

Application Number:	TPO No. 1 / 2026	Application Type:	TPO Confirmation
Proposal:	Confirmation of Tree Preservation Order No. 1 / 2026	Location:	Horncliffe Woodland, Bury Road, BB4 6JW
Report of:	Head of Planning and Building Control	Status:	For Publication
Report to:	Development Control Committee	Date:	01/09/2026
Applicant:	N/A	Determination Expiry Date:	N/A
Agent:	N/A		

Contact Officer:	Mike Atherton
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	One objection was received to the TPO, and as such it is brought before Committee for determination as to whether to confirm the TPO.

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

RECOMMENDATION

That Rossendale Borough Council Tree Preservation Order No. 1/2026, relating to land at Horncliffe Woods, Bury Road, Rossendale, BB4 6JW, be confirmed without modification.

APPLICATION DETAILS

SITE

The site comprises an area of woodland known as Horncliffe Woods, located off Bury Road, Rossendale.

The woodland lies to the east of Bury Road and extends up the hillside. It is identified on the TPO plan as woodland W1.

The woodland contains a mix of tree species. The Schedule to the Order refers to pine, larch, horse chestnut, oak, birch, holly and acer, although the species listed are not exhaustive.

A public footpath runs through the woodland.

The land has been subject to disposal by auction by Lancashire County Council (LCC). The information reviewed by officers refers to legal restrictions associated with the sale, including restrictions relating to the retention of the land as undeveloped woodland, a prohibition on development, Land Registry restrictions, rights of re-entry, overage provisions and obligations intended to bind successor owners.

PROPOSAL

This report relates to Rossendale Borough Council Tree Preservation Order No. 1/2026.

The Order was made on 17 June 2026 and took provisional effect from that date. The Order relates to one woodland, identified on the TPO plan as W1.

The Schedule to the Order describes W1 as woodland comprising a mix of species including, but not limited to, pine, larch, horse chestnut, oak, birch, holly and acer.

The effect of the Order is that, subject to statutory exceptions, no person may cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree within the protected woodland, or cause or permit such works, without the written consent of the Local Planning Authority.

An objection to the confirmation of the Order (contained in Appendix 2) has been received from Yevgeniy Riley, an interested party and prospective purchaser of the land.

The matter before the Committee is whether the Order should be confirmed, confirmed with modification, or not confirmed.

POLICY AND LEGISLATIVE CONTEXT

The Order has been made under section 198 of the Town and Country Planning Act 1990. This enables a Local Planning Authority to make a Tree Preservation Order where it appears expedient

in the interests of amenity to make provision for the preservation of trees, groups of trees or woodlands in its area.

The procedure for making, confirming, varying and revoking Tree Preservation Orders is set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The key considerations in deciding whether to confirm the Order are whether the woodland has amenity value and whether it is expedient in the interests of amenity for the Order to be confirmed, having regard to the objection received and any other material considerations.

CONSULTATION RESPONSES

Consultee	Advice Received
Tree Consultant	See below – comments from Tree Consultant in relation to the unresolved objection that has been received from a member of the public.

Summary of Tree Consultant Comments

I think the objection raises a fair point that needs proper consideration, namely whether the existing private legal protections are now sufficient to make the TPO unnecessary. Having looked at the sale conditions, my view is that they're certainly a material consideration, but I don't think they amount to an equivalent alternative to a Tree Preservation Order. The protections Lancashire County Council has put in place are much stronger than you would normally see on a disposal of this type. They include restrictive covenants requiring the land to remain as undeveloped woodland until 2046, a prohibition on development, Land Registry restrictions, rights of re-entry, overage provisions and obligations that pass to successor owners. Collectively they provide a significant degree of protection against redevelopment or a change of land use.

That said, they're still fundamentally private contractual controls. Their purpose is to regulate how the land is used and to protect the County Council's interests as vendor. A TPO serves a different purpose. It provides statutory control over works to trees in the interests of public amenity, regardless of who owns the land. That's the distinction I'd probably draw a little more strongly. A woodland could remain "woodland" whilst still being subject to quite significant tree works that could alter its character or amenity value. Whether those works breached the covenants is a different question, whereas a TPO brings those works within the Council's control. For that reason, I'd see the covenants as an important material consideration rather than a substitute for a TPO.

I also think the timing of the Order remains capable of being justified. The disposal of the woodland introduces uncertainty over future ownership and management, and that's exactly the sort of change in circumstances that often gives rise to the expediency test. I appreciate this is probably the key issue you're weighing up. Whilst the private covenants undoubtedly reduce the level of perceived risk, I'm not sure they remove it altogether. The impending disposal still introduces sufficient uncertainty over future ownership and management that, in my view, the perceived threat remains capable of supporting confirmation of the Order.

On the woodland management points raised in the objection, I don't think they're enough to justify withdrawing the Order either. A woodland TPO isn't intended to prevent sensible woodland management, and responsibility for maintaining safe trees remains with the owner. The legislation already provides exemptions for certain urgent safety works, and there's a well-established process for applying for consent where management operations are needed.

I also don't think the point raised regarding deadwood carries much weight in deciding whether the Order should be confirmed. Whether there is deadwood, dying trees or individual trees requiring management isn't one of the matters the Council is required to consider when deciding whether to make or confirm a TPO. Those issues relate to the subsequent management of the woodland rather than the expediency of protecting its amenity value. The legislation already anticipates such circumstances by providing exemptions for certain dangerous trees and a consent process for other works where appropriate. In other words, the need for woodland management is accommodated within the TPO regime; it isn't a reason, in itself, for withholding or withdrawing protection.

Likewise, whilst Forestry Commission controls, protected species legislation and the sale covenants all provide additional layers of protection, they're each aimed at different issues. None of them really performs the same planning function as a TPO.

