

REPORT FROM:	ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL AND REGULATORY SERVICES
TO:	BARROWFORD AND WESTERN PARISHES COMMITTEE
DATE:	8TH MAY 2024

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**CONFIRMATION OF TREE PRESERVATION ORDER
TPO/No3/2023 – ENTRANCE TO BURNT HOUSE FARM, BLACKO**

PURPOSE OF REPORT

To request Members to confirm Tree Preservation Order, TPO/No3/2023 – Entrance to Burnt House Farm Blacko.

RECOMMENDATION

Confirm the Tree Preservation Order (TPO).

REASONS FOR RECOMMENDATION

- (1) The trees are an attractive group that line the driveway to the farm, the owner is concerned about impact due to potential development on land adjacent.
- (2) The trees make a positive contribution to the character of the area and would be important for screening purposes in the event of any development on the land adjacent.
- (3) The tree evaluation system used to determine suitability for a Tree Preservation Order found the trees to be suitable for protection.

ISSUE

1. A request for a Tree Preservation Order (TPO) was made by the owner of Burnt House Farm as there is concern about tree root and branch damage in the event of development happening on land adjacent.
2. There has been a planning application recently for the land in question that was refused, the farm owner is concerned that another application will be forthcoming.
3. Prior to seeking consent to raise a TPO, the Council's Environment Officer visited the site and completed a 'Tree Evaluation Method for Preservation Orders' assessment (TEMPO). This method, developed by a Registered Consultant of the Arboricultural Association, is a systematised assessment tool and has been widely used across the arboricultural profession.
4. The TEMPO assessment scored relatively highly (see Appendix 2) and deemed the remaining trees as suitable for the making of a TPO.
5. The concerns are that roots and branches encroach into the site adjacent and could be compromised at any time.
6. The TPO was put in place and a period of 28 days has been allowed for objections to the order to be raised. No objections have been received.
7. Under the Council's Constitution the Officer requires the consent of Councillors in order to confirm a Tree Preservation Order and make it permanent.

IMPLICATIONS

Policy: Paragraph 8.46 of the Pendle Local Plan Part 1: Core Strategy states:

'The landscape character of the borough will be protected especially in the open countryside.'

Financial: None arising directly from this report.

Legal: The Council have powers to make a Tree Preservation Order under the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Authorities and Government Departments to have regard to the purposes of conserving biodiversity in a manner that is consistent with the exercise of their normal functions such as policy and decision-making. Conserving biodiversity may include enhancing, restoring or protecting a population or habitat.

Risk Management: None arising directly from this report.

Health and Safety: The trees are in an overall healthy condition and do not pose a threat to health and safety over and above the risk any healthy tree poses.

Sustainability: The trees contribute to sustainability in several ways these include:

- Supporting the biodiversity of the area.
- Remove carbon dioxide and particular matter from the air.
- Uptake large amounts of water from the ground.

Community Safety: None arising directly from this report.

Equality and Diversity: None arising directly from this report.

APPENDICES:

Appendix 1 – Tree Preservation Order

Appendix 2 – Principal Environment Officers TEMPO Assessment

LIST OF BACKGROUND PAPERS: None.

Tree Preservation Order No.3 2023

Title: Entrance to Burnt House Farm Blacko

First Schedule**Trees specified individually**

(encircled in black on the map)

Reference on map	Description	Situation
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None

Trees specified by reference to an Area

(within a dotted black line on the map)

Reference on map	Description	Situation
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None

Trees specified by reference to a Group

(within a broken black line on the map)

Reference on map	Description	Situation
G1	6 Birch 3 Beech 2 Oak 2 Copper Beech 2 Thorn 1 Ash 1 Alder	Left hand side of access road to the farm



Tree Evaluation for Preservation Order

Date:	30/08/2023	Surveyor:	Roland Jones
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Tree Details

TPO Reference:	TPO/NO3/2023	Tree/Group Number:	G1
Owner:		Location:	Burnt House Farm Blacko
Species:	Mixed - 6 Birch 3 Beech 2 Oak 2 Copper Beech 2 Thorn 1 Ash 1 Alder		

Part 1 - Amenity Assessment

a) Condition & suitability for TPO

Score	Condition	Suitability	Notes
5	Good	Highly Suitable	Trees are in good condition.
3	Fair/Satisfactory	Suitable	
1	Poor	Unlikely to be suitable	
0	Dead/Dying/Dangerous*	Unsuitable	

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

b) Retention span & suitability for TPO

Score	Retention Span (years)	Suitability	Notes
5	100+	Highly Suitable	Mixed species mainly native and long lived.
4	40-100	Very Suitable	
2	20-40	Suitable	
1	10-20	Just Suitable	
0	<10*	Unsuitable	

* 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

Score	Situation	Suitability	Notes
5	Very large trees with some visibility or prominent large trees	Highly Suitable	Trees are situated on the driveway leading up to the farm and create a nice tree lined avenue.
4	Large or medium trees clearly visible to the public	Suitable	
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small or medium/large trees visible only with difficulty	Barely Suitable	
1	Trees not visible to the public, regardless of size	Probably suitable	

Additional Notes

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d) Other factors

Trees must have accrued 7 or more points to qualify

Score	Factor	Notes
5	Principal components of formal arboricultural features, or veteran trees	Nice tree lined avenue.
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	

Part 2 - Expediency Assessment

Tree must have accrued 10 or more points to qualify

Score	Condition	Notes
5	Immediate threat to tree inc. s.211 Notice	Potential threat from potential new development.
3	Foreseeable threat to tree	
2	Perceived threat to tree	
1	Precautionary only	

Part 3 - Decision Guide

Score	Retention Span (years)	Total Score	Decision
Any 0	Do not apply TPO	14	TPO
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

Surveyor Signature:		Date: 31/08/2023
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