

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 6

meeting date: THURSDAY, 1 AUGUST 2019  
title: TREE PRESERVATION ORDER 7/19/3/212 RANN WOODLAND  
submitted by: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING  
principal author: ALEX SHUTT – COUNTRYSIDE OFFICER

### 1. PURPOSE

- 1.1 For Committee to consider objections to the Rann Woodland, Off Saccary Lane, Mellor Tree Preservation Order 2019 and to decide whether the order 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 13 March 2019 an email was received from Andrew Bennet, Woodland Officer for the Forestry Commission (FC) requesting a woodland Tree Preservation Order (TPO) be placed on the Rann Woodland, Off Saccary Lane, Mellor due to the present owner allowing grant aided trees to be felled (see Appendix A).
- 2.2 From initial assessments the whole woodland is considered to be of visual amenity value both now and more importantly for future generations. The original landowners of the entire parcel of land, applied for an England Woodland Grant Scheme provided by the East Lancashire Woodland (ELW) and qualified and received a grant to plant and maintain a Community Woodland, including a high quality footpath which would allow permissive public access through the site in 2003/4.
- 2.3 According to the FC, the grant was funded through ELW who no longer exist, which only required public access through the woodland for 10 years, where as if it was granted through the FC the path would have to be open to the public for 15 years. The woodland is sandwiched between two Public Rights of Way. The woodland was put up for sale in 2017 (see Appendix B).
- 2.4 A Tree Evaluation Method for a Tree Preservation Order [TEMPO] has been undertaken (see Appendix C) and on the basis of the results and the threat of further clear felling of the woodland, a TPO was issued. (see Appendix D).
- 2.5 On 29 March 2019 a Tree Preservation Order was served and 2 objections to the Preservation Order have been made by both the land owners (see Appendix E and F). An informal meeting was held with the Council, FC and one of the landowners, (the owner of the area marked W3) where the landowner suggested they would want to build holiday lets on the site and if there could be a variation on the TPO.

### 3 ISSUES

- 3.1 The woodland is considered to have a visual amenity value to the locality and to the wider tree-scape. As mentioned above the woodland was planted through a grant system to become a Community Woodland and has had permissive public access for 15 years. It has also created a haven for wildlife and has improved the bio-diversity of the site immensely, therefore in the interests of amenity it was considered expedient to protect the woodland. Although the areas of woodland marked as W1 and W2 are not immediately at risk they form part of the woodland as a whole.
- 3.2 The woodland contains primarily native Oak, Ash, Hazel, Silver Birch and Hawthorn. The majority of the tree stock is of a high quality, showing good natural form and with long life expectancies. The part of area W3 which has been felled, had some trees of very good form and potential and if managed correctly the trees will regenerate and help form part of the woodland again. The clear felling of the woodland has had a negative impact both for amenity and bio-diversity.
- 3.3 If a planning application was submitted prior to the felling of part of the woodland a Tree Survey and Report BS:5837 2012 and Phase 1 Habitat Survey, would be required due to the presence of trees and potential European Protected Species on the site which are highly likely due to the wildlife pond within W3.
- 3.4 A Tree Preservation Order protects trees from lopping, topping and felling but does not preclude tree work being carried out. In such cases a tree work application would be required, except for emergencies for which there are exemptions, 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
- 3.6 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.
- 3.7 The landowner claims they have done nothing wrong as there were no protections or restrictions on the woodland. Tree felling works were carried out within an area of the woodland where the land owner has advised Council Officers that he has future plans for the use of the land. It would have been preferable for such works to have been fully considered as part of a planning application at the site.

### 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 Rann Woodland has been a community woodland for over 15 years and has developed into a juvenile but diverse woodland, with many native trees of specimen form and the potential to mature into a high quality woodland with the correct management. The landowners are legally allowed to prevent permissive access through the woodland, but due to the public footpaths around the site and the landscape value of the woodland the amenity value will not be affected. Removing permissive access could in fact increase the bio-diversity value of the site.
- 5.2 The landowner of area W3 has expressed informally, an interest to apply for planning permission within W3 and the impact of any development on the trees would be a material planning consideration. This TPO does not preclude a planning application being submitted or determined. In instances where a planning permission includes the removal of protected trees the loss can be mitigated as part of the planning approval.

## 6. **RECOMMENDED THAT COMMITTEE**

- 6.1 Confirm the Rann Woodland, Off Saccary Lane, Mellor Tree Preservation Order 2019.

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.

