



Committee: APPEALS COMMITTEE
Date: MONDAY, 24 APRIL 2017
Venue: MORECAMBE TOWN HALL
Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Appointment of Vice-Chairman**

To appoint a Vice-Chairman for the 2016/17 municipal year.

3. **Minutes** (Pages 1 - 12)

Minutes of the meeting held on 17 March 2016 (copy attached)

4. **Items of Urgent Business authorised by the Chairman**

5. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2 of the Code of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

6. **Tree Preservation Order No. 589 (2016) – The Corner House, Woodwell Lane, Silverdale** (Pages 13 - 48)

Report of the Democratic Services Manager

7. **Tree Preservation Order No. 595 (2017) - 51 Meadow Park, Galgate** (Pages 49 - 63)

Report of the Democratic Services Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Claire Cozler (Chairman), Jon Barry, Helen Helme, Joan Jackson, Terrie Metcalfe, Roger Sherlock and Oscar Thynne

(ii) Substitute Membership

Councillors Susie Charles, Brett Cooper, Tim Hamilton-Cox, Janice Hanson and John Reynolds

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services: telephone (01524) 582068 or email jglenton@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone (01524) 582170 or email democraticsupport@lancaster.gov.uk.

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER LA1 1PJ

Published on Wednesday, 12 April 2017

APPEALS COMMITTEE

1.00 P.M.

17TH MARCH 2016

PRESENT: Councillors Claire Cozler (Chairman), Joan Jackson, Terrie Metcalfe (substitute for Janice Hanson), Margaret Pattison (substitute for Karen Leytham), Roger Sherlock and Peter Yates (substitute for Helen Helme)

Apologies for Absence:

Councillors Jon Barry, Janice Hanson, Helen Helme and Karen Leytham

Officers in Attendance:

Maxine Knagg	Tree Protection Officer
Angela Parkinson	Senior Solicitor
Jane Glenton	Democratic Support Officer

8 SITE VISITS: TREE PRESERVATION ORDERS NO. 565 (2015) AND NO. 567 (2015)

Prior to commencement of the meeting, site visits were undertaken in response to objections received to two Tree Preservation Orders.

The following Members were present on the site visits:

Councillors Claire Cozler (Chairman), Joan Jackson, Terrie Metcalfe, Margaret Pattison, Roger Sherlock and Peter Yates.

Officers in Attendance:

Maxine Knagg	-	Tree Protection Officer
Jane Glenton	-	Democratic Support Officer

9 MINUTES

The minutes of the meeting held on 18th February 2016 were signed by the Chairman as a correct record.

10 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 TREE PRESERVATION ORDER NO. 565 (2015) - LAND OFF ASHTON ROAD, LANCASTER

The Committee received the report of the Chief Executive to enable Members to consider the objection received to Tree Preservation Order No. 565 (2015) relating to an

area of trees established on land adjacent to Ashton Road, Lancaster, and thereafter whether or not to confirm the Order.

It was reported that the Council had made Tree Preservation Order No. 565 (2015) on 20th October 2015, following land adjacent to Ashton Road, Lancaster being identified for potential development by Story Homes. The trees within the site had been unprotected and, in the opinion of the Tree Protection Officer, were threatened by potential development. The trees included a group of ash (G1) and two woodland compartments comprising a range of tree species identified as W1 and W2.

One letter of objection had been received to Tree Preservation Order No. 565 (2015) from Barton Willmore, Planning Consultants, acting on behalf of the Appellant, Story Homes.

In determining whether or not to confirm the Tree Preservation Order, Members heard representations from Joshua Corbett of Urban Green, who had prepared an Arboricultural Impact Assessment for Story Homes, and a response from the Tree Protection Officer.

Appellant's Representative

The Appellant's representative presented the case on behalf of Story Homes and advised Members that an assessment of the quantity and quality of existing trees located on and near to the application site had been carried out by Urban Green through the Arboricultural Impact Assessment. Groups of trees had been identified according to their character, quality or role in defining the site and its features.

It was reported that Story Homes' objection to Tree Preservation Order No. 565 (2015) was that the submitted planning application would not result in the loss of any trees of quality or value in or around the site. Not all of the area identified within the Tree Preservation Order was necessary for inclusion to safeguard the existing tree belt along Lancaster Canal for reasons of amenity, wildlife or quality, as outlined by the Local Planning Authority in the Tree Preservation Order. Story Homes believed that if a Tree Preservation Order was necessary (to which they disagreed), the areas defined as G56, T43 and G44 within the Arboricultural Impact Assessment should be omitted.

The Appellant's representative advised that the proposed development would not have a detrimental effect on existing trees on or near to the site. An adequate buffer would be provided between the proposed development and trees, and root protection areas would be identified for those trees which defined the character of the site and its surroundings. An Arboricultural Method Statement had been submitted as part of the outline application, and any works would be carried out in compliance with this.

The area defined as G56 was a group of early mature hawthorn trees, which were situated in a raised bund and acted as a buffer between the larger trees adjacent to the Canal. G56 had been identified as being distinctly different and of slightly less value to the remainder of the woodland located between the application site and Lancaster Canal. The loss of this group would have little impact on the character of the area, as the larger and more significant trees behind would be retained. Their loss would not be visible from the Canal towpath and would not significantly change the character of the area observable from the public right-of-way running along Carr Lane to the south. G56 was not visible from the windows of properties in nearby Pinewood Close.

T43 and G44 had also been assessed separately and defined as Category C trees in the Arboricultural Impact Assessment. Both were semi-mature ash and causing damage to the adjacent pathway.

Story Homes' landscape strategy would result in additional trees, which would provide valuable amenity.

The Appellant's representative advised that, should a Tree Preservation Order be deemed necessary (which was disputed by Story Homes), G56, T43 and G44 should be omitted from the Order.

Following presentation of the Appellant's representative's case, Members asked questions of the Appellant's representative.

Lancaster City Council's Tree Protection Officer

The Tree Protection Officer presented the case on behalf of Lancaster City Council, and reported that under Section 198 of the Town & Country Planning Act 1990, a Local Planning Authority had powers to make a Tree Preservation Order in the interests of amenity if it appeared that it was expedient to do so for the purpose of protecting trees.

It was reported that the trees in question included two large belts of trees and one group comprising 3 individual trees. The land was currently the subject of an outline planning application (reference no. 15/01342/OUT) for the development of new housing.

The purpose of the Appeals hearing was to consider the amenity value of the trees and whether it was expedient in the interests of amenity to continue the protection of the trees, the subject of Tree Preservation Order No. 565 (2015), and not to consider the merits of the proposed development.

Development of land had significant potential to threaten trees, resulting in their direct loss to accommodate the overall design but, importantly, also by a range of indirect means that may result from operations and practices associated with the construction phase of development, and also indirect pressures as a result of a change in land use.

It may be expedient for the Local Planning Authority to make a Tree Preservation Order if it was believed there was a risk of a tree being cut down or pruned in ways which would have an adverse impact on the amenity of the area. Once new housing units were sold and occupied, pressures increased on trees, which could lead to trees being inappropriately managed or felled in the absence of protection. For the purposes of a Tree Preservation Order, it was not necessary for the threat to be immediate.

In the view of the Secretary of State, a threat may be in the present or in the future. It was important to note that a Tree Preservation Order did not obstruct or prevent development. It did, however, ensure that trees were a material consideration within any existing or future planning application.

A Tree Preservation Order prohibited the cutting down, uprooting, lopping, topping, wilful damage, or wilful destruction of trees without the Local Planning Authority's consent. Anyone found guilty of an offence in a Magistrates' Court was liable to a maximum fine of £20,000.

Where full planning permission was granted, the powers of a Tree Preservation Order were overridden where tree removal or pruning works were required to implement that full permission. All other trees remained protected, and written authorisation from the Local Planning Authority would have to be obtained prior to carrying out works to any additional tree.

Trees, the subject of Tree Preservation Order No. 565 (2015), included two woodland compartments, W1 and W2, and a group of three ash trees, G1. All were clearly visible from the public domain. W1 and W2 were established on a raised embankment immediately adjacent to Lancaster Canal. The canal was recognised for its biological importance through its designation as a Biological Heritage Site. Trees were recognised for their contribution to this biologically important location. Existing trees also made an important contribution to local wildlife communities, including the potential to provide habitat and foraging opportunities for species protected under the Wildlife and Countryside Act 1981 (as amended 2010), such as nesting birds and bats.

Trees within W1 and W2 were essential to the continuity of the wildlife corridor along the canal. Hawthorn trees, identified by the Appellant as G56 within the submitted Arboricultural Impact Assessment, were integral to the woodland compartment. They provided an important under-storey element to the woodland. Furthermore, they were identified within the Appellant's report as Category B+, being trees of moderate quality and with a life expectancy of 40+ years. Further description within the report included, "Group of predominantly hawthorn acting as a buffer between the larger trees adjacent to the Canal. Roots from neighbouring trees may be affected if removal occurs in this area."