Ultimately, I think the decision still comes back to the normal tests of amenity and expediency. From what I've seen, the woodland appears to make a significant contribution to the local landscape, it's visible from public viewpoints including the footpath, and the TEMPO assessment concludes that it merits protection. In that context, I don't think the existence of the private covenants is, on its own, a sufficient reason to withdraw the Order.

Overall, if it were my recommendation, I'd be inclined to confirm the Order. From my perspective, the woodland has already been assessed as meriting protection, and whilst the existing private protections should clearly be taken into account, I don't think they displace the need for statutory protection. The sale continues to introduce sufficient uncertainty over future ownership and management that, in my view, the perceived threat remains capable of supporting confirmation of the Order.

REPRESENTATIONS

One unresolved objection to the TPO has been received, raising the following points in summary (the full objection and accompanying photographs are included in Appendix 2):

- The objector does not dispute that the woodland has amenity value, but considers that the Tree Preservation Order is unnecessary, disproportionate and unsupported in some respects.
- The objector considers that the Council's description of the woodland as being extensively used by the public for recreation is inaccurate or incomplete, stating that there are no maintained footpaths within the woodland and that much of the apparent use relates to unauthorised mountain biking.
- It is stated that there is evidence of unauthorised access, informal trail construction, ramps, digging into woodland soils, root-zone damage, bark removal and damage to trees.
- The objector argues that the actual threat to the woodland arises from third-party trespass, vandalism and unauthorised activity, rather than from responsible management by a future owner.
- The objector considers that a TPO would not prevent unauthorised access, trail construction, vandalism or damage by third parties, and may instead create uncertainty for a future owner who inherits an already damaged site.

- Concern is raised that the Order was made shortly before disposal of the land by auction, and the objector questions why statutory protection was not imposed earlier while the land was in public ownership.
- The objector refers to existing private law restrictions in the auction legal pack, including a restrictive covenant requiring the land to remain as undeveloped woodland, a prohibition on development, a right of re-entry, Land Registry restrictions, overage provisions and obligations affecting successor owners.
- It is argued that those existing controls already provide substantial protection against development, clearance and inappropriate change of use.
- The objector is concerned that the Order may discourage or delay responsible woodland management, including safety works, removal of dead or dangerous trees, restoration of damaged ground, root protection, selective thinning, disease management and fuel-load reduction.
- The objection refers to dead standing trees, dieback, unstable trees, damaged root zones and informal trails, and states that the woodland requires active management in the interests of public safety.
- Concerns are raised about possible environmental stress, runoff or leachate from adjoining or nearby landfill land, with a request that any relevant environmental information held by the Council be disclosed.
- The objector raises concern about wildfire risk due to dry deadwood and unmanaged material within the woodland.
- The objector requests that the Order is not confirmed. Alternatively, it is requested that the matter be deferred pending further evidence, site inspection, assessment of management issues and discussion with the future owner.
- As a further alternative, the objector asks that any confirmed Order be modified or replaced with a more targeted Order which expressly facilitates safety works, deadwood management, removal of unauthorised ramps, root-zone protection, fuel-load reduction and works carried out under an approved woodland management plan or Forestry Commission process.
- The objector has asked Members to note that their objection includes a typographical error on the first page of their submitted objection (contained within Appendix 2). The date shown as 09/06/2026 is incorrect and should read 09/07/2026.

ASSESSMENT AND RESPONSE TO OBJECTION

The Order has not been made to prevent responsible woodland management, but to protect the amenity value of the woodland and ensure that future works to trees are properly controlled.

The woodland makes a significant contribution to the amenity of the area, particularly through its visual prominence within the wider landscape, its collective wooded character, and its clear visibility from public viewpoints. A public right of way / footpath runs through the site. The woodland is also used for mountain biking, though not on an authorised basis.

The objection rightly notes that significant tree felling would be subject to controls under forestry legislation and that the land is being sold subject to restrictive covenants requiring its retention as undeveloped woodland. Whilst these controls are material considerations, and should be considered by Members, they do not provide the same type of amenity-focused control over future tree works as a Tree Preservation Order.

The proposed sale of the woodland introduces uncertainty regarding future ownership and management intentions, and it is this change in circumstances which gives rise to concerns over the long-term protection of the woodland's amenity value. The Order is not intended in any way to prevent appropriate woodland management or necessary safety works, responsibility for which remains with the landowner, but rather to ensure that works with the potential to adversely affect the woodland's amenity value can be properly assessed by the Local Planning Authority before they are undertaken.

The specific points raised in the objection are addressed in turn in more detail below.

Public recreation and unauthorised use

The woodland is used informally for mountain biking (it is understood that this is not an officially authorised use), and a public footpath runs through the site.

However, the Tree Preservation Order relates solely to the protection of trees in the interests of amenity and does not (and cannot) regulate access or recreational use of the land in any way.

Responsibility for the management of the woodland, including the management of public access and any risks arising from public access or informal recreational activities, remains with the landowner and is not affected by the making or confirmation of the Order.

The woodland has been assessed as having public amenity value, including clear public visibility, contribution as a cohesive woodland group, and a satisfactory condition and retention span. The TEMPO assessment carried out by the Council's tree consultant gave the woodland a total score of 18. Under the TEMPO decision guide, a score of 16 or above indicates that a TPO is definitely merited.

The purpose of the TPO is to protect the trees themselves, which provide wider amenity value.

Whether the TPO addresses the actual threat

The purpose of the TPO is not to address possible management or access issues on the land (which are separate matters for which the land owner is responsible).

Its sole purpose is to protect the woodland trees from being cut down, topped, lopped, uprooted, wilfully damaged or wilfully destroyed without the Council's consent, subject to statutory exceptions.