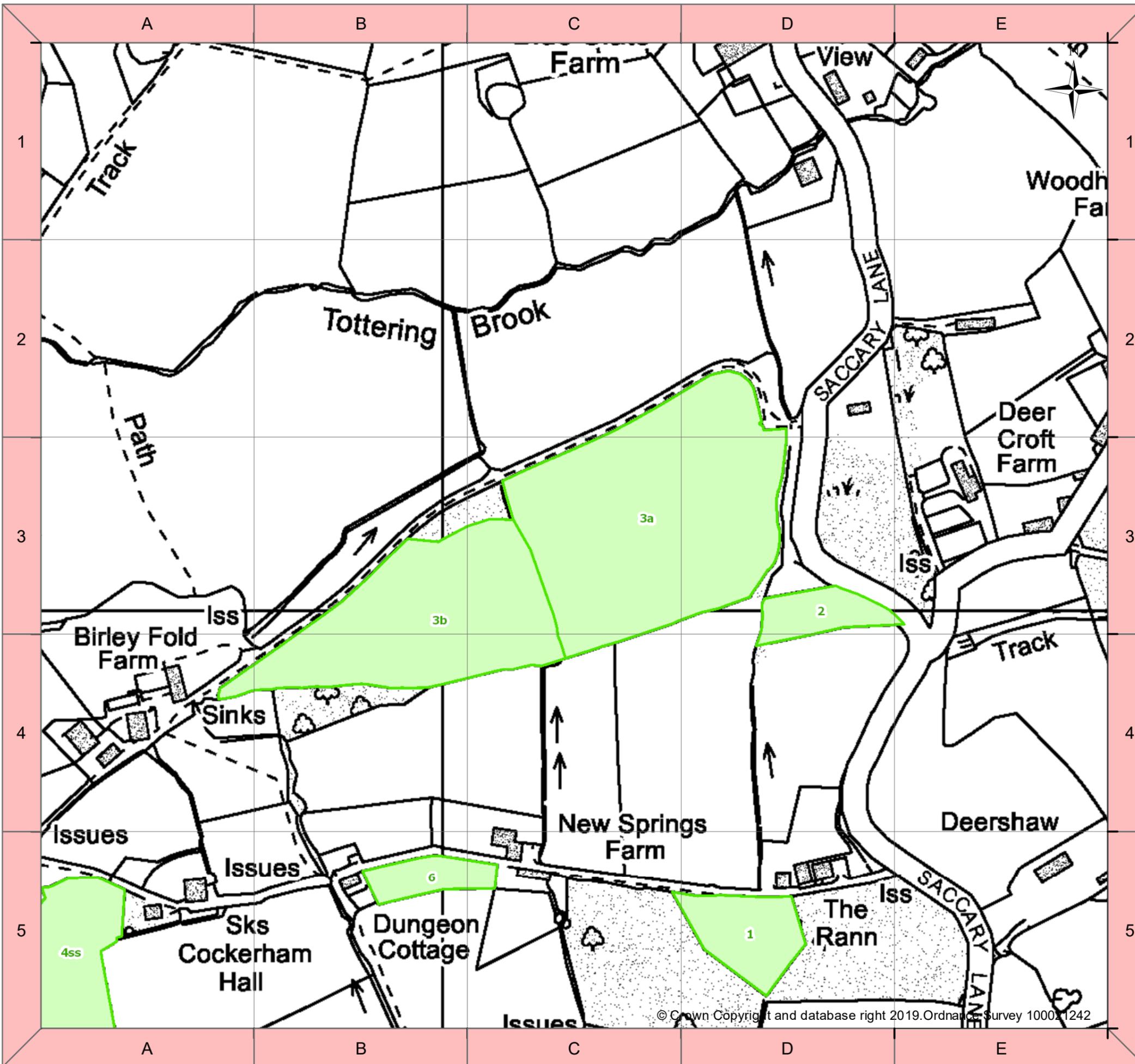


Title: Untitled  
 Date: 13 March 2019  
 Author: Andy Bennett  
 Scale @ A3: 1:2,500

Legend

FWPS Work Area

 FWPS Work Area



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Forestry Commission woodlands have been certified in accordance with the rules of the Forest Stewardship Council.

The mark of responsible forestry



Promoting Sustainable Forest Management  
 www.pefc.org

For sale by auction  
The Ribblesdale Centre, Lincoln Way,  
Clitheroe  
BB7 1QD

a&s  
AuctionS



## The Rann Wood, Off Saccary Lane, Mellor, BB1 9DL For Sale Offers Over £40,000



Approximately 4.45 acres (1.8ha) of mixed woodland set on a glorious hillside overlooking the Ribble Valley. This is a beautiful piece of the countryside with easy access via a private tarmac track, approx ¼ mile off Saccary Lane. There is vehicular access and parking at the property and a hardcore track running through it from east to west.

The woodland was mostly planted in 2003/2004, and is now flourishing with a mix of young trees including hazel, oak, ash, silver birch and alder. There are some mature trees scattered throughout the wood and some older stands of trees in between the open glades. There is also a pond teeming with wildlife with a bench on which you can sit and contemplate. The woods were largely created with the help of a Woodland Grant Scheme, provided by The Forestry Commission.

A concessionary right of access along the central hardcore track was given and has two years remaining until the agreement terminates. The wood is well fenced in its entirety.