In the view of Lancaster City Council, this group of trees was an integral component of the woodland compartment. Exclusion of trees identified as G56 from the Tree Preservation Order would have the potential to result in erosion of this important woodland compartment and buffer zone. In effect, this would bring any future development of the site closer to the much larger landscape trees established adjacent to the Canal, increasing the future pressure to inappropriately manage, prune or remove these important trees, as lung spaces and outdoor amenity spaces encroached ever nearer.

The trees, the subject of Tree Preservation Order No. 565 (2015), were generally in good overall condition, with long periods of useful remaining life potential. For younger trees in G1, their amenity value would only increase with continued maturity and growth.

Outline planning application no. 15/013421/OUT had not, as yet, been determined. It was understood from the Planning Case Officer that it was likely to go to the Planning and Highways Regulatory Committee in April 2016 for due consideration and determination.

It was the view of Lancaster City Council that woodland areas W1, W2 and Group G1 had important amenity value and were under sufficient threat from proposed development, now and in the future, to justify their protection through Tree Preservation Order No. 565 (2015), in the interests of public amenity value and wildlife benefit.

The Council had received one letter of objection to Tree Preservation Order No. 565 (2015) from Mr. Craig Barnes, representing the developer, Story Homes.

There were two main points for objection detailed in the letter:

- (i) The submitted planning application would not result in the loss of any trees of any value or quality in or around the site, and therefore a Tree Preservation Order was not required;
- (ii) Not all of the area identified within the Tree Preservation Order was considered necessary for inclusion to safeguard the existing tree belt along Lancaster Canal for reasons of amenity, wildlife or quality. The Appellant, Story Homes, was of the view that if the Tree Preservation Order was deemed to be necessary (to which they disagreed), the area defined as G56, as well as T43 and G44, should be omitted.

In summary, Lancaster City Council's response to the Appellant's objection was:

- (i) Whilst an outline application had been received by the Local Authority, it had not been determined. There was no current permission to develop the land in question. As such, there was no formal written agreement to retain and protect existing trees and woodland, other than through the controls of a Tree Preservation Order. Trees would be vulnerable to loss.
- (ii) Lancaster City Council had a duty to protect trees where development was proposed. The Local Authority would be failing in its duty if a Tree Preservation Order was not made and confirmed, particularly given the significance of the trees in question and the biologically sensitive nature of the wider area and proposed development.
- (iii) The trees in question formed a highly visible landscape feature, clearly seen from the public domain. The trees were also an important resource for a potential range of wildlife, including protected species.
- (iv) A Tree Preservation Order ensured that existing trees were a material consideration within a planning application and, importantly, continued their protection through the post-development phase and future use of the site.
- (v) The Appellant's Arboricultural Impact Assessment identified trees G56 as valued trees, and, as such, the Appellant proposed their removal.
- (vi) Trees were threatened by the potential development of the site and by the future change of use of the wider landscape, should planning consent be granted. This only served to support the need to maintain the existing protection status of the trees, in line with Tree Preservation Order No. 565 (2015). Trees identified as G56, T43 and G44 should remain the subject of Tree Preservation Order No. 565 (2015) to ensure their full consideration within the existing and any future planning application. These trees made an important contribution to the amenity and wildlife.
- (vii) Full planning permission overrides the powers of a Tree Preservation Order where trees would be required to be removed or pruned in order to implement a planning consent. As such, the existence of the Tree Preservation Order would not prevent or obstruct development, should full planning consent be granted at some point. It would safeguard important existing trees, now and in the future.

Lancaster City Council considered it expedient in the interests of public amenity value and wildlife benefit to make provision for the preservation of trees identified as G1, W1 and W2 under Section 198 of the Town & Country Planning Act 1990.

As such, it was recommended that Tree Preservation Order No. 565 (2015) be confirmed without modification.

Following presentation of the Tree Protection Officer's case, Members asked questions of the Tree Protection Officer.

The Appellant's representative then had the opportunity to reply.

(The Tree Protection Officer and the Appellant's representative left the meeting room whilst the Committee made its decision in private.)

Members considered the options before them:

- (1) To confirm Tree Preservation Order No. 565 (2015)
 - (a) Without modification;
 - (b) Subject to such modification as was considered expedient.
- (2) Not to confirm Tree Preservation Order No. 565 (2015).

It was proposed by Councillor Metcalfe and seconded by Councillor Pattison:

"That Tree Preservation Order No. 565 (2015) be confirmed without modification."

Upon being put to the vote, 5 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

(The Tree Protection Officer and the Appellant's representative returned to the meeting room for the decision to be announced.)

Resolved:

That Tree Preservation Order No. 565 (2015) be confirmed without modification.

13 TREE PRESERVATION ORDER NO. 567 (2015) - LONG PLANTATION, ASHTON HALL ESTATE, ASHTON ROAD, LANCASTER

The Committee received the report of the Chief Executive to enable Members to consider the objections received to Tree Preservation Order No. 567 (2015) relating to a woodland area known as Long Plantation, established within Ashton Hall Estate, Off Ashton Road, Lancaster, and thereafter whether or not to confirm the Order.

It was reported that the Council had made Tree Preservation Order No. 565 (2015) on 29th October 2015, following an assessment of trees and potential threats. Trees within the site were unprotected. Works had been completed in relation to Felling Licence No. 010/20/10-11, issued by the Forestry Commission in January 2011. Trees had been removed to create a clearing within the woodland, and all associated tree stumps dug out and removed. An informal access track had been created into the woodland to the northern aspect. Any future intentions for the site were unclear.

Two letters of objection had been received to Tree Preservation Order No. 567 (2015) from Mr. Roger Clark of Stodday Land Limited, and Mrs. Sarah Clark of Ripway

Properties Ltd.

In determining whether or not to confirm the Tree Preservation Order, Members heard representations from Mr. Roger Clark and Mrs. Sarah Clark, the Appellants, and a response from the Tree Protection Officer.

The Appellants

Mr. Clark

Mr. Clark advised that he was a director of Stodday Land Ltd, and reported that he had a document published by the Department for Communities and Local Government entitled *Tree Preservation Orders: A Guide to the Law and Good Practice*, which, at paragraph 2.3, advised that a Tree Preservation Order may only be used to protect trees and could not be applied to bushes or shrubs. Mr. Clark advised that he had been responsible for lopping and topping holly bushes and hedgerows as part of the housekeeping at the Ashton Hall Estate.

With reference to paragraph 3.2 of the said document, Mr. Clark reported that it was the Secretary of State's view that it would be inappropriate to make a Tree Preservation Order in respect of a tree that was dead, dying or dangerous. Mr. Clark advised that most of the felling, which he had undertaken, had fallen within this category.

Mr. Clark referred to paragraph 6.41 of the official document at which the Secretary of State promoted ongoing beneficial Woodland Management Plans. Mr. Clark advised that he had consulted with the Forestry Commission in 2007 regarding setting up a Woodland Management Plan, so that a method of organising the management of the woods could be established for the benefit of the Estate.

The Tree Protection Officer had visited the Estate in October 2015 as a result of complaints received. The Felling Licence, which was up-to-date, had been produced at that time. Later, in November 2015, an officer from the Forestry Commission had visited, at which time no further felling had been carried out, only the cutting and clearing of the pruned and felled trees. The Forestry Commission Officer had been advised of the situation and had examined Long Plantation and the Seafield Plantation. The Forestry Commission Officer had agreed that Mr. Clark had been working strictly in accordance with his Felling Licence, and had also advised regarding the removal of further dead trees and stumps that did not come under the remit of the Tree Protection Order or the Felling Licence. The Forestry Commission Officer had said he would contact the Tree Protection Officer to confirm the same.

Mr. Clark advised Members that he was working with a Trees and Woodland Consultant who, in conjunction with the Forestry Commission, was helping him to prepare a Woodland Management Plan for the Long Plantation and Seafield Plantation.

Mr. Clark produced copies of documents and correspondence between himself and the Tree Protection Officer, which he advised would outline to Members the background to the Tree Preservation Order being issued.

The Appellant reported that he objected to the Tree Preservation Order, as it was too stringent an imposition considering the work he had done and the work that still needed to be carried out under his Felling Licence and the planned Woodland Management

Scheme. Mr. Clark advised that the Tree Preservation Order would leave him vulnerable to harassment from neighbours, and outlined in detail the events that had occurred previously on the Estate.

Following presentation of the Appellant's case, Members asked questions of Mr. Clark.

Mrs. Clark

Mrs. Clark advised that she was a director of Ripway Properties Limited and the Ashton Hall Estate, and referred to the plan annexed to the Tree Preservation Order, which identified Long Plantation. Mrs. Clark advised that the plan had not been prepared to sufficient a scale to give a clear indication of the position of Long Plantation and the extent to which the Tree Preservation Order related.

The Appellant referred to the serving of the Tree Preservation Order and Regulation 3 Notice, and advised that her records showed that Ripway Properties Limited had not been served at its registered office.

The Appellant informed Members that her grounds for objection to the Tree Preservation Order were as follows.