A TPO will not prevent third-party activity. However, it provides an important statutory control over works by owners, occupiers or other persons who cause or permit works to protected trees. The presence of existing damage and management pressures does not make the Order unnecessary. It confirms the expediency of ensuring that future works are properly considered.

Timing of the Order

The timing of the Order is appropriate. The Council is entitled to make a TPO whenever it appears expedient in the interests of amenity to protect trees or woodland. The woodland was being disposed of by LCC and therefore entering a period of uncertainty regarding future ownership and management. A similar TPO was made for another area of woodland to the north of the site when it was for sale previously. Such a change in circumstances is capable of giving rise to a perceived or foreseeable risk to trees.

The Order was made on 17 June 2026 and identifies W1 as a woodland comprising a mix of species including pine, larch, horse chestnut, oak, birch, holly and acer, located to the east of Bury Road and extending up the hillside. The TEMPO assessment records a “perceived threat” and a total score of 18. The TEMPO Assessment is appended to this report.

Private covenants or title restrictions may be relevant material considerations, but they are not equivalent to a TPO. They are separate controls and do not provide the same public planning control over tree works, nor do they necessarily bind or protect the public interest in amenity in the same way as a TPO.

Alleged risk of penalising the future owner for third-party vandalism

The TPO controls the carrying out, causing or permitting of prohibited works to protected trees. If damage to trees was to be caused by unauthorised third parties, the circumstances would be considered at that point.

Officers recognise the desirability of proper woodland management. However, those matters are not reasons to withhold confirmation of the TPO. The Order would ensure that any tree works associated with such management are considered properly and proportionately.

Dead trees, dieback and public safety

Officers recognise that woodland management may include works to dead, dying, diseased or dangerous trees. Confirmation of the TPO would not prevent appropriate safety works. The TPO regime includes important exceptions (e.g. for works to dangerous trees affecting public safety) and also allows applications to be made for consent for works to protected trees. Tree owners remain responsible for maintaining their trees, and the Council can encourage good tree management when determining applications.

If urgent works are needed to address an immediate safety risk, there are exceptions available within the legislation to enable those works to take place.

The existence of deadwood or individual defective trees is not a reason to remove protection from the wider woodland, particularly where the woodland as a whole has been assessed as meriting protection. Owners of protected trees remain fully responsible for maintaining them and undertaking necessary inspections and maintenance to keep them safe.

The confirmation of the TPO would not transfer any responsibility for tree safety from the landowner to the Council.

Environmental stress, runoff and landfill concerns

The objection raises concerns regarding runoff, possible leachate, dieback and environmental stress. Those matters are noted, but do not amount to a reason why the woodland should not be protected by a TPO. If environmental stress is affecting parts of the woodland, that may point to the

need for informed woodland management by the landowner, not the absence of statutory protection for the trees.

Fire risk and fuel-load management

Responsible woodland management may include management of excessive fuel load, deadwood, access and wildfire resilience. A TPO does not prevent such management. It requires that works affecting protected trees are either within a statutory exception or are authorised through the consent process.

The current or future owner is encouraged to prepare a proportionate woodland management plan, supported by arboricultural and ecological advice where appropriate. Such a plan could provide a clear basis for future applications for tree works and help distinguish beneficial woodland management from unnecessary or harmful tree removal.

Alleged disproportionality and effect on responsible woodland management

It is not accepted that the Order is disproportionate. The Order applies to the woodland because its value derives from the collective contribution of the woodland, rather than from a small number of individually identified trees. The TEMPO assessment identifies the woodland as a cohesive group, clearly visible, with a suitable retention span and a total score clearly indicating that it merits a TPO.

A woodland TPO does not create a presumption against all intervention. It creates a consent mechanism so that works can be assessed in the public interest. Selective thinning, safety works, disease management, restoration and other legitimate woodland management operations can be considered through the appropriate process.

TEMPO assessment

The TEMPO assessment is attached, and records the basis for the assessment, including the woodland's satisfactory condition, retention span, public visibility, value as a cohesive group and perceived threat, producing a score of 18.

The key test is whether the woodland has amenity value and whether it is expedient to protect it – and in this case it was expedient to make such an Order, based on the whole spectrum of amenity that the woodland provides.

CONCLUSION

The objection has been carefully considered. However, having regard to the advice of the Council's tree consultant, it is considered that the Order should be confirmed without modification. The woodland has demonstrable public amenity value, forms a cohesive woodland feature, is visible from public viewpoints, and has been assessed through TEMPO as meriting protection. The disposal of the land introduces uncertainty regarding future ownership and management intentions, and it is considered that it remains expedient in the interests of amenity to confirm the Order.

It is not considered that the Order should be modified to exclude broad categories of future works. The statutory regime already provides mechanisms for exceptions, applications for consent, and consideration of appropriate woodland management.

APPENDIX 1

APPENDIX 2

Objection

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 23-04-26	Surveyor: A. Lewis		
Tree details TPO Ref (if applicable): Owner (if known):		Tree/Group No: Oak, Birch, Holly, Acer Location: Horncliffe Woodland, BB4 6JW	Species: Mixed. Pine, Larch, Horsechestnut,

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

Score & Notes

4 - satisfactory

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

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

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes

4 – very suitable

* 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

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, 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 unsuitable |

Score & Notes

4 – clearly visible

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

4 – cohesive group

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

2 – perceived threat

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:

18

Decision:

Merits TPO

Clare Birtwistle YA/Legal
Head of Legal (Monitoring Officer)
Rossendale Borough Council
The Business Centre
Futures Park
Bacup
OL13 0BB

09/06/2026

Reference: YA/Legal

Dear Madam,

Re: Objection to Rossendale Borough Council Tree Preservation
Order No. 1/2026

Land at Horncliffe Woods, Bury Road, Rossendale, Lancashire, BB4
6JW

Reference: YA/Legal

I write as an interested party and prospective purchaser of the above
land to object formally to the confirmation of Tree Preservation Order
No. 1/2026.