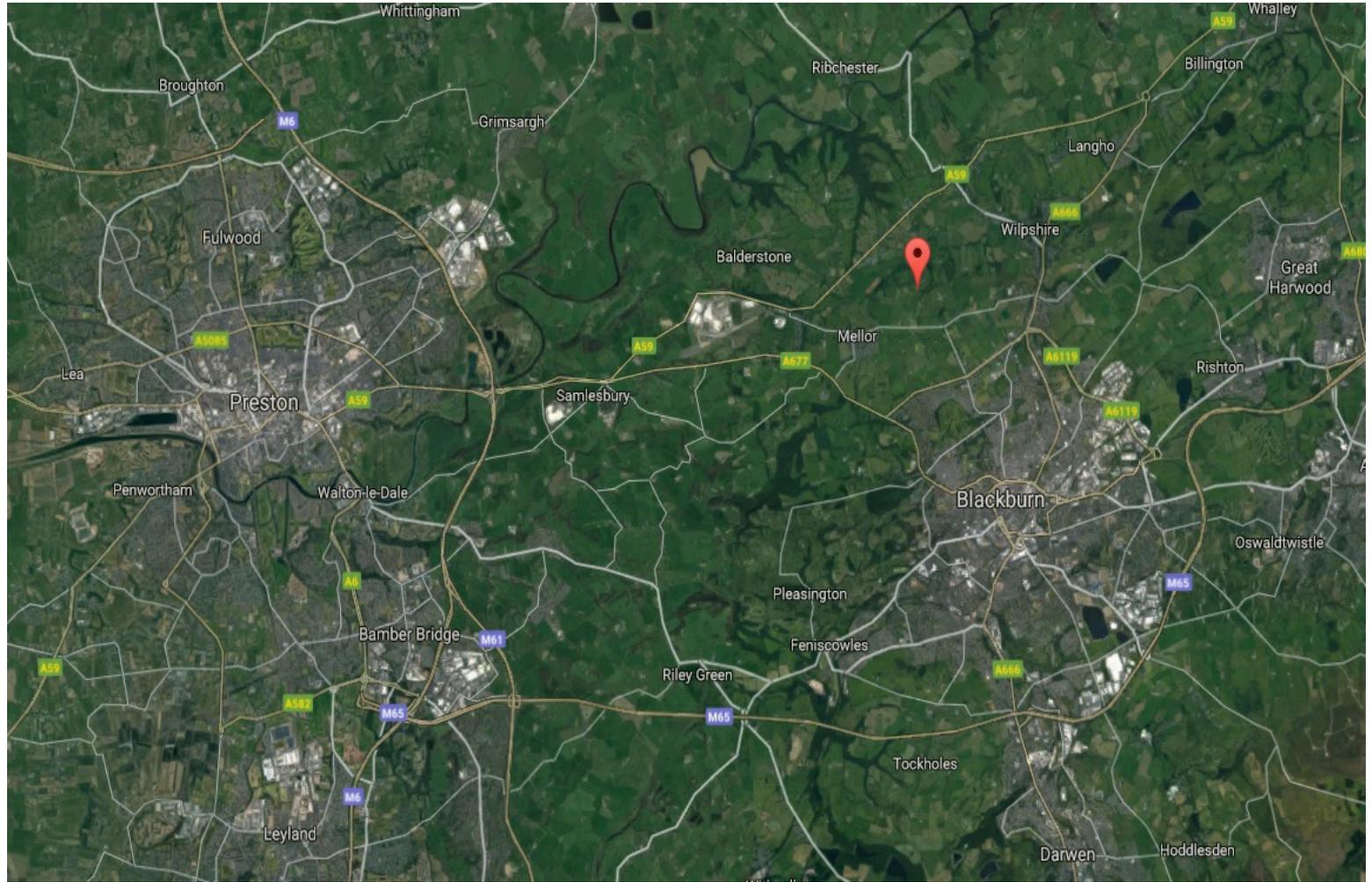
The freehold of the land and woods are offered for sale with all sporting rights, mineral rights and subject to and with the benefit of any existing rights of way, drainage, easements and wayleaves that may exist.

The property is subject to the Woodland Grant Scheme which was available at the time of planting and helped towards the costs of planting and looking after the woodland. Basically there are no real ongoing implications of the grant that we are aware of.

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**property & land**

tel. 01254 828810

[www.athertons-uk.com](http://www.athertons-uk.com)





## tenure

We understand from the owners to be sold with vacant possession

## viewings

Strictly by appointment tel. 01254 828810

## General Remarks and Stipulations

### Local and Service Authorities

Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe BB7 2RA  
Tel: 01200 425111  
Lancashire County Council, PO Box 78, County Hall, Fishergate, Preston PR1 8XJ  
Tel: 0800 0530000  
United Utilities (water supply) Tel: 0845 7462200  
United Utilities (electricity supply) Tel: 08001951452

### Viewing

By appointment through the Auctioneers

### Particulars of Sale

The descriptive particulars (but not the Stipulations and Special Conditions of Sale) do not constitute, or constitute any part of any offer of contract and all Statements made herein are made without responsibility on the part of the Auctioneers or the Vendor. Any intending Purchaser should satisfy themselves as to their correctness. The Vendor does not make nor give and neither Athertons Ltd nor any person in their employment has any authority to make or give to the Land and Property.