There would be an increase in the administrative and operational costs associated with following the constraints of the Tree Protection Order, and these would be borne by residents, who were liable to pay towards the cost of trimming back branches overhanging the roadway belonging to Ripway Properties Ltd.

Long Plantation was situated in the heart of a private estate and a distance away from the public highway. Long Plantation was not visible from a range of locations frequented by the public and, depending on the height of the hedge running alongside the A588 and the time of the year, the trees within Long Plantation were hardly visible from a public road at all.

The trees within Long Plantation were not under threat of removal. The management of Long Plantation had been carried out properly through a Felling Licence with professional guidance under Lancashire Rural Futures.

No relevant photographs had been produced in connection with the allegations regarding burning of timber and tree stumps, nor had the Tree Protection Officer shown the whereabouts of the said burning in Long Plantation.

The Forestry Commission had said that Long Plantation was being properly managed and that the trees within Long Plantation were not under threat.

The imposition of a Tree Protection Order would result in an increase in the false allegations, which had been made over many years.

Following presentation of the Appellant's case, Members asked questions of Mrs. Clark.

Tree Protection Officer

The Tree Protection Officer presented the case on behalf of Lancaster City Council, and reported that, under Section 198 of the Town & Country Planning Act 1990, a Local

Planning Authority had the powers to make a Tree Preservation Order, in the interests of amenity if it appeared expedient to do so, for the purpose of protecting trees.

It was reported that Long Plantation was a woodland that lay approximately 500 m to the east of the River Lune. The River Lune was a biologically sensitive location. This was reflected in its designation as a Biological Heritage Site. Trees included within Long Plantation formed an important backdrop to the river in a biologically sensitive locality. In addition, Meldham Wood lay approximately 200 m to the North West of the Plantation and was recognised as an Ancient Woodland. By definition, it had been present for 400 years, or longer, creating unique biological communities and associations not found in younger woodlands.

The woodland trees in question were generally in good overall condition with long periods of useful remaining life potential. The presence of the wood was apparent when viewed from the A588 public highway to the east and south east, and also a public footpath adjacent to the River Lune to the west. The aerial photograph shown in the reports pack had been taken in 2013 and showed locations from the wider public domain where parts of the large woodland area could be seen. There was no requirement within existing legislation for all parts of a woodland or individual trees to be seen from a public domain.

The important amenity value of the woodland was supported by the Tree Evaluation Method for Preservation Orders (TEMPO). Even if the level of expediency was reduced from “foreseeable risk of partial loss” to that of “precautionary”, the total accumulative score was 21, which definitely merited a Tree Preservation Order.

In addition to important visual amenity, the woodland offered resources for wildlife and provided essential habitat and foraging opportunities, including the potential to support protected species, such as nesting birds and bats. Both groups were protected under the Wildlife & Countryside Act 1981 (as amended 2010).

It was reported that Lancaster City Council had received a complaint in October 2015 from a member of the public that trees were being felled within Long Plantation and that an access track had been created within the woodland. During a subsequent site visit by the Council, it had become apparent that trees had been felled and their tree stumps removed to create a clearing to the northern aspect of the Plantation not previously present. In addition, an informal dirt access track into the woodland had been created.

Members were advised that Mr. Clark had been on site during the visit and had presented a Felling Licence issued by the Forestry Commission, detailing 30 sycamore trees to be felled as thinning works granted under the Felling Licence, from January 2011 until mid-January 2016, when the Licence expired. An officer from the Forestry Commission had subsequently conducted a site visit and had been satisfied at that time that the Felling Licence had been complied with.

It was reported that, in the absence of a Felling Licence, an individual could fell up to 5 m³ a year without the requirement of authorisation from the Forestry Commission or Local Planning Authority, which was a relatively large volume of timber. Woodland areas could, over time, be gradually eroded, particularly in the absence of an agreed formal Woodland Management Plan. In granting a Felling Licence, the Forestry Commission encouraged land owners to develop and implement a Management Plan for their woodland, in the interest of good woodland management and practice, to ensure

woodlands were managed well and could remain sustainable, long-term entities. Lancaster City Council was unaware of any such plan for Long Plantation. It was unlikely that a Tree Preservation Order would be necessary where trees and woodlands were under good arboriculture/woodland control. In this instance, a formal Woodland Management Plan, agreed in writing by the Forestry Commission and Local Planning Authority, had been implemented. Five years on from issuing the Felling Licence, there was no formal plan agreed for the management of the woodland.

The creation of the clearing to the northern aspect of Long Plantation remained unclear to the Council. The absence of a formal agreed Woodland Management Plan for the woodland underpinned the concerns of the Council.

Lancaster City Council had received a letter of objection from Mr. Clark of Stodday Land Ltd and from Mrs. Clark of Ripway Properties Ltd. The objections of both parties were addressed.

It was reported that Mr. and Mrs. Clark had expressed a range of views and comments at some length since Tree Preservation Order No. 567 (2015) had been served at the end of October last year. Only those issues relating directly to their objection to Tree Preservation Order No. 567 (2015) would be addressed.

With reference to Mr. Clark's objection, Members were advised that it would seem the main reasoning for his objection to the Tree Preservation Order was that its stringency would leave Mr. Clark vulnerable to misleading and vexatious allegations from members of the public, and that the Tree Preservation Order was inappropriate, given that Mr. Clark was actively managing the woodland. Mr. Clark stated that he was in the process of developing a management plan for the woodland he had been managing for 8 years with professional help. Whilst Mr. Clark conceded the plantation could be seen from a minority of areas around the estate, it was still very private, and he had no intention to clear, fell or decimate the area.

In response, to the representation, the Tree Protection Officer commented that, in the absence of a Tree Preservation Order, there was no other means of protecting the woodland, whether from inappropriate or ill-considered management, or any future development of the wider Ashton Hall Estate.

The Felling Licence previously issued by the Forestry Commission had expired mid-January 2016. In its absence, and in the absence of a Tree Preservation Order, up to 5 m³ volume of timber/trees could be removed every 3 months, totalling 20 m³ per year, without a requirement for consultation.

A Tree Preservation Order protected trees that might otherwise be removed and whose loss may adversely impact upon the woodland and wider amenity and wildlife benefit that it conveyed. Especially in the absence of a formal and agreed Woodland Management Plan.

Despite Mr. Clark having managed the woodland for 8 years, and having been issued with a Felling Licence for the last 5 of those years, the Council was unaware of an agreed and implemented Management Plan. That would suggest that a planned and systematic approach to sustainable management of the woodland was a low priority.

Whilst Mr. Clark objected to Tree Preservation Order No. 565 (2015), an assessment of

the trees and the making and serving of the Tree Preservation Order was an entirely appropriate and reasonable course of action. The Council had conducted its investigation into the original complaint and subsequent assessment of the woodland in an entirely open and transparent manner. Records and reports had been accurately detailed throughout.

With reference to Mrs. Clark's objection to Tree Preservation Order No. 567 (2015), this related to the entire woodland. For clarification, Members were advised that the Tree Preservation Order did not include any areas of private amenity space.

It was reported that a Tree Preservation Order did not mean that a landowner was subject to increased cost for the management of protected trees. There was no charge attached to the submission of a tree works application. Lancaster City Council could not be held responsible for the administrative arrangements within any given company or organisation and how it chose to distribute its charges to its clients.

The Lancaster City Council district contained almost 600 Tree Preservation Orders and 38 Conservation Areas, affecting thousands of individual households and public and private sector organisations, all of which were required to make written notifications and applications to the Local Planning Authority when works were required to protected trees. A whole array of applications was received by the Local Planning Authority each year without the financial burden Mrs. Clark had suggested.

It was likely that there would be a planning condition attached to a formal consent for work to ensure that all work undertaken met current standards of best practice. It would not state that work had to be undertaken by a professional.

Trees within Long Plantation were visible from the east along the A588 and from the west along a public footpath. There was no requirement within the Town & Country Planning Act 1990 for all trees or woodland to be seen from the public domain. The woodland was a significant landscape and arboriculture feature.

The Council had investigated a legitimate complaint, and had conducted its investigation in an open and transparent manner, and recorded its findings accurately. Whilst Mrs. Clark may choose not to accept the Council's findings and subsequent action of making and serving Tree Preservation Order No. 567 (2015), the claim of inaccuracies, untruths and malicious allegations was entirely unacceptable.

It remained the view of Lancaster City Council that Tree Preservation Order No. 567 (2015) be confirmed without modification, in the interest of amenity and wildlife value and as a precaution, given recent tree works, and in the absence of an agreed formal Woodland Management Plan for the woodland.

Following presentation of the Tree Protection Officer's case, Members asked questions of the Tree Protection Officer.

The Appellants then had the opportunity to reply.

(The Tree Protection Officer and the Appellants left the meeting room whilst the Committee made its decision in private.)

Members considered the options before them:

- (1) To confirm Tree Preservation Order No. 567 (2015)
 - (a) Without modification;
 - (b) Subject to such modification as was considered expedient.
- (2) Not to confirm Tree Preservation Order No. 567 (2015).