This objection relates to the woodland up for auction affected by the
Order at Horncliffe Woods, Bury Road, Rossendale.

For the avoidance of doubt, this objection is not made on the basis that
the woodland has no amenity value. It is made on the basis that the
Order, as drafted, appears to be unnecessary, disproportionate,
factually unsupported in material respects, and likely to obstruct
responsible woodland safety, restoration and management.

1. The Council's factual basis appears to be inaccurate or incomplete

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names of the persons who have
been appointed to the various
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Directors of the City of New
York, for the year 1911.

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The Council's notice states that the woodland is "extensively used by the public for recreation, including walking and mountain biking", and that it forms an important recreational resource.

That description does not accord with the apparent condition and actual use of the site.

On inspection, there appear to be no maintained footpaths within the woodland. The public right of way appears to be obstructed by a metal fence on neighbouring land, apparently erected where a dry stone wall is broken. There is no clear evidence of lawful pedestrian access or regular lawful walking use within the woodland.

The evidence on the ground instead suggests unauthorised access, particularly by downhill mountain bike users entering from the landfill side where fencing has been broken. There are apparent unlawfully engineered stone and mud ramps, informal twists and turns cut into the ground, and evidence of digging into woodland soils and tree root zones. This activity is not benign recreational use. It appears to be unauthorised engineering of trails and ramps within an unmanaged woodland environment.

There is also evidence of damage to trees, including bark removal and apparent cutting or removal of trees that interfere with informal bike routes.

Accordingly, the Council's reliance on "public recreation" requires careful reconsideration. The current use appears to be substantially unauthorised and damaging. It is not a lawful, managed or safe recreational use which should be relied upon as justification for a blanket woodland TPO.

2. The TPO does not address the actual threat to the woodland

The Council's notice refers to a "perceived risk" to the trees.

However, the threat apparent on the ground is not responsible management by a prospective purchaser. The threat appears to be ongoing third-party trespass, vandalism, unauthorised trail construction, cutting, bark damage, soil disturbance and root damage.

A blanket TPO does not prevent unauthorised third parties from entering the land, damaging trees, cutting roots, removing bark, constructing ramps or digging into the woodland floor. It risks placing

the future owner in the position of having to manage and police damage caused by others, while facing potential regulatory scrutiny if protected trees are damaged or removed by trespassers.

The appropriate response to the apparent condition of the site is active woodland management, boundary control, removal of unlawful engineered ramps, restoration of damaged ground, protection of roots, safety works and proper engagement with woodland management professionals.

The Order, as drafted, does not solve the actual problem and may make responsible remediation more difficult.

3. The timing of the Order is unexplained and raises concern

The Order has been made immediately prior to disposal of the land by auction.

If the woodland was genuinely considered to require statutory protection in the public interest, it is unclear why such protection was not imposed earlier while the land was in public ownership.

This is particularly important because the auction legal pack already imposes extensive private law restrictions on the purchaser, including:

- a restrictive covenant limiting use of the land to “Undeveloped Woodland” until 12 May 2046;
- a prohibition on development;
- a right of re-entry in favour of Lancashire County Council in the event of breach;
- a Land Registry restriction controlling dispositions until 2046;
- overage provisions discouraging development or value-extractive change of use.

Those controls already provide substantial protection against development, clearance and inappropriate change of use.

In those circumstances, the Council is requested to explain why a further blanket statutory control is now considered necessary, proportionate and expedient, particularly at the point of sale.

4. The Order risks penalising the future owner for third-party vandalism

The practical effect of the Order is that trees cannot be felled, topped, lopped, uprooted, wilfully damaged or destroyed without consent, subject to limited exceptions.

The future owner will remain responsible for tree safety and land management, yet may inherit an unmanaged site where unauthorised users have already caused damage.

There is a material risk that future damage caused by trespassers, including further trail construction, root damage, bark stripping or cutting of trees, could create enforcement uncertainty for a landowner who did not cause or authorise the damage.

Before confirming the Order, the Council should consider whether it is fair or proportionate to impose a blanket woodland TPO without first addressing:

- unlawful access points;
- broken boundary fencing;
- unauthorised ramps and trails;
- root-zone damage;
- apparent vandalism to trees;
- existing dead or dangerous trees;
- public safety hazards arising from informal downhill cycling use.

5. Dead standing trees, dieback and public safety require active management

There are dead standing trees, apparent dieback and unsafe features within the woodland.

If the Council relies upon recreational use as a reason for the Order, it must also consider the corresponding safety implications. Dead standing trees, unstable trees, steep slopes, overhangs, damaged root zones and informal bike trails create obvious risk to persons entering the site, whether lawfully or unlawfully.

The future owner should not be discouraged from carrying out prompt and proportionate safety works. A blanket TPO may result in unnecessary delay, uncertainty and administrative burden where dead, diseased, dying or dangerous trees require removal or reduction.

The Council is therefore requested to consider whether confirmation of the Order may have the unintended effect of delaying necessary safety management and increasing risk to users of the site.

6. Possible environmental stress and runoff require investigation and management

There appears to be evidence of severe dieback, particularly on the northern side of the site on the slope. There is also concern that runoff or possible leachate from adjoining or nearby landfill land may be contributing to tree decline, soil condition issues and root-system stress.

The objector does not assert proven causation at this stage. However, the visible condition of parts of the woodland warrants investigation. Before confirming the Order, the Council is requested to disclose whether it holds any records, environmental reports, site investigation material, drainage records, landfill information, contamination records, complaints, notices or internal assessments relating to:

- runoff affecting the woodland;
- leachate or contaminated water migration;
- tree decline or root-system damage;
- historic tipping or landfill activity affecting the site;
- any previous reports of dieback, tree failure or slope instability.