### Sale Particulars and Plans

The Plan and Quantities are based upon the latest available edition of the Ordnance Survey as revised by the Auctioneers. Such Plans and Quantities and these Particulars are believed to be correct but any error or omission or mis-statements shall not annul the sale nor entitle either part to compensation or in any circumstances give ground for any action at Law.

### Woodland Grant Scheme

Full details available from the auctioneers.

### Tenure and Possession

The land is Freehold and Vacant Possession will be given on completion

### Town Planning and Local Land Charges

So far as the Vendor is aware the present use of the land is in accordance with the Town and Country Planning Acts. No requisition shall be raised in regard to the user or otherwise in relation to the said Acts and the Vendor shall not be required to give any further information in regard to the Town and Country Planning.

Each Lot is sold subject to all Local and Land Charges and any requirements enforceable by any Local or other Public Authority, and subject to all encumbrances and other matters, the existence of which can or ought to be discovered by enquiry of any Local or other public Authority, and the Purchaser shall not be entitled to any compensation, indemnity or right of rescission in respect thereof.

### Rights and Easements

The land is sold and will be conveyed with the benefit of and subject to the burden of all existing rights of way, all rights, all rights for the continuance of any means of supply of water, gas or electricity, all rights for drainage and sewerage any other pipelines through, over or under any part, together with all necessary rights of access for maintenance, renewal and repair of any apparatus or construction in connection with such rights.

### Overhead Electricity and Telephone Lines and Underground Cables

The Purchaser of the each Lot shall take it subject to such wayleaves as effects the same and where applicable wayleave rents shall be apportioned by the Vendor to the various Lots. The Purchaser of the Lots affected by the wayleaves shall be responsible to notify the appropriate of their interest.

### Disputes

Should any dispute arise before or after the date fixed for Completion between the Purchasers or between the Vendor and the purchaser as to the interpretation of the Particulars of any matter whatsoever arising therefrom or thereout that matter in dispute should be referred to the arbitration of John Atherton of Athertons Ltd whose decision shall be final and binding on the parties in dispute.

### Conditions of Sale

The Conditions of Sale WILL NOT be read out at the Auction Sale but a copy thereof will be available for inspection at the offices of the Vendor's solicitors during normal working hours for fourteen days prior to the date of the Auction Sale.



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property & land

tel. 01254 828810

Athertons for themselves and for the vendors or lessors of this property give notice that :- All descriptions, plans, dimensions, references to condition, or suitability for use, and necessary permissions for use and occupation and other details are given in good faith and are believed to be correct and any intending purchasers or tenants should not rely on them as statements of fact but must satisfy themselves by inspection or otherwise as to be correctness of each of them; No person in the employment of Athertons has any authority to make or give any representations or warranty whatsoever in relation to the property. Photographs are produced for general information and do not imply that any item is included in the sale of the property. These particulars are produced for the sole purpose of enabling prospective purchasers to decide whether they wish to view the property and are set out as a general guide only and do not constitute any part of an offer or contact. Athertons Ltd is a trading name of Athertons Ltd.  
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# APPENDIX C TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

## SURVEY DATA SHEET & DECISION

Date: 28/03/2019 Surveyor: Alex Shutt

### Tree Details

TPO Ref: The Rann Tree/Group No: 2, 3a & 3b Species: Mixed deciduous and evergreen  
 (if applicable):  
 Owner (if known): Mr & Mrs Hodge 2 & 3a Location: "Elwood" The Rann Wig, Saccary Lane, Mellor  
 Ms Lovely 3b

### Part 1: Amenity Assessment

#### a) Condition & Suitability for TPO

5) Good	<input checked="" type="checkbox"/>	Highly suitable	<input type="checkbox"/>	<b>Score &amp; Notes = 5 – A mixture of Young and mature trees, planted as a community woodland</b>
3) Fair	<input type="checkbox"/>	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"/>	
	<input type="checkbox"/>		<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 checked="" type="checkbox"/>	Highly suitable	<input type="checkbox"/>	<b>Score &amp; Notes = 5 - As engraved on the sign "New woodland for your enjoyment and future generations"</b>
4) 40-100	<input type="checkbox"/>	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"/>	
	<input type="checkbox"/>		<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	<input type="checkbox"/>	Highly suitable	<input type="checkbox"/>	<b>Score &amp; Notes = 3 – From across the valley and footpaths</b>
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 checked="" 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	<input checked="" type="checkbox"/> Y	<b>Score &amp; Notes = 4 Young Community woodland has been grant aided by the forestry commission.</b>
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	<input checked="" type="checkbox"/>	<b>Score &amp; Notes = 5 Felling has already taken place in section 3b</b>
3) Foreseeable threat to tree	<input type="checkbox"/>	
2) Perceived threat to tree	<input type="checkbox"/>	
1) Precautionary only	<input type="checkbox"/>	
	<input type="checkbox"/>	