It was proposed by Councillor Jackson and seconded by Councillor Metcalfe:

“That Tree Preservation Order No. 567 (2015) be confirmed without modification.”

Upon being put to the vote, 5 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

(The Tree Protection Officer and the Appellants returned to the meeting room for the decision to be announced.)

Resolved:

That Tree Preservation Order No. 567 (2015) be confirmed without modification.

Chairman

(The meeting ended at 3.54 p.m.)

**Any queries regarding these Minutes, please contact
Jane Glenton, Democratic Services: telephone (01524) 582068 or email
jglenton@lancaster.gov.uk**

APPEALS COMMITTEE

Tree Preservation Order No. 589 (2016) 24 April 2017

Report of Democratic Services Manager

PURPOSE OF REPORT

To enable Members to consider the objections received to Tree Preservation Order No. 589 (2016) in connection with trees established within and on land immediately adjacent to The Corner House, Woodwell Lane, Silverdale, and thereafter whether or not to confirm the Order.

This matter will be dealt with in accordance with the adopted procedure for considering matters relating to individual applications, that is, the relevant matters for consideration by the Committee will be presented in the public part of the meeting, and the decision will be made after the exclusion of the press and public, on the basis that, in making its decision, the Committee will receive exempt information in the form of legal advice on possible legal proceedings arising from the decision (Paragraph 5A of Schedule 12A of the Local Government Act 1972) as amended by the Local Government (Access to Information) (Variation) Order 2006.

RECOMMENDATIONS

That Members consider the objections to Tree Preservation Order No. 589 (2016) in connection with trees established within and on land immediately adjacent to The Corner House, Woodwell Lane, Silverdale, and decide whether or not to confirm the Order.

1.0 Introduction

- 1.1 Under Section 198 of the Town and Country Planning Act 1990, the Local Planning Authority may make an Order in respect of a tree or group of trees if it appears that it is expedient in the interests of amenity to make provision for the protection of trees in their area.
- 1.2 In accordance with the Town and Country Planning (Tree Preservation Order) Regulations 2012, objections have been received to Tree Preservation Order No. 589 (2016), which have been made in relation to individual trees located within and on land immediately adjacent to The Corner House, Woodwell Lane, Silverdale.
- 1.3 In accordance with the Regulations, it is necessary to consider the objections, and in order for the objections to be considered objectively, the matter is referred to the Appeals Committee.
- 1.4 The report of the City Council's Tree Protection Officer is attached (pages 16 to 19).

Appended to the report are:

- Appendix 1 - *Copy of the original Tree Preservation Order No. 589 (2016) (pages 20 to 22);*

- Appendix 2 – *Aerial Photograph of The Corner House, dated 2013, illustrating the extent of tree cover prior to the recent removals of trees and vegetation from within and adjacent to the site, and the importance of adjacent trees and their contribution to tree cover within the wider locality (page 23);*
- Appendix 3 – *Initial report of the Tree Protection Officer (pages 24 to 25);*
- Appendix 4 – *Tree Evaluation Method for Preservation Orders (TEMPO) (page 26);*
- Appendix 5 – *Letter of objection from Mrs. Adele Higham dated 1 January 2017 and accompanying petition (pages 27 to 32);*
- Appendix 6 – *Letter of objection from Mr. and Mrs. Spenley dated 12 January 2017 (page 33);*
- Appendix 7 - *Lancaster City Council's letter of response to Mrs. Higham dated 9 March 2017 (pages 34 to 35);*
- Appendix 8 - *Lancaster City Council's letter of response to Mr. and Mrs. Spenley dated 9 March 2017 (pages 36 to 37);*
- Appendix 9 - *Letter in support of the application from Mrs. Lucy Scrase dated 1 January 2017 (page 38);*
- Appendix 10 – *Letter in support of the application from Mr. G. Booth and his mother dated 17 February 2017 (pages 39 to 42);*
- Appendix 11 – *Recommended modifications/specification of trees (pages 43 to 44);*
- Appendices 11a to 11d – *Photographs of designated trees (pages 45 to 48).*

2.0 Proposal Details

- 2.1 The purpose of the report is to provide Members with details to enable them to decide whether or not to confirm Tree Preservation Order No. 589 (2016).

3.0 Details of Consultation

- 3.1 Tree Preservation Order No. 589 (2016) was made and advertised in the usual way, and two letters of objection and a petition were received.

4.0 Options

- (1) To confirm Tree Preservation Order No. 589 (2016) -
- (a) Without modification;
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 589 (2016).

5.0 Conclusion

- 5.1 In the light of information contained within the report and its appendices, together with legal advice given at Committee and a site visit, Members are requested to determine whether or not to confirm Tree Preservation Order No. 589 (2016).

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Not applicable.

LEGAL IMPLICATIONS

A Legal Officer will be present at the meeting to advise the Committee

FINANCIAL IMPLICATIONS

Not applicable.

BACKGROUND PAPERS

Tree Preservation Order No. 589 (2016)

Contact Officer: Jane Glenton

Telephone: (01524) 582068

Email: jglenton@lancaster.gov.uk

Ref: JEG

Contact: Maxine Knagg
Telephone: 01524 582381
FAX: 01524 582323
Email: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: TPO470/2010/MK

Regeneration & Policy Service
Development Management
PO Box 4
Town Hall
Lancaster
LA1 1QR

Date: 10th April 2017

Appeals Committee (TPO)

Trees subject of the Appeals Committee – Trees established within and on land immediately adjacent to The Corner House, Woodwell Lane, Silverdale subject to **Tree Preservation Order no. 589 (2016)**.

This report has been produced by Maxine Knagg (BSc Hons Arboriculture), Tree Protection Officer, Lancaster City Council.

1.0 Purpose of Report

1.1 This report relates to a single tree established within the curtilage of The Corner House, Woodwell Lane, Silverdale and woodland trees established on immediately adjacent land, understood to be under the control of the local Parish Council. The Appeals Committee are to consider whether the TPO should be confirmed without modification, confirmed with modifications or not confirmed. A copy of Tree Preservation Order no.589 (2016) is available at **appendix 1**.

2.0 Background

2.1 Woodwell Lane and Lindeth Road lie within Arnside & Silverdale Area of Outstanding Natural Beauty (AONB). Both highways benefit from the presence of relatively large, early mature and mature trees, and vegetation. The whole area is characterised by belts and compartments of woodland trees which spill into private amenity space. Trees in this locality make a significant contribution to the character and appearance of the immediate locality and that of the wider AONB.

2.2 Lancaster City Council received a complaint from a member of the public in December 2016. The complaint centred on a concern that a large number of trees had been felled from within the curtilage of The Corner House, Woodwell Lane, Silverdale and that remaining trees were considered to be

under threat from removal or inappropriate management. There was a sense of urgency surrounding the removal of what was considered by the complainant to have been a relatively large number of trees, including the removal of a tree established on the local Parish Council land.

- 2.3 As a result an Emergency TPO was made and served to safeguard the remaining trees as a matter of urgency. The remaining trees were protected with immediate effect and designated as an Area, in effect all trees established within Area 1 (A1) of the TPO were protected.
- 2.4 Trees subject of TPO no 589 (2016), make an important contribution to the character and appearance of the immediate and wider locality. They are entirely in keeping with the wider AONB and have the potential to support a range of wildlife communities, including protected species, such as nesting birds and bats. Both groups are protected under the Wildlife & Countryside Act (as amended 2010) 1981.

3.0 Threat to Trees

- 3.1 In the view of the Secretary of State, a TPO should be used to protect selected trees and woodland, if their removal would have a significant impact on the local environment and its enjoyment by the public. Local Planning Authorities (LPAs) should be able to show that a reasonable degree of public benefit would accrue before the TPOs are made or confirmed. The trees or woodland or at least part of them should therefore normally be visible from a public place, such as a road or footpath, although the inclusion of other trees maybe justified. The benefit may be present or future: trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore, or future development: the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland maybe collective only. Other factors such as importance as a wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO. A tree that is dead or in a dangerous condition is exempt from a TPO.
- 3.2 With this in mind, LPAs are advised to develop ways of assessing the 'amenity value' of trees in a structured and consistent way, taking into account the visibility of trees from a public vantage point: the individual impact of a tree or the collective impact of a group of trees: in addition to the wider impact of trees, their significance to their local surroundings taking into account their suitability to their particular setting, as well as the presence of other trees in the vicinity.
- 3.3 Expediency must also be assessed. The Secretary of State considers that it may be expedient to make a TPO, if the LPA believe there is a risk of the tree or woodland being cut down or pruned in ways which would have a significant impact on the amenity of the area. Importantly, it is not necessary for the risk to be immediate. In some cases, the LPA may believe that certain trees are at risk from development pressures. The LPA may have some other reason to believe that trees are at risk: changes in property ownership are widely recognised as potential threats to trees and woodlands, particularly as intentions to fell trees are not always known in advance and so the protection of selected trees by a precautionary TPO might be considered expedient.