Where woodland is already under environmental stress, the proper response is active management and investigation, not simply imposing an additional restriction which may complicate necessary remedial works.

7. Fire-risk and fuel-load management

The woodland contains dry deadwood and unmanaged material. In prolonged dry weather and heatwave conditions, dry standing and fallen material can materially increase wildfire risk.

Responsible woodland ownership requires the ability to manage excessive dry fuel load, especially near access points, informal routes, damaged areas and steep slopes.

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A blanket TPO may create uncertainty and delay in carrying out sensible fuel-load reduction, deadwood management, access improvement and safety works.

The Council is therefore asked to explain how, if the Order is confirmed, it proposes to ensure that wildfire resilience, deadwood management and emergency access works can be carried out efficiently and without unnecessary administrative burden.

8. The Order is disproportionate in light of responsible woodland management

A woodland TPO should not be used in a manner that prevents or discourages beneficial woodland management.

The future owner should be able to:

- remove dead, dangerous or unstable trees where necessary;
- remove or make safe damaged trees near informal routes or access points;
- remove unauthorised bike ramps and restore damaged ground;
- protect exposed and damaged root systems;
- carry out selective thinning and disease management;
- manage dry fuel load;
- prepare and implement a woodland management plan;
- apply for any necessary Forestry Commission felling licence;
- carry out ecological restoration and habitat improvement.

The Order, as currently drafted, risks creating a default presumption against intervention, when the woodland clearly requires active and responsible management.

9. Request for evidence and disclosure before confirmation

Before any decision is made to confirm the Order, please provide or make available:

1. The full TEMPO assessment;
2. The officer report recommending the making of the Order;
3. Site inspection notes and photographs relied upon;
4. The evidence relied upon for the claim that the woodland is extensively used for walking;

1. The first is the right of the individual to be treated as an individual and not as a member of a group.
2. The second is the right of the individual to be treated as a person and not as a thing.
3. The third is the right of the individual to be treated as a human and not as an animal.
4. The fourth is the right of the individual to be treated as a citizen and not as a subject.
5. The fifth is the right of the individual to be treated as a man and not as a woman.
6. The sixth is the right of the individual to be treated as a free man and not as a slave.
7. The seventh is the right of the individual to be treated as a rational being and not as an irrational being.
8. The eighth is the right of the individual to be treated as a moral being and not as an immoral being.
9. The ninth is the right of the individual to be treated as a responsible being and not as an irresponsible being.
10. The tenth is the right of the individual to be treated as a dignified being and not as an undignified being.
11. The eleventh is the right of the individual to be treated as a respected being and not as an disrespected being.
12. The twelfth is the right of the individual to be treated as a valued being and not as an devalued being.
13. The thirteenth is the right of the individual to be treated as a loved being and not as an unloved being.
14. The fourteenth is the right of the individual to be treated as a trusted being and not as an distrusted being.
15. The fifteenth is the right of the individual to be treated as a free being and not as an unfree being.
16. The sixteenth is the right of the individual to be treated as a just being and not as an unjust being.
17. The seventeenth is the right of the individual to be treated as a fair being and not as an unfair being.
18. The eighteenth is the right of the individual to be treated as a kind being and not as an unkind being.
19. The nineteenth is the right of the individual to be treated as a gentle being and not as an ungentle being.
20. The twentieth is the right of the individual to be treated as a peaceful being and not as an unpeaceful being.
21. The twenty-first is the right of the individual to be treated as a happy being and not as an unhappy being.
22. The twenty-second is the right of the individual to be treated as a healthy being and not as an unhealthy being.
23. The twenty-third is the right of the individual to be treated as a strong being and not as an weak being.
24. The twenty-fourth is the right of the individual to be treated as a brave being and not as an cowardly being.
25. The twenty-fifth is the right of the individual to be treated as a wise being and not as an foolish being.
26. The twenty-sixth is the right of the individual to be treated as a virtuous being and not as an vicious being.
27. The twenty-seventh is the right of the individual to be treated as a good being and not as an bad being.
28. The twenty-eighth is the right of the individual to be treated as a noble being and not as an ignoble being.
29. The twenty-ninth is the right of the individual to be treated as a beautiful being and not as an ugly being.
30. The thirtieth is the right of the individual to be treated as a perfect being and not as an imperfect being.

5. The evidence relied upon for the claim that the woodland is a highly valued recreational resource;
6. The evidence relied upon for the claimed “perceived risk”;
7. Confirmation whether the auction and change of ownership were the reasons for the Order;
8. Confirmation whether the existing auction covenants, right of re-entry and title restrictions were considered;
9. Any environmental, drainage, landfill or contamination information held by the Council or known to it;
10. Any records of complaints, accidents, vandalism, unauthorised trail construction or tree damage at the site.
10. Requested outcome

For the reasons above, the objector respectfully requests that Rossendale Borough Council does not confirm Tree Preservation Order No. 1/2026.

Alternatively, if the Council is minded to confirm some form of protection, the objector requests that the present Order is not confirmed in its current blanket form and that the matter is deferred pending:

- a joint site inspection;
- disclosure of the TEMPO assessment and officer report;
- consideration of the existing private law restrictions affecting the land;
- assessment of unauthorised access, trail construction and vandalism;
- assessment of dead, dangerous, diseased or dying trees;
- assessment of possible runoff or environmental stress;
- discussion with the future owner regarding a woodland management plan.

As a further alternative, any confirmed Order should be modified or replaced with a more targeted Order which excludes or expressly facilitates:

- dead, dangerous, diseased or dying trees;

1. The purpose of this report is to provide information on the status of the project.
2. The project is currently in the planning stage.
3. The project is currently in the planning stage.
4. The project is currently in the planning stage.
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7/11

- emergency safety works;
- removal of unauthorised ramps and restoration of damaged ground;
- works required to protect damaged root zones;
- fuel-load reduction and wildfire-resilience works;
- works undertaken pursuant to an approved woodland management plan or Forestry Commission felling licence;
- defined safety corridors or access routes needed for responsible management.