## Part 3: Decision

Any 0 TPO	Do not apply	<input type="checkbox"/>	<b>ADD SCORES FOR TOTAL</b>  <b>22</b>	<b>Decision</b>  <b>MERITS TPO</b>
1-6 indefensible	TPO	<input type="checkbox"/>		
7-11 TPO	Does not merit	<input type="checkbox"/>		
12-15 TPO	TPO defensible	<input type="checkbox"/>		
16+ TPO	Definitely merits	<input type="checkbox"/>		

## TREE EVALUATION METHOD FOR PRESERVATION ORDERS TEMPO

### SURVEY DATA SHEET & DECISION GUIDE

Date: 21/5/19

Surveyor: DAVID HEWITT

#### Tree details

TPO Ref (if applicable): MELLOR 2019

Tree/Group No: W1/2/3 Species: BROADLEAVED MIX

Owner (if known):

Location:

#### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

##### Part 1: Amenity assessment

##### a) Condition & suitability for TPO

- |                                                                                                                                            |                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>5) Good</li> <li>3) Fair/satisfactory</li> <li>1) Poor</li> <li>0) Dead/dying/dangerous*</li> </ul> | <ul style="list-style-type: none"> <li>Highly suitable</li> <li>Suitable</li> <li>Unlikely to be suitable</li> <li>Unsuitable</li> </ul> |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|

**Score & Notes**

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

##### b) Retention span (in years) & suitability for TPO

- |                                                                                                                                      |                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>5) 100+</li> <li>4) 40-100</li> <li>2) 20-40</li> <li>1) 10-20</li> <li>0) &lt;10*</li> </ul> | <ul style="list-style-type: none"> <li>Highly suitable</li> <li>Very suitable</li> <li>Suitable</li> <li>Just suitable</li> <li>Unsuitable</li> </ul> |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|

**Score & Notes**

\* 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

Consider realistic potential for future visibility with changed land use

- |                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>5) Very large trees with some visibility, or prominent large trees</li> <li>4) Large trees, or medium trees clearly visible to the public</li> <li>3) Medium trees, or large trees with limited view only</li> <li>2) Young, small, or medium/large trees visible only with difficulty</li> <li>1) Trees not visible to the public, regardless of size</li> </ul> | <ul style="list-style-type: none"> <li>Highly suitable</li> <li>Suitable</li> <li>Suitable</li> <li>Barely suitable</li> <li>Probably unsuitable</li> </ul> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Score & Notes**

##### d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal 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 (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

**Score & Notes**

##### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**Score & Notes**

## Part 3: Decision guide

Any 0 Do not apply TPO  
1-6 TPO indefensible  
7-11 Does not merit TPO  
12-15 TPO defensible  
16+ Definitely merits TPO

**Add Scores for Total**

**19**

**Decision  
MERITS TPO**

Form of Tree Preservation Order

Town and Country Planning Act 1990

The Rann Woodland, Off Saccary Lane, Mellor Tree Preservation Order 2019

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 Rann Woodland, Off Saccary Lane, Mellor Tree Preservation Order 2019.

**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 29 day of March 2019

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 West of Saccary Lane
W2	Trees (of whatever species) within the woodland marked W2 on map	To the West of Saccary Lane
W3	Trees (of whatever species) within the woodland marked W3 on map	To the West of Saccary Lane



**TREE PRESERVATION ORDER NO./NOS. 7/19/3/212**

**LOCATION: Off Saccary Lane**

**PARISH: Mellor**

**RIBBLE VALLEY BOROUGH COUNCIL  
TOWN & COUNTRY PLANNING ACT 1990  
TOWN & COUNTRY PLANNING (TREES) REGULATIONS 2012**

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**OS SHEET: SD6631NW**

**Scale 1:2500**

# Regulation 5 Notice

TO.  
THE RANN,  
SACCARY LANE,  
MELLOR,  
BB19DL.

**IMPORTANT – THIS COMMUNICATION MAY  
AFFECT YOUR PROPERTY**



**Ribble Valley  
Borough Council**

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (TREE PRESERVATION)  
(ENGLAND) REGULATIONS 2012

TREE PRESERVATION ORDER: The Rann Woodland, Off Saccary Lane , Mellor Tree  
Preservation Order 2019  
Ribble Valley Borough Council

THIS IS A FORMAL NOTICE to let you know that on 29 March 2019 we made the above  
tree preservation order.