- 3.4 Given the number of trees removed from The Corner House, and at least one tree was removed outside the curtilage of the property and the adverse impact that has had on the character and appearance of the wider locality and AONB. Lancaster City Council consider their action to protect existing trees with a TPO to be an entirely justifiable course of action.
- 3.5 An aerial photograph of The Corner House, dated 2013, illustrates the extent of tree cover prior to the recent removals of trees and vegetation from within and adjacent to the site. It also illustrates the importance of adjacent trees and their contribution to tree cover within the wider locality **appendix 2**.

4.0 Assessment

- 4.1 A copy of my initial report is available at **appendix 3**.
- 4.2 A copy of the Tree Evaluation Method for Preservation Orders (TEMPO) is available at **appendix 4**. A cumulative score of 17 was achieved, indicating that at the time of the initial assessment the trees in question “Definitely Merit” protection within a TPO.
- 4.3 Lancaster City Council uses a Tree Evaluation Method for Preservation Orders (TEMPO) to demonstrate a structured and consistent approach to the assessment of trees and woodlands in relation to their suitability for inclusion within a TPO. This system, when used by an individual suitably trained and experienced in the assessment of trees, can be a useful tool to demonstrate key elements of the decision making process, resulting in a final total score and outcome indicator. The system in itself is not a decision making process.
- 4.4 In addition to their amenity value. The trees in question are an important resource for wildlife providing essential habitat and foraging opportunities, for a potential range of species, including protected species, such as nesting birds and bats, both of which are protected under the Wildlife & Countryside Act 1981.

5.0 Tree Preservation Order no. 589 (2016)

- 5.1 Tree Preservation Order no. 589 (2016) was made on 5th December 2016, as an Emergency Area Order, following a complaint from a member of the public that a large number of trees had been removed from within the property and a tree removed from Parish Council land, adjacent to the property. Concerns were expressed that other Parish Council trees may also be at risk of removal without formal protection.

6.0 Objections to TPO no. 589 (2016)

- 6.1 Lancaster City Council has received a letter of objection from Mrs Adele Higham. This letter dated 1st January 2017, was accompanied by a petition supporting the objection to the order. Lancaster City Council received a letter of objection from Mr & Mrs Spenley, dated 12th January 2017. A copy of both letters and petition can be read in full at **appendix 5** and **appendix 6** respectively.

- 6.2 A copy of Lancaster City Council's letters of response to Mrs Higham and to Mr & Mrs Spenley, both dated 9th March 2017, can be read in full at **appendix 7** and **appendix 8** respectively.
- 6.3 Lancaster City Council received two letters in support of the order from Mrs Lucy Scrase, dated 1st January 2017, and from Mr G Booth and his mother, dated 17th February 2017. Both letters can be read in full at **appendix 9** and **appendix 10** respectively.

7.0 Decision to Serve TPO no.567 (2015)

- 7.1 The original order was made and designated as an 'Area', encompassing all trees within the designated area. It would now be appropriate to re designate the trees in question.
- 7.2 Lancaster City Council recommends the trees in question are designated as two individual trees, T1, Ash, T2, Holly, W1 & W2, two compartments of mixed species woodland trees, **appendices 11 – 11d**. Dominant species are ash, sycamore, cherry and elm. However, whatever species are present today and whatever species colonise the area in the future will be protected under the woodland designation.
- 7.3 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of trees identified as **T1, T2, W1** and **W2** under sections 198, 201 and 203 of the Town & Country Planning Act 1990. It is recommended that the TPO is confirmed without modifications.

Lancaster City Council cite the following reasons.

- important visual amenity shared from the public domain
- significant contribution to the character and appearance of the immediate locality and wider Area of Outstanding Natural Beauty
- significant potential to provide important habitat and resources for a range of protected and unprotected wildlife communities
- potential threat from removal or inappropriate management in the future given the loss of trees in December 2016

The trees in question have sufficient amenity value and importance within the landscape and are under potential threat from removal or inappropriate management to justify their protection with TPO no. 589 (2016).

- 7.4 As such, Lancaster City Council recommends that TPO no. 589 (2016) be confirmed with modifications to change the existing Area designation to that of two individual trees, **T1 & T2** and two woodland compartments **W1 & W2**, in the interest of amenity and wildlife benefit.

Maxine Knagg BSc (Hons) Arboriculture

Tree Protection Officer, Regeneration & Planning Service

On behalf of Lancaster City Council

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 589(2016)

---00000---

RELATING TO:
Tree Preservation Order No. 589(2016), The Corner House And Adjacent Parish Council Land,
Woodwell Lane, Silverdale

PO BOX 4
TOWN HALL
LANCASTER
LA1 1QR

TOWN AND COUNTRY PLANNING ACT 1990

**LANCASTER CITY COUNCIL
TREE PRESERVATION ORDER NO. 589(2016)**

The City Council of Lancaster, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 hereby make the following Order:

Citation

1. This Order may be cited as Tree Preservation Order No. 589(2016), "Tree Preservation Order No. 589(2016), The Corner House And Adjacent Parish Council Land, Woodwell Lane, Silverdale" 5th December 2016.

Interpretation

2. (1) In this Order "the authority" means the Lancaster City 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 2011.

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 5th December 2016

Signed on behalf of the Lancaster City Council:

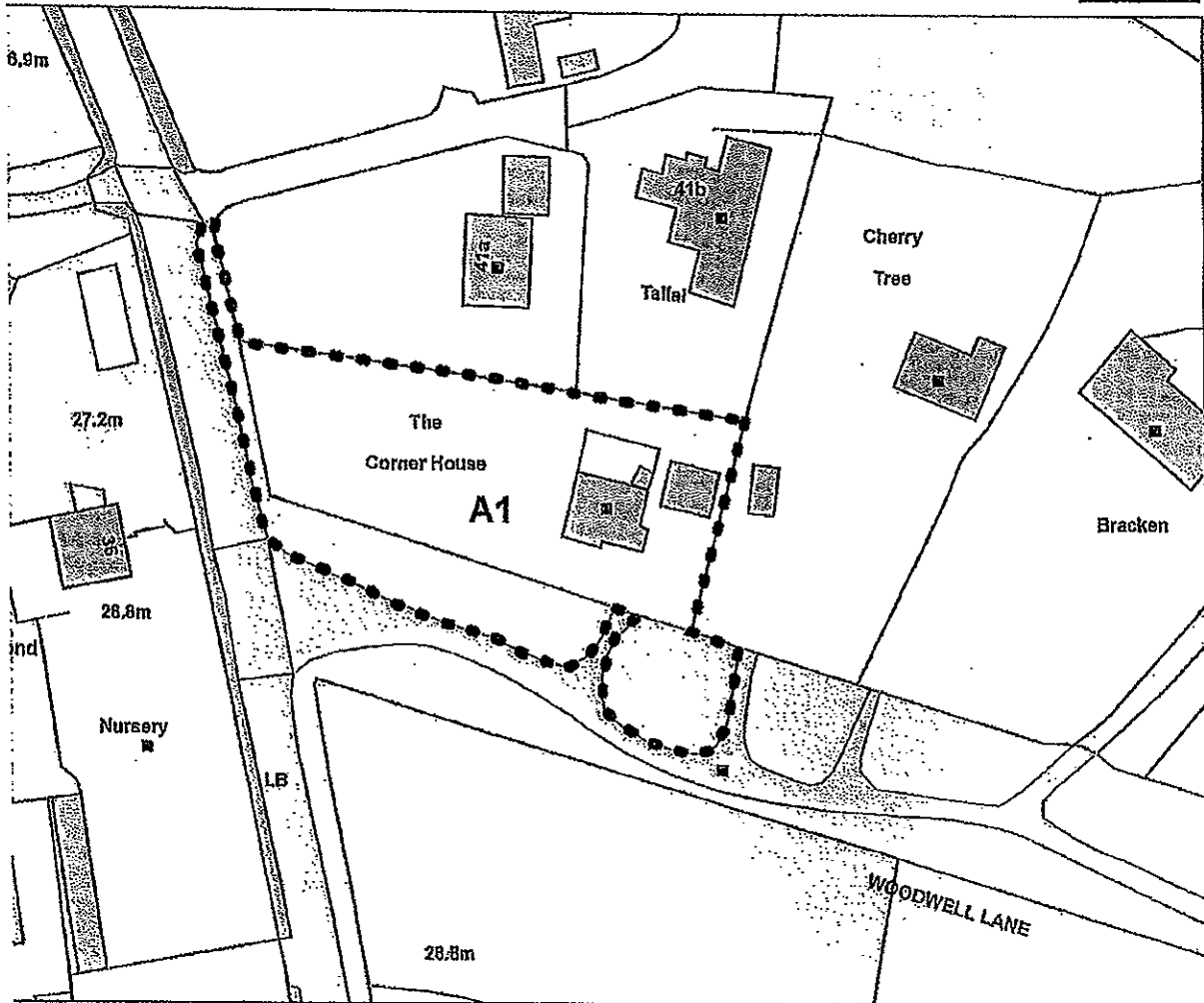


Andrew Dobson DipEP MRTPI PDDMS
CHIEF OFFICER (REGENERATION AND PLANNING)
Authorised by the Council to sign in that behalf