The objector also requests that this objection and all supporting evidence be placed before the relevant decision-maker or committee before any decision is taken to confirm the Order.

Yours faithfully,

Yevgeniy Riley

22 Regent Street,
Haslingden,
Rossendale,
Lancashire,
BB4 5HQ

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... and ...

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Examples of development/ramp construction

9/11



Examples of Rubbish and Dead trees

Approximately 300 + dead trees

10/11



Examples of damage to tree bark and
damage to root systems both new/recent and
old

11/11

Town and Country Planning Act 1990

The Rossendale Borough Council Tree Preservation Order No.1/2026 located at the Land at Horncliffe Woods, Bury Road, Rossendale, Lancashire, BB4 6JW.

The Rossendale 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 Rossendale Borough Council Tree Preservation Order No.1/2026 (Land at Horncliffe Woods, Bury Road, Rossendale, Lancashire, BB4 6JW).

Interpretation

2. (1) In this Order “the authority” means the Rossendale 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, 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.

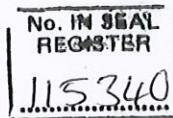
Application to trees to be planted pursuant to a condition

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 17th day of June 2026

The Common Seal of ROSSENDALE
BOROUGH COUNCIL was affixed
to this Order in the presence of:

)
)
)



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

(shown within a continuous black line on the map / TPO Plan)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Woodland comprising a mix including (but not limited to) Pine, Larch, Horse Chestnut, Oak, Birch, Holly and Acer.	Located to the east of Bury Road, extending up the hillside.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to England only, substantially revoke and replace the Town and Country Planning (Trees) Regulations 1999, to the extent to which they apply to England. They also revoke the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town and Country Planning (Trees) (Amendment No. 2) (England) Regulations 2008.

Part 2 prescribes the form of tree preservation orders and the procedure for their making, provisional effect, confirmation, variation and revocation. The prescribed form is set out in the Schedule to the Regulations.

Part 3 of the Regulations sets out prohibited activities in relation to a tree protected by an order and exceptions. Under regulation 13 a tree protected by a tree preservation order may not be cut down, topped, lopped, uprooted or wilfully damaged or destroyed without the consent of the local planning authority, unless an exception applies. These exceptions are set out in sections 198(7) and 200(1) of the Town and Country Planning Act 1990, and in regulation 14 of the Regulations.

Section 198(7) provides exceptions relevant to section 39(2) of the Housing and Planning Act 1986 (c.63) (saving for effect of section 2(4) of the Opencast Coal Act 1958 (c. 69) on land affected by a tree preservation order despite its repeal) and section 15 of the Forestry Act 1967 (c.10) (licences under that Act to fell trees comprised in a tree preservation order).

Section 200(1) provides that a tree preservation order does not have effect in respect of anything done by or on behalf of Forestry Commissioners on land placed at their disposal in pursuance of the Forestry Act 1967 or otherwise under their management or supervision or anything done by or on behalf of any other person under a plan of works approved by the Forestry Commissioners under a forestry dedication covenant (as defined in section 5 of the Forestry Act 1967) or under conditions of a grant or loan made under section 1 of the Forestry Act 1979 (c. 21).

Regulation 14 contains exceptions to the requirement for consent and regulation 15 contains exceptions for trees in conservation areas.

Part 4 of the Regulations prescribes the procedure for applications for consent under tree preservation orders.

Part 5 prescribes the procedure for appeals and for their determination. Regulation 19 grants a right of appeal in respect of a refusal to grant consent, a grant of consent subject to conditions or a failure to determine an application for consent within the prescribed time period.

In Part 6, regulation 24 provides for compensation claims, subject to exceptions, to be made where loss or damage has been incurred as a consequence of a refusal to