A copy of the order is enclosed. In simple terms, no one is allowed to cut down, top, lop or  
uproot without our permission any of the trees described in the 1<sup>st</sup> Schedule of the order and  
shown on the map.

Some information about tree preservation orders is in the enclosed leaflet, *Protected Trees:  
A Guide to Tree Preservation Procedures*, produced by Communities and Local  
Government.

The Council have made the order because there has been felling within the grant aided  
community woodland. This has affected the amenity value of the woodlands and harmed  
the development of the woodlands for the future generations.

The order came into force, on a temporary basis, on 29 March 2019, and will remain in force  
for six months. During this time we will decide whether the order should be given permanent  
status.

People affected by the order have a right to object or make comments on any of the trees or  
woodlands covered before we decide whether the order should be made permanent.

If you would like to make any objections or comments, please make sure we receive them in  
writing by 26 April 2019. Your comments must meet regulation 6 of the Town and Country  
Planning (TREE PRESERVATION) (ENGLAND) Regulations 2012 (a copy is attached).  
Please send your comments to the Countryside Officer, Planning Section, Council Offices,  
Church Walk, Clitheroe, Lancashire, BB7 2RA. We will carefully consider all objections and  
comments before deciding whether to make the order permanent.

We will write to you again when we have made our decision. In the meantime, if you would  
like any more information or have any questions about this notice, please contact the  
Countryside Officer, Planning Section, Ribble Valley Borough Council, Council Offices,  
Church Walk, Clitheroe, Lancashire, BB7 2RA, tel: 01200 414 505.

**COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012**

*Objections and representations*

6. (1) *Subject to paragraph (2), objections and representations:*

(a) *shall be made in writing; and*

(i) *delivered to the authority not later than the date specified by them under regulation 5(2)(c); or*

(ii) *sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

(b) *shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and*

(c) *in the case of an objection, shall state the reasons for the objection.*

(2) *The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.*

FM & RA Hodge  
 The Rann  
 Saccary Lane  
 Mellor  
 BB19DL

David Hewitt/Alex Shutt  
 RVBC Countryside Officers  
 Planning Section  
 Clitheroe



7<sup>th</sup> April 2019

**Re: TPO The Rann Woodland**

Dear Sir

We are writing to object to the imposition of a TPO on our woodland areas (W1 & W2) shown on the OS sheet: SD6631NW.

Today we had a very useful meeting with the Forestry Commission Officer, Mr Andy Bennett who apologized profusely for an error he has made in the advisory capacity to the council in relation to this TPO. He confirmed that the intention was **not** to impose a TPO on our woodland, but **only** the area marked W3 on the map. He of course will be communicating this to you himself.

He said that our woodland was exemplary in its high quality of management and therefore does not want to impose a TPO on our woodland area and therefore said he would be instructing you accordingly. Despite the fact that the concessionary path has expired (10 yrs), we have allowed the public to continue to enjoy our woodland area, which we and they regard as a precious community asset.

We fully understand and support the need to impose a TPO on the W3 area, which is owned by Mr Miah. Unfortunately he has repeatedly and continually sought to ignore and contravene Forestry Commission regulations. This has resulted in vandalism and devastation of the woodland area he owns as well as causing serious disturbance to wildlife. Additionally he has made no attempt to answer any concerns of neighbours. Furthermore, in attempting to close the concessionary footpath to the public, he has used very aggressive and threatening tactics and accusations, which have been deeply upsetting to us personally and our neighbours in the community who have enjoyed the access, the wildlife and the peace and beauty of a Ribble Valley woodland.

Yours faithfully

  
 Finlay Hodge



Rachel Hodge

Cc: Andy Bennett Forestry Commission

# APPENDIX F



I write in reference to the TPO dated 29th March 2019 concerning Saccary Lane, Mellor Tree Preservation Order 2019. I am an interested party in this matter being the initial purchaser and the party who cleared an area to the entrance to the land of saplings. I write on behalf of my interest (being contractual in nature to the current owners) and on behalf of the current owners.

I note you have sought a TPO for the protection of area W3 (see enclosed map) as it 'is grant aided community woodland' and has 'affected the amenity value of the woodlands and harmed the development of the woodlands for the future generations'.