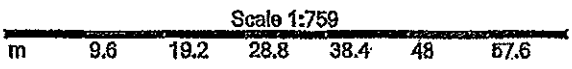
pp

TPO No. 589(2016)

The Corner House, Woodwell Lane, Silverdale



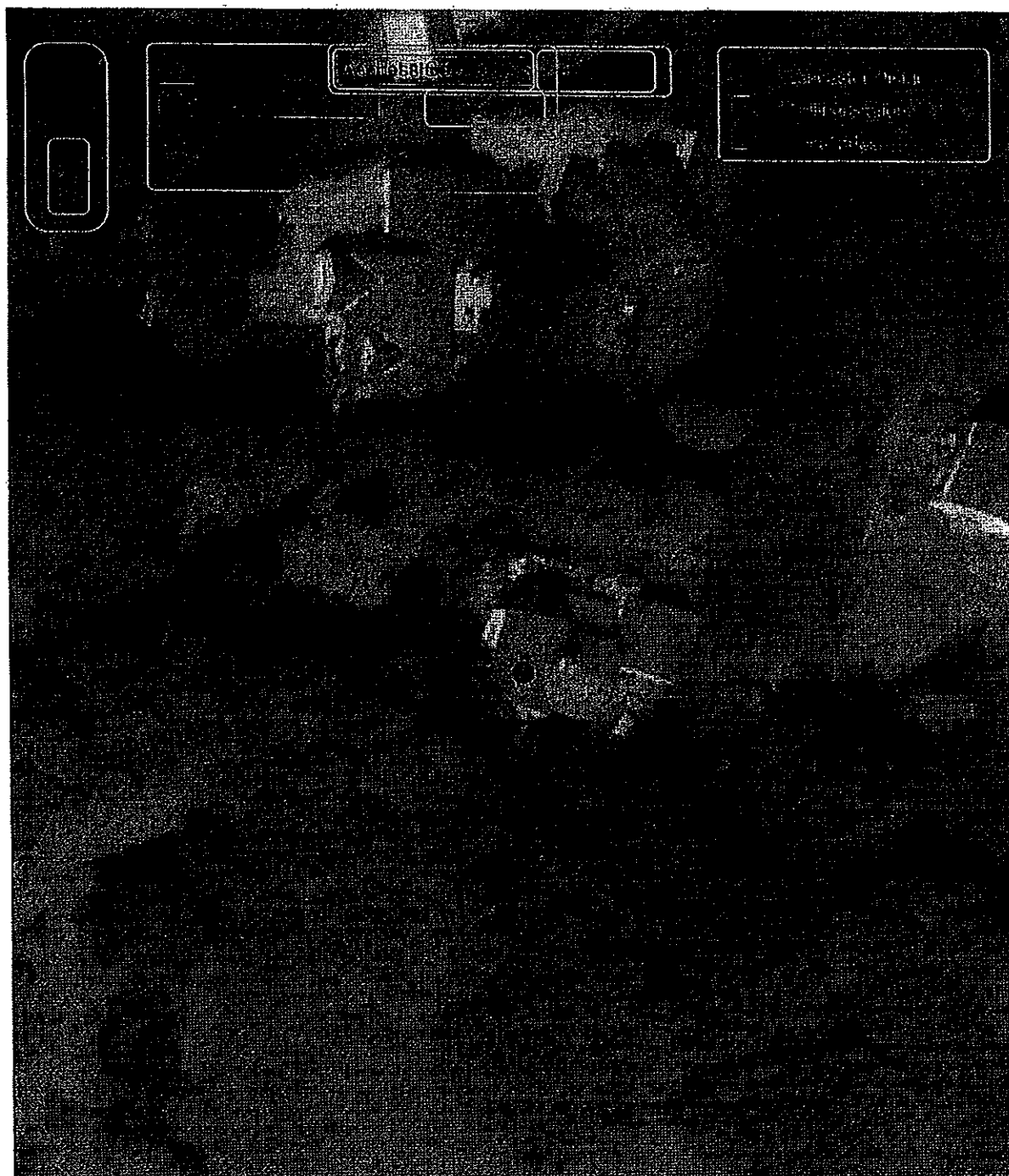
Legend



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	05 December 2016
SLA Number	Not Set



Blue circle identifies The Corner House
 Woodwell Lane
 Silverdale
 LAS OTZ

Site: The Corner House, and Council Land, Woodwell Lane, Silverdale
Proposed Tree Preservation Order (TPO): no.589 (2016)

Assessment:

I have assessed trees at the above site following notification by a member of the public that a large number of trees had been recently felled and that further removals may have been planned.

Some of the trees were established within the curtilage of The Corner House and on adjacent land under the ownership and control of the local Parish Council. The owner of The Corner House is understood to have carried out or arranged for the trees to be felled, including those alleged to have been growing on Council land.

At that time the trees in question were not protected in law, as such written notification or authorisation was not required prior to felling the trees from within the curtilage of the private residential property.

If trees were found to have been removed from the Parish Council land, this is a matter that the Council may wish to consider further.

Trees

It was evident during the site visit that trees had been removed from within and outside the curtilage of The Corner House, Woodwell Lane.

The remaining trees, x1 within The Corner House and the remainder growing on Council land outside the boundary of the private property were assessed for their suitability to be protected with a Tree Preservation Order.

All of the trees in question can be clearly seen from a number of locations within the wider public domain. Collectively they make an important contribution to the character and appearance of the immediate locality.

In addition, they have the potential to offer important opportunities for a range of wildlife, with the potential to provide habitat and foraging opportunities for protected species, including nesting birds and bats. Both groups are protected under the Wildlife & Countryside Act 1981 (as amended 2010).

The trees in question have been assessed using a TEMPO system, and have attained a score of 17, meriting protection by a TPO.

Recommendation:

It Lancaster City Council's intention to serve trees within A1, whatever species are present with Tree Preservation Order no.589 (2016), as an emergency order, in the interest of amenity and wildlife value. The remaining trees are considered to be under threat from removal.

Title	Tree Preservation Order no.589 (2016)
Grounds	In the interests of amenity and wildlife benefit, under threat from removal
Designation	A1 – Whatever species are present
Site	The Corner House, & Council Land, Woodwell Lane, Silverdale
Threat	From removal

**Maxine Knagg BSc Arboriculture
Tree Protection Officer
Regeneration & Planning Service**

Date: 05.12.16

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 05.12.16	Surveyor: M Knagg
Tree details TPO Ref: 589 (2016) sycamore	Tree/Group No: Whatever species present, includes

Part 1: Amenity assessment

a) Condition & suitability for TPO:
Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

Score & Notes 3 – Long periods of useful remaining life potential, if under good arboriculture control
--

b) Remaining longevity (in years) & suitability for TPO:
Refer to 'Species Guide' section in Guidance Note

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

Score & Notes 4 – 40-100+ years

c) Relative public visibility & suitability for TPO:
Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

Score & Notes 4 – Trees can be seen from a range of locations within the wider public domain
--

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

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees 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

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Score & Notes 5 – Section 211 notification received to fell trees

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total: 17

Decision: Merits TPO

The Corner House
Woodwell Lane
Silverdale
Carnforth
LA5 0TZ

Mr. Andrew Dobson,
Chief Officer (Regeneration and Planning)
P O Box 4
Town Hall
Lancaster
LA1 1QR

1st January 2017

Dear Mr. Dobson,

Re: Tree Preservation Order No. 589(2016).

Trees Specified: All those referred to in the Schedule of the above TPO.

I wish to formally object to the above TPO for the reasons and on the grounds detailed below. This objection is supported by the many local residents who have signed the attached objection form.

History. The grounds of The Corner House have been completely neglected for many years due to mental health and financial reasons of the previous owners and have been allowed to become completely overgrown with non-native fir type trees. This has been to the detriment of not only The Corner House but also 41a Lindeth Road, 41b Lindeth Road and 39 Lindeth Road. Due to the uncontrolled growth of these trees, they have blocked natural light and natural warmth from the sun and have created a damp and cold environment affecting these 4 properties which has also given rise to a detrimental negative visual appearance making these houses look neglected, created damp roof interiors and damp outbuildings.

Accredited professional contractors have been engaged to properly and carefully remove the offending trees within the curtilage of The Corner House.

In addition, after consultation with the Parish Council, a small number of trees were identified on the 'Verge' of Woodwell Lane which for various good reasons the Parish Council confirmed should be removed. These were removed by the same professional contractors, at my own expense, in order to save the Parish Council the cost, time, inconvenience and liability.

All local residents affected have confirmed their support and sincere gratitude for the removal of these trees.

There are no trees within the curtilage of The Corner House of any intrinsic value, visual or otherwise.