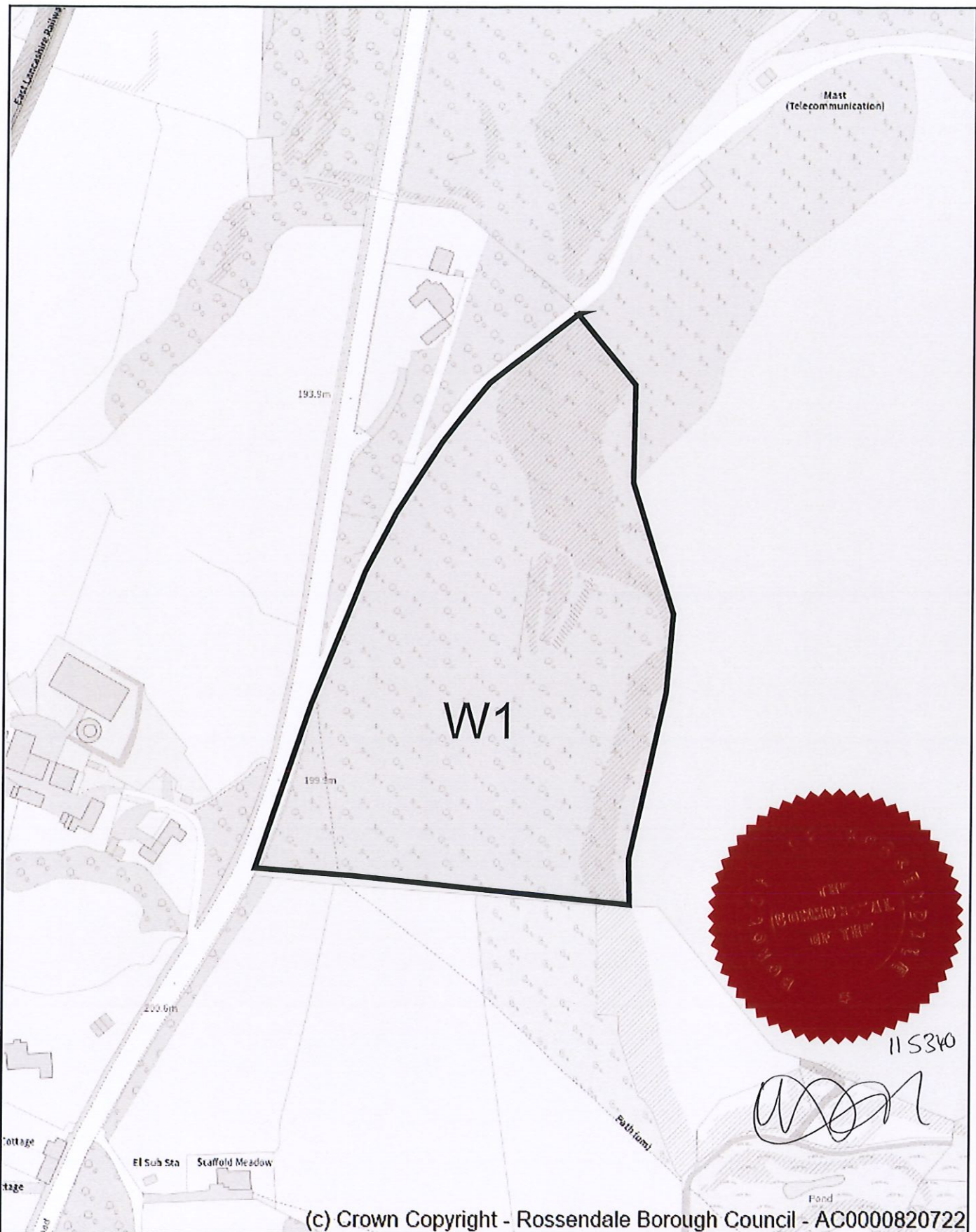
grant consent, a grant of consent subject to conditions or a refusal of approval required under a condition.

Part 7 contains miscellaneous provisions. Regulation 25 provides that the prescribed time for the purposes of sections 206(1)(b) (replacement trees) and 213(1)(b) (enforcement of controls as respects trees in conservation areas) is whenever the cutting down or uprooting of a tree is authorised only by virtue of regulations 14(1)(a)(i) or 14(1)(c) (dead or dangerous trees).

Regulation 26 revokes the Town and Country Planning (Trees) Regulations 1999, the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 and the Town and Country Planning (Trees) (Amendment No.2) (England) Regulations 2008, subject to transitional, transitory and saving provisions in respect of certain classes of order. This regulation also saves regulation 17 of the Town and Country Planning (Trees) Regulations 1999 (amendment to the Town and Country Planning General Regulations 1992).

Under section 193 of the Planning Act 2008 (c. 29), all tree preservation orders made prior to the date on which these Regulations come into force take effect with the omission of all of their provisions other than any that identify the order or identify the trees, groups of trees or woodlands to which the order applies.

A full impact assessment of the effect that this instrument will have on the costs of business, charities and the voluntary sector has been prepared in relation to these Regulations. The assessment has been placed in the Library of each House of Parliament and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk). The assessment may also be accessed at www.communities.gsi.gov.uk.



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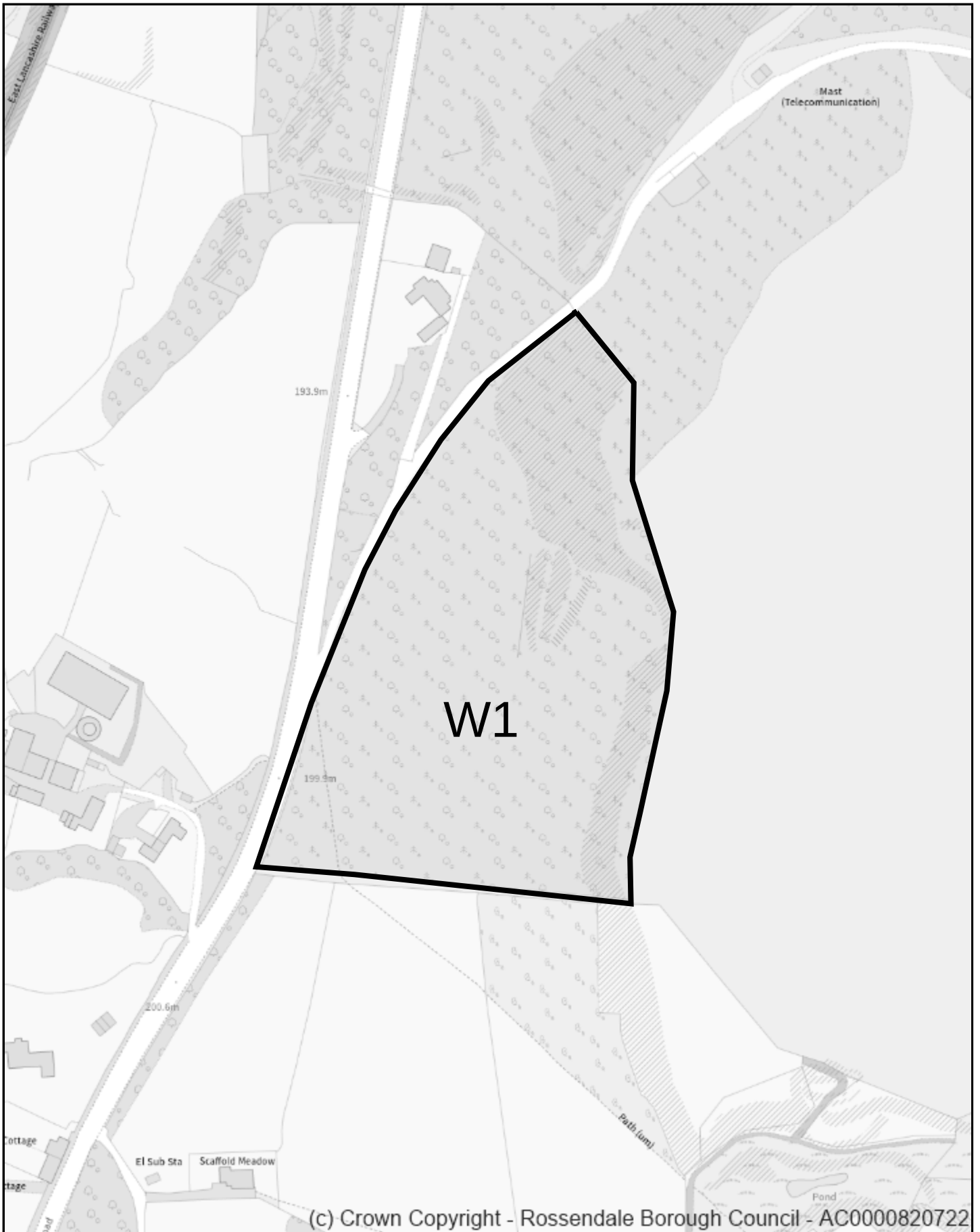
TPO Plan - Horncliffe Woodland



