mature than other woodland on site, and as an 'untouched' area was of very high value as wildlife habitat.

2.2 A further piece of correspondence was received from a member of the public which related directly to potential development within this most valuable woodland area, confirmation was received from a representative of Wilpshire Golf Club that they have received an enquiry from a builder and are looking into the feasibility of developing the area.

## 3 ISSUES

3.1 Anybody wishing to fell more than 5 cubic metres of timber within any calendar quarter would need to apply to the Forestry Commission for a Felling Licence. However, this system does not prevent severe pruning of trees and woodlands, does not prevent removal of a number of trees over a longer period of time, and does not protect trees within gardens.

- 3.2 Local residents have not yet been formally consulted. A full consultation with all interested parties will take place during the month after the making of the order.
- 3.3 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 a 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 important trees and woodland within Wilpshire.
- Political – No implications identified.
- Reputation – The securing of the order may positively affect the Council's reputation locally within Wilpshire.
- Equality & Diversity – No implications identified.

#### **5 RECOMMENDED THAT COMMITTEE**

- 5.1 Agree to the making of the Tree Preservation Order so named the Wilpshire Golf Club Tree Preservation Order 2015 No 1.
- 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: PJP&D/12<sup>th</sup> March 2015

## **Tree Preservation Order**

Town and Country Planning Act 1990

The Wilpshire Golf Clubs Tree Preservation Order 2015 No 1

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 The Wilpshire Golf Club Tree Preservation Order 2015 No 1.

### **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     day of                     **2015**

The Common Seal of the Ribble Valley Borough Council

was affixed to this Order in the presence of—

.....  
The Mayor

.....  
The Chief Executive

**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)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
A1	Trees of whatever species located within the area designated as A1	Within the grounds of 1 and 3 Hollowhead Lane, Wilpshire

**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 located within the woodland designated as W1	Mostly located to the rear of properties on Whalley Road, Wilpshire in various ownership

The Wilshire Golf Club Tree Preservation Order 2015 No 1



Scale 1:1500

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