I understand this is a preliminary notice and seeks to ensure the protection of trees prior to the final order and I do understand the necessity for the provisional measure. However I do object to the final notice and make the following points:

1. The Rann is a community woodland but the land to the west concerning this objection is not. W3 on the plan is private land with no rights of access for the public or any other third parties. Hence the reason why it was sold at market value and not retained by the owners of The Rann. It is simply not true that the public have access to this land. It was completely fenced off and prominent signage was placed. Parts of the fence was vandalised as well as the signage. This will be replaced.
2. The land was purchased a few years ago on the understanding that the usage was a matter for the purchaser. The vendor, at that time, and his agents were made aware that there was a very real possibility that there would be some landscape changes to the land which would involve the removal of trees. This was communicated to the Forestry Commission who had no real objections where the trees cleared were limited in numbers (approximately 30).
3. When the land was purchased there was no TPO or any other form of restrictions on the land. The trees planted were relatively new and mostly young saplings. It was understood some of these could be removed legally and there would be no restrictions on the usage of the land subject to planning considerations. This was an attractive prospect for the purchase and was a key consideration when I purchased the land.
4. An area to the east of W3 was cleared to allow vehicle access and storage of farming machinery as well as activity equipments. This area is marked red on the plan. This was done in full compliance of the law and advice was sought from fully qualified individuals. Once again, there was no restrictions on the entire land marked W3 and in particular, the removal of very young saplings to the east of the land near to the entrance where there currently is no parking facility. The saplings were cleared over a year ago with no objections raised by any authorities.
5. Preparations have since been made to remove the debris and turn the soil in readiness for works, subject to planning considerations. This has been an expensive exercise and was always the intention from the outset. Of course there was no indication this would not be permitted and a TPO was likely. There was no indication the young saplings would attract a TPO. I enquired about the likelihood and researched the topic and concluded that it was extremely unlikely to attract a TPO where the saplings were very young.
6. The Forestry Commission received a complaint and they fully investigated the

removal of the saplings. I made it clear to them that the removal of the saplings was in compliance of their previous advice and compliance of the law because they were very young and below the measurement when they can be classified as trees. They had only been planted within the last 7 years or so. The Commission agreed that the felled trees fell within the legal definition of 'not trees' and were satisfied no law was broken. I have attached the communication as evidence.

7. Taking into account the land is private and not accessible by any third parties, felling was intended at the outset, there were no prohibition on the removal of any trees, there was no TPO on any trees, young saplings have been cleared from the entrance already and the Forestry Commission agreed the removal was not illegal, I believe I have acted in good faith in purchasing this land and clearing a specific area for access, storage, parking and a potential minor development.

8. The land in question has been the target of vandals over the years and has caused some concern to me and the current owners. The warning signs have been vandalised on a number of occasions and fences have been uprooted. There have been drug usage equipment discarded on the land and strong evidence the land is being used for countryside activities of a sexual nature with items also disregarded regularly all of which are of a health concern. For these reasons the current owners do not intend to permit access to the public now or in the future and the land remains strictly private. I am told signages will be continuously replaced.

9. I do not accept the land is a 'woodland' of significant importance for the amenity of the locality. It is a remote piece of land that is strictly private. Even before the signage was erected, very, very few dog walkers used the footpath. I can confirm that I have monitored the numbers in the past and I can confirm that approximately ten different individuals sought to walk along the footpath in any give week. That is the real numbers and so it cannot be said that it is of great usage or importance.

10. Some of the trees are so young that it cannot be termed as a 'woodland' at all. It may have had the potential to thrive in the future and become a woodland but on the date of the TPO the majority of trees were saplings. Is it fair to slap a TPO in this instance on the entire land?

11. TPO should not be assessed on whether the previous vendor received a grant or not. Simply receiving a grant does not entitle the area to be protected with a TPO. The receiving of the grant is a matter for the previous vendor and the parties to that agreement. Quite how that then warrants a TPO is baffling. With this reasoning every grant aided tree planting scheme would attract a TPO. That is not a valid criteria in law or policy. If it is, then that should be done as part of the grant to make clear that TPO's are part and parcel of grants awarded. I had not appreciated that grants would be a significant factor when considering TPO's and there is no guidance or policy identifying this to be the case. If I had known, I would not have purchased this land and then entered in to contractual agreements with third parties. I thought I could manoeuvre within the law impacting this land in order to increase its value and alter its usage. I had done so in a legal manner and have been fully compliant only to have a TPO, I say unfairly, slapped on this land. This has caused me a great deal of anxiety.

12. The land is not visible by the public from any public roads at all. I don't see how then it becomes of importance for the public amenity. The samplings were only planted within the last 7 years so how then is it a significant feature of the

landscape?

13. TPO made against the land is of the wrong category. There are mature trees and immature trees as well as groups of trees and an area to the entrance where all saplings have been removed. Simply designating the entire area under the TPO is not accurate and is unfair. Groups of trees should be identified as well as single trees rather than an entire area. This type of TPO is indeed very rare and unusual. I believe proper assessment and consideration has not been carried out and where it is said that it has, discretion can be accommodated in this instance.

14. Finally, given the contractual and financial commitments I am now committed to, I am prepared to compromise on this matter. I do appreciate the significance of nurturing an environment and allowing saplings to become trees and preserving trees in general, irrespective of whether the legal criteria for granting TPO is met or not. With this in mind, I would respectfully suggest that a revised mapping of the area of potential amenity significance. I am agreeable to the TPO remaining in large and even the category remaining as TPO woodland but only where it covers the actual area currently consisting of young trees and specifically excluding the area to the entrance coloured red where the area is clear of all plants and saplings. Further, there are a few single trees adjacent to the private road along the area now cleared of the saplings identified on the same and I am even agreeable to them having a single or group TPO to ensure their development and preservation.