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TPO Plan - Horncliffe Woodland



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Town and Country Planning Act 1990

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Effect

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 - (a) Cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
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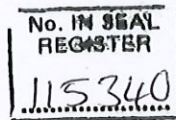
Any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

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Dated this 17th day of June 2026

The Common Seal of ROSSENDALE)
BOROUGH COUNCIL was affixed)
to this Order in the presence of:)



Authorised by the Council to sign in that behalf

SCHEDULE

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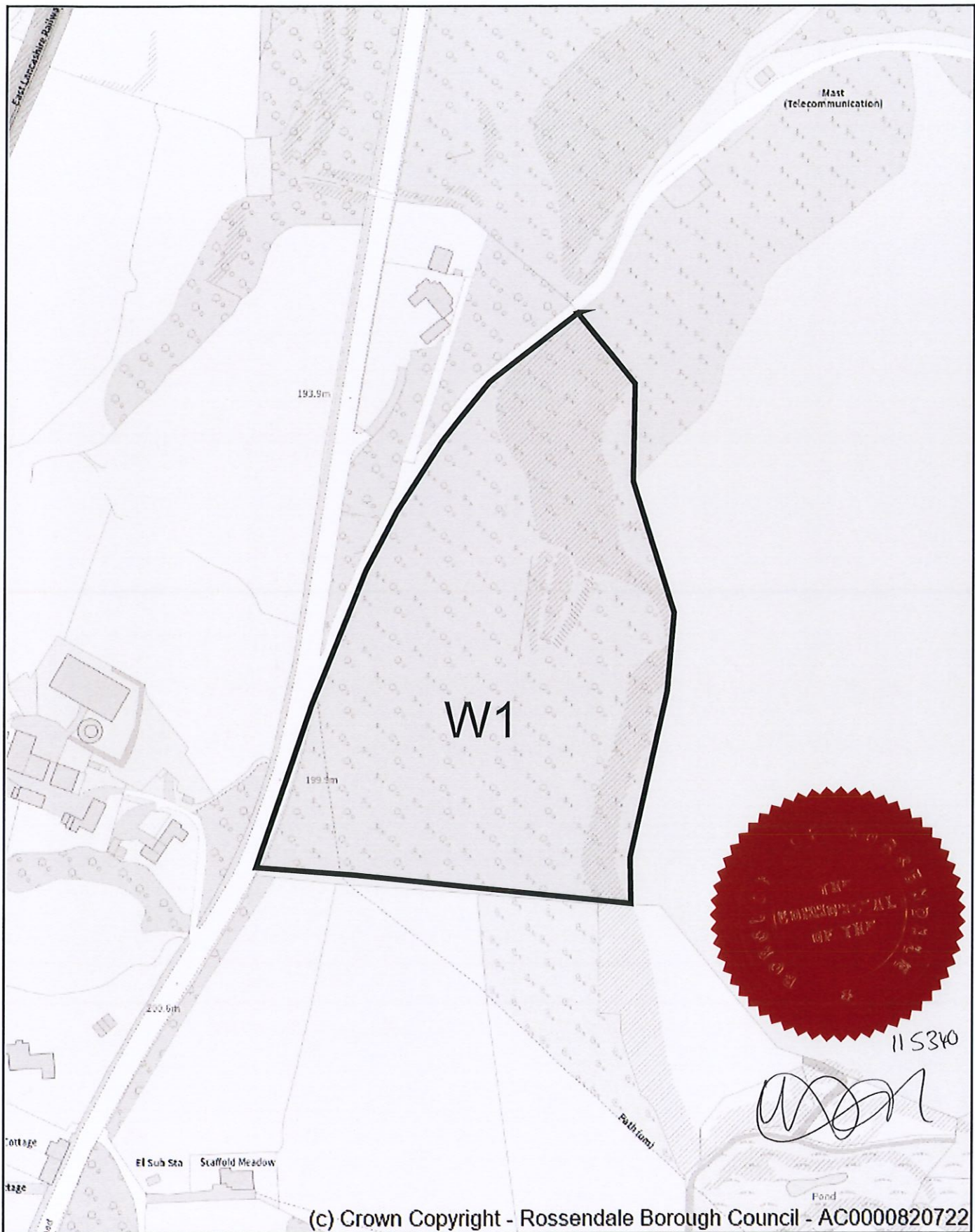
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