Following this, I have donated all of the wood harvested by the felling, to the local Silverdale Wood Bank, to help to support those in need, and have further assisted by employing staff to haul and help load the wood into the Parish Council's trailer for its transportation.

It is my intention to regenerate life back into The Corner House and its grounds for my personal residence, reinstate and improve the property carefully in keeping with its surroundings and part of this plan is to newly introduce native local species into strategic positions within the property.

The proposed TPO serves no conservation benefit whatsoever to The Corner House as it stands now, and if it applies to future planting, is likely to have a negative effect in as much as it will prevent me from planting new trees if I will have no free and unencumbered control over their future management.

Also, the proposed TPO covering the 'Verge', which is under the control and management of the Parish Council, would only serve to take away from that Parish Council the trust that it can be capable of preserving and looking after trees within its own responsibility. The Parish Council, already under-manned and under-funded, will be forced to either spend undue and unnecessary time and money following the drawn out procedures to get permissions to take actions to manage their own trees, or, just neglect their trees, leaving them to grow unmanaged and uncontrolled which would be detrimental to the visual amenity of the area and could well lead to incidents, accidents, liability and financial loss to the Parish Council.

Regarding the trees remaining within the curtilage of The Corner House:

- 1/ They have no relevant Biological life expectancy.
- 2/ They have no relevant Safe useful life expectancy.
- 3/ They have no Importance of position in the landscape.
- 4/ They have no Visual amenity value to people.
- 5/ They have no relevance in relation to the Presence of other trees.
- 6/ They have no Relation to the setting.
- 7/ They have no useful or outstanding Condition and form.

Regarding the TPO as far as it affects The Corner House, I request that it be removed in full.

Regarding the TPO on the verge adjoining The Corner House, I request that the Council review whether this is necessary, or beneficial, on any level.

I will be pleased to meet with you to discuss these issues further.

Yours sincerely,

A large black rectangular redaction box covering the signature of Adele Higham.

Adele Higham (Mrs).

Enclosed: TPO Objection form with 20+ signatures.

Document is Restricted

**41a Lindeth Road
Silverdale
Carnforth
LA5 0TX**

12th January, 2017

Lancaster City Council,
Development Management,
PO Box 4,
Town Hall,
Lancaster.
LA1 1QR.

Dear Sir,

**Tree Preservation Order 589 (2016), The Corner House and Adjacent
Parish Council Land, Woodwell Lane, Silverdale.**

I wish to object to the above order.

As only one tree remains in the garden of 'The Corner House', this order now only serves to prevent any future tree planting.

Previously, an impenetrable 60ft. 'hedge' of 27 conifers ran along the boundary of The Corner House and 41a, Lindeth Road; this was arguably illegal (Leylandii law) and certainly deleterious to all tree growth in the vicinity. Their clearance is thus of huge benefit.

With regard to the continuation of the order to the frontage of 41a, I have no intention of cutting down the sole holly tree; however, the low growth now presents a traffic hazard and needs to be trimmed. I have received a complaint from my neighbour of a near accident he recently experienced.

Yours faithfully,

Norman Spenley
Irene Spenley

Contact: Maxine Knagg
Telephone: (01524) 582384
Fax: (01524) 582323
E-mail: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk

Mrs A Higham
The Corner House
Woodwell Lane
Silverdale
Lancashire
LA5 0TZ

Regeneration & Planning Service
Development Management
PO Box 4
Town Hall
Lancaster
LA1 1QR

Date: 9th March 2017

Dear Mrs Higham,

Re: Letter & petition in objection to Tree Preservation Order No.589 (2016) – Trees at The Corner House and Parish Council Land, Woodwell Lane, Silverdale

Further to your letter dated 1st January 2017, accompanied by a petition, in objection to the above tree preservation order (TPO), specifically that affecting your property – The Corner House, Woodwell Lane, Silverdale.

You commented that the tree preservation order serves only to prevent future tree planting within your property. It is difficult to understand why you would consider this to be the case. A TPO does not prevent new trees from being planted. It is in fact used oppositely, to ensure new trees are planted where a protected tree has previously been agreed for removal by the local authority.

There are no constraints affecting your ability to undertake new tree/shrub/hedge planting within the curtilage of your property. The majority of trees subject of the above order are established on Parish Council (PC) land. The TPO prevents the removal or inappropriate management of trees from the verge without written authorisation from Lancaster City Council. In effect safeguarding trees which do not belong to you for the benefit of all.

If the PC wish to have works considered, they will be required to make a formal application to Lancaster City Council, in the same way that you would in relation to the solitary protected tree within your property.

A TPO does not prevent reasonable and appropriate management from being undertaken. Forms and further information are available online at www.lancaster.gov.uk. The application process is simple and free from charge.

It may have been prudent for you and the Parish Council, if works were agreed by the PC, to flag up the intended tree works with the local authority given that the loss of so many trees in a relatively small area and within an Area of Outstanding Natural Beauty would have generated concern locally, particularly given the significant potential for harm, in terms of public amenity and wildlife value. You were not of course legally obliged to do so at that time.

A TPO Appeals Hearing will be arranged, you will be advised of the arrangements in due course.

Yours sincerely,

Maxine Knagg

**Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer**

**Regeneration Service
Development Management
Lancaster City Council**

Contact: Maxine Knagg
Telephone: (01524) 582384
Fax: (01524) 582323
E-mail: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk

Mr & Mrs Spenley
41 a Lindeth Road
Silverdale
Lancashire
LA5 0TX

Regeneration & Planning Service
Development Management
PO Box 4
Town Hall
Lancaster
LA1 1QR

Date: 9th March 2017

Dear Mr & Mrs Spenley,

Re: Objection to Tree Preservation Order No.589 (2016) – Trees at The Corner House and Parish Council Land, Woodwell Lane, Silverdale

Further to your letter dated 12th January 2017, in objection to the above tree preservation order (TPO).

You commented that as there is only one tree left within The Corner House, and that the tree preservation order now serves to only prevent future tree planting. It is difficult to understand why you would consider this to be the case. A TPO does not prevent new trees from being planted. It is in fact used in the exact the opposite way to legally require a new tree(s) to be planted where a protected tree has previously been agreed for removal by the local authority.

Secondly, there is no law to prevent hedges from being allowed to grow in height, whether to 2m or 20m. A hedge growing along the boundary of The Corner House, would have provided a high degree of screening to the property and greening to the wider public domain. Importantly, trees and hedges recently felled would also have provided important foraging and habitat opportunities for wildlife, including protected species such as nesting birds and bats, both groups are protected under the Wildlife & Countryside Act 1981 (amended 2010).

Furthermore, the property is established within Arnside & Silverdale Area of Outstanding Natural Beauty (AONB). Trees are an important component of the AONB, within a diverse range of locations. The scale of trees felled from what is a relatively small area, has significant potential for harm, in terms of the character and appearance of the wider public area and to wildlife communities.

You are advised that a tree preservation order does not prevent appropriate tree maintenance works from being undertaken. You are however, required to obtain written

authorisation from the local authority prior to undertaking the proposed works. Forms and further information is available online at www.lancaster.gov.uk. There is no charge associated with this application process.

Yours sincerely,

Maxine Knagg

**Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer**

**Regeneration Service
Development Management
Lancaster City Council**

Cherry Trees
Woodwell Lane
Silverdale
Lancashire
LA5 0TZ

1st January 2017

To Whom It May Concern,

Ref: Tree Preservation Order 589(2016) – The Corner House and Adjacent Parish Council Land,
Woodwell Lane, Silverdale

As owner of the neighboring property, I wish to comment on the above Tree Protection Order (TPO).

I wish to express a degree of unease as to the extent of the felling on the Corner House Plot. While I appreciate the garden had been neglected and there was possibly some felling to be done, it appears that the entire plot has effectively been 'bulldozed'. At this point in time I am unaware of the intentions for this plot in terms of future development/s as no planning applications have been published, however, the recent 'landscaping' appears to presuppose them. Also, being a private property, I am unsure of the extent of current TPO remit on the plot, hence I am unable to make any informed comment on this part of the order at this juncture.

That said, the felling on the adjoining Parish Council land does necessitate comment. My initial concern has turned to objection following being presented with a petition seeking to remove the current TPO status for the areas outlined in the map 589(2016). This evening I was approached to sign the petition – for which there was reportedly "lots of support... and many signatures". I objected on two counts: firstly, since almost all the trees on the Corner House have been felled, one can only assume that the motivation to remove the TPO protection would be to continue felling on the verge side. Secondly, to the best of my knowledge none of the residents of Woodwell Lane or surrounding properties have signed the petition. If indeed the petition is submitted it would not reflect the views of those directly affected.

I am mindful that the country landscape has to be managed and maintained and this may include selective felling, lopping and coppicing where necessary. With this in mind, the two pine trees felled on the Parish Council land may have been necessary. However, this should be the formal sanctioned of the Parish Council and relevant bodies – it is unclear if this has been the case. More concerning is the felling of a line of trees on the verge directly opposite the two felled pines (this may have gone unnoticed on a site visit). The motivation for felling trees not adjoining the property is unclear yet it raises concerns for the remaining trees on the lane. Had residents not intervened the extent of which may have been even more dramatic (if it is decided these trees were 'unlawfully' felled then I would expect a sanction such as new saplings being planted to be imposed).