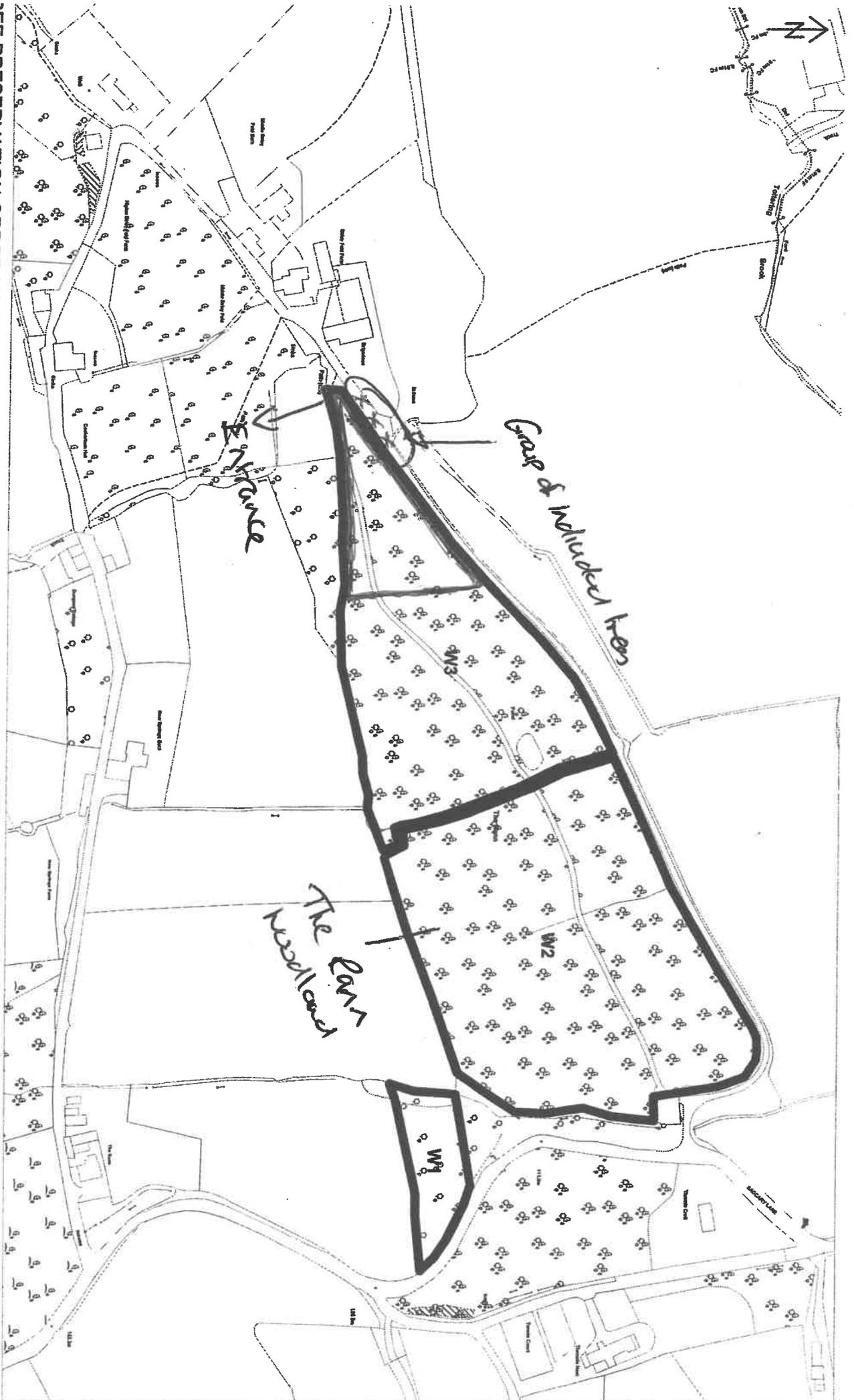
Ultimately, I do not agree with the TPO and where you do not accept this, I am agreeable to a revised TPO to exclude the current cleared area near to the entrance marked in red as a form of compromise.

I hope the above is acceptable and you are able to accommodate my above request.

Signed

  
H. Mah

29/03/19



TREE PRESERVATION ORDER NO./NOS. 7/19/3/212  
 LOCATION: Off Saccary Lane  
 ARISH: Mellor

RIBBLE VALLEY BOROUGH COUNCIL  
 TOWN & COUNTRY PLANNING ACT 1990  
 TOWN & COUNTRY PLANNING (TREES) REGULATIONS 2012

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OS SHEET: SD6631NW

Scale 1:2500