

REPORT FROM: Planning, Economic Development & Regulatory Services
Manager

TO: Colne and District Committee

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Confirmation of TPO/NO1/2021 – Oakfield, Skipton Old Road, Colne

PURPOSE OF REPORT

To seek Committees approval of the confirmation of TPO/NO/2021 following objection.

RECOMMENDATIONS

1. Approve confirmation of the Tree Preservation Order.
2. Delegate responsibility to vary or revoke the Tree Preservation Order to the Planning, Economic Development and Regulatory Services Manager.

REASONS FOR RECOMMENDATIONS

1. To protect the tree and its contribution to the amenity value Lidgett and Bents Conservation Area.
2. To ensure the effective management of the Tree Preservation Order.

ISSUE

1. Over recent years trees have been cleared from the site adjacent to Oakfield. The Horse Chestnut that has become subject to the Tree Preservation Order has come under constant pressure for removal by the landowner petitioning Lancashire County Council, as the highway authority to remove the tree on the grounds that it is effecting the retaining wall adjacent to Skipton Old Road that is in their ownership. As such the Tree Preservation Order was placed on the tree.
2. The landowner submitted an objection to the Planning, Economic Development and Regulatory Services Manager and the Principal Environment Officer.
3. The area of land was subject to a planning application. An arboricultural impact assessment was submitted with the application by a well-respected arboricultural consultant. The notes in the assessment state:

'In relative close proximity to top of retaining wall to Skipton Old Road. No major disturbance noted. Reasonable vitality. Minor dead wood and old branch stumps all typical

of species. Recent crown lifting over garden area - several occluded and partly occluded pruning wounds to stem.'

The only recommendations stipulated was to monitor the tree.

4. On the 11th December 2020, the Principal Environment Officer met with Peter Wilkinson, one of the Bridges Engineers from Lancashire County Council Highways on site. Both officers agreed that while the roots may well be in the wall they are not currently causing damage and the section where the tree is located is one of the better sections of wall in the stretch. Mr. Wilkinson also stated that he thought that if need be, the wall could be rebuilt while retaining the tree. The officers resolved that, if required in the future, they would work together to solve any issues with the maintenance of the wall while trying to retain the tree.
5. The Order will ensure that the tree is retained and its management is controlled in a way that is best for the tree. It will ensure that, should any future development take place on the site, that the tree will be taken into account and persevered.
6. In order to determine the suitability of tree for Tree Preservation Order the Council uses a modified version of the Tree Evaluation Method for Tree Preservation Orders (TEMPO) system of appraisal. This is a system used widely by tree officers throughout the UK. Pendle's version collates more information with regard to any tree subject to the Order including Officer's notes, landscape assessment map and survey to BS 5837:2012 standard. The tree is scored against a set criteria to give a maximum score of 16. The Horse Chestnut scored 15 (see appendix 1).

IMPLICATIONS

Policy:

Pendle Tree and Woodland Strategy – Objective 1. Protect and restore existing trees and woodlands.

Borough of Pendle Local Plan Part 1: Core Strategy – Policy ENV1

Financial:

NONE

Legal:

The power to make Tree Preservation Orders is devolved to Local Planning Authorities through [Part VIII of the Town and Country Planning Act 1990](#) as amended and in the [Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#)

Risk Management:

NONE – The responsibility of managing the tree safely remains with the landowner.

Health and Safety:

None

Sustainability:

The tree sequesters carbon from the atmosphere and helps trap particular matter from the road. Horse Chestnuts are classed as vulnerable to extinction under the IUCN's Red Data List.

Community Safety:

None

Equality and Diversity:

None

APPENDICES

Appendix 1 – Tree Preservation Order Evaluation Pack

Appendix 2 – Tree Preservation Order

LIST OF BACKGROUND PAPERS