It has taken a certain amount of courage to write such a letter as I do not wish to set-off on an ill-footing with new neighbors, however, I do feel that the matter regarding the verges needs to be formally reviewed by the necessary authorities.

Yours sincerely

Lucy Scrase

GUY BOOTH

WOOD END, WOODWELL LANE, SILVERDALE, LANCASHIRE
LA5 0TZ UJKJ

Tel/Fax: 01524 702 312 Mobile: 07929 872 770 e-mail: gb.guybooth@zen.co.uk

17 FEBRUARY 2017

Maxine Knagg
Tree Preservation Officer
Lancaster City Council Planning Department
Town Hall
Marine Road East
Morecambe LA4 5AF

Dear Ms Knagg,

RECENT TPO: WOODWELL LANE, SILVERDALE - CONFUSION RESOLVED

I am grateful for your time last Thursday, [16th February] when I called-in at Morecambe Town Hall to clear what I shall describe as 'local misunderstanding' relating to a TPO involving the owners of The Corner House*, Woodwell Lane, Silverdale LA5 0TZ.

You outlined to me the actual situation so that I am now *in no doubt* of the intention of the TPO concerned. There has been recent local speculation that the owner of The Corner House [who I have not yet met], had got-up a petition with the aim of having every tree along Woodwell Lane felled. A notion that I find [as does my mother, Mrs Dorothy Booth (architect), part owner with myself of Wood End, Woodwell Lane,] questionable, if not *bizarre*. Your advice during our conversation has reassured myself and my mother that no such aim is the intention of the owner of The Corner House.

You explained that the owner of The Corner House has officially objected to the TPO in question, and has supported that objection with a petition - I gather there are about 25 signatures on this document. To object is the right of the owner of The Corner House for private reasons that are none of my business.

Without prejudice, and on behalf of my mother, Mrs Dorothy Booth, I confirm that we support the TPO in question. We only add that we are not averse to a properly planned woodland management scheme along Woodwell Lane, carried out by professional tree surgeons approved by Lancaster City Council. The lane needs such management, as do most of the woodland areas of the Silverdale and Arnside AONB, as you agreed with me during our meeting.

Copy to: N/A

Guy Booth B.A., B.Arch

File Ref: TPO-Woodwelllane01.Docx

17 February 2017

The end result of such a project would be to enhance the tranquil wooded beauty of Woodwell Lane and leave visitors, residents along the lane, and locals, exclaiming, "You'd never think anything had been touched!"

I enclose a series of 26 photographs with this letter [on disk, as we agreed] that show your department, and maybe interested Councillors, the beauty and the condition of the trees along Woodwell Lane. There are shots [15, 16, 26] of the wooded area adjacent to my home, Wood End, where it would be possible, funds permitting, to create a Visitor Car Park that would save the present mess cars make by Wood Well. We, at Wood End, would have no objection to such a scheme, provided that the layout of the car park did not encroach too near our boundary wall - say a minimum of 6 meters space between the wall and the car park.

My architectural experience, including Urban Design, tells me that such a scheme would benefit Silverdale by attracting visitors who can enjoy this lovely corner of North Lancashire all the better.

I trust that this letter will be of positive value to yourself, your department and to Councillors that have to make decisions relating to Tree Preservation Orders.

Yours sincerely,



Guy Booth

Enc.

The CD enclosed shows 26 shots of Woodwell Lane: shots 1 and 2 from Wood End; Shots 15, 16 & 26 the area re my suggestion for a properly designed Visitor Car Park to avoid the mess by Wood Well. I trust that the sequence shows the tranquil wooded beauty of Woodwell Lane, also that responsible woodland management is required, funds permitting.

Should Councillors wish to visit Woodwell Lane, they are always welcome to call-in at Wood End. GB.

* *The Corner House* was designed by no less than Thomas Mawson, who designed Grey Walls for the Sharps. The Corner House was part of the scheme as the home of the Sharp's butler, Mr. Jenner, who was left the house for his retirement until he died. We knew the Sharps as we well knew Mr. Jenner. We have the history of The Corner House from the Mawson archive. GB

Copy to: N/A.

Guy Booth: B.A., B.Arch

File Ref: TPO-Woodwelllane01.Docx

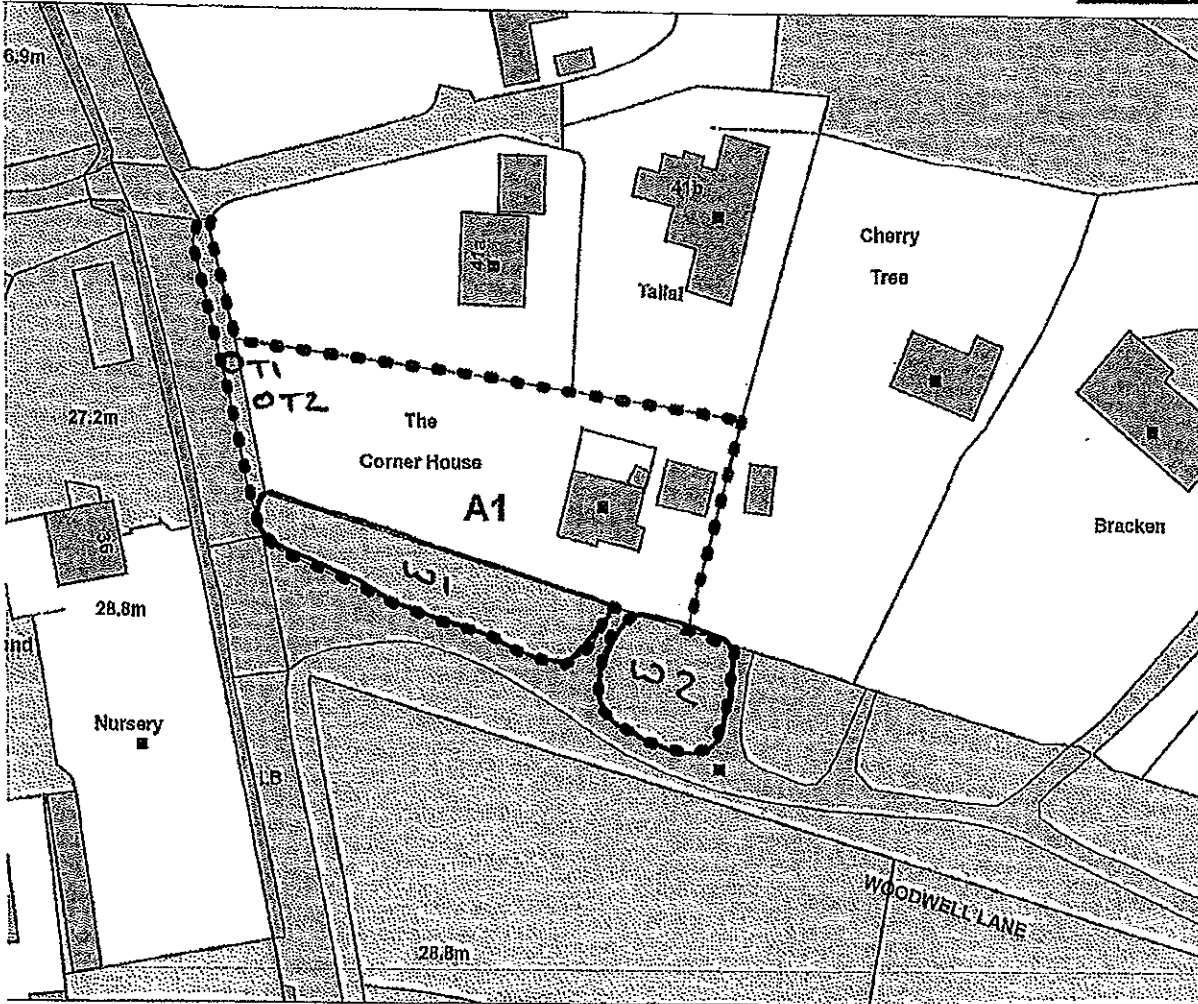
17 February 2017



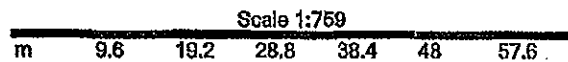


TPO No. 589(2016)

The Corner House, Woodwell Lane, Silverdale



Legend



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	05 December 2016
SLA Number	Not Set

SCHEDULE

Specification of Trees

TREE PRESERVATION ORDER NO. 589(2016)

Tree Preservation Order No. 589(2016), The Corner House And Adjacent Parish Council Land,
Woodwell Lane, Silverdale

TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

TREES SPECIFIED BY REFERENCE TO AN AREA

(Shown within a dotted black line on map)

Reference on Map	Description	Situation	(E) 346251	(N) 474438
A1	Whatever species contained within the area A1	Centred on grid ref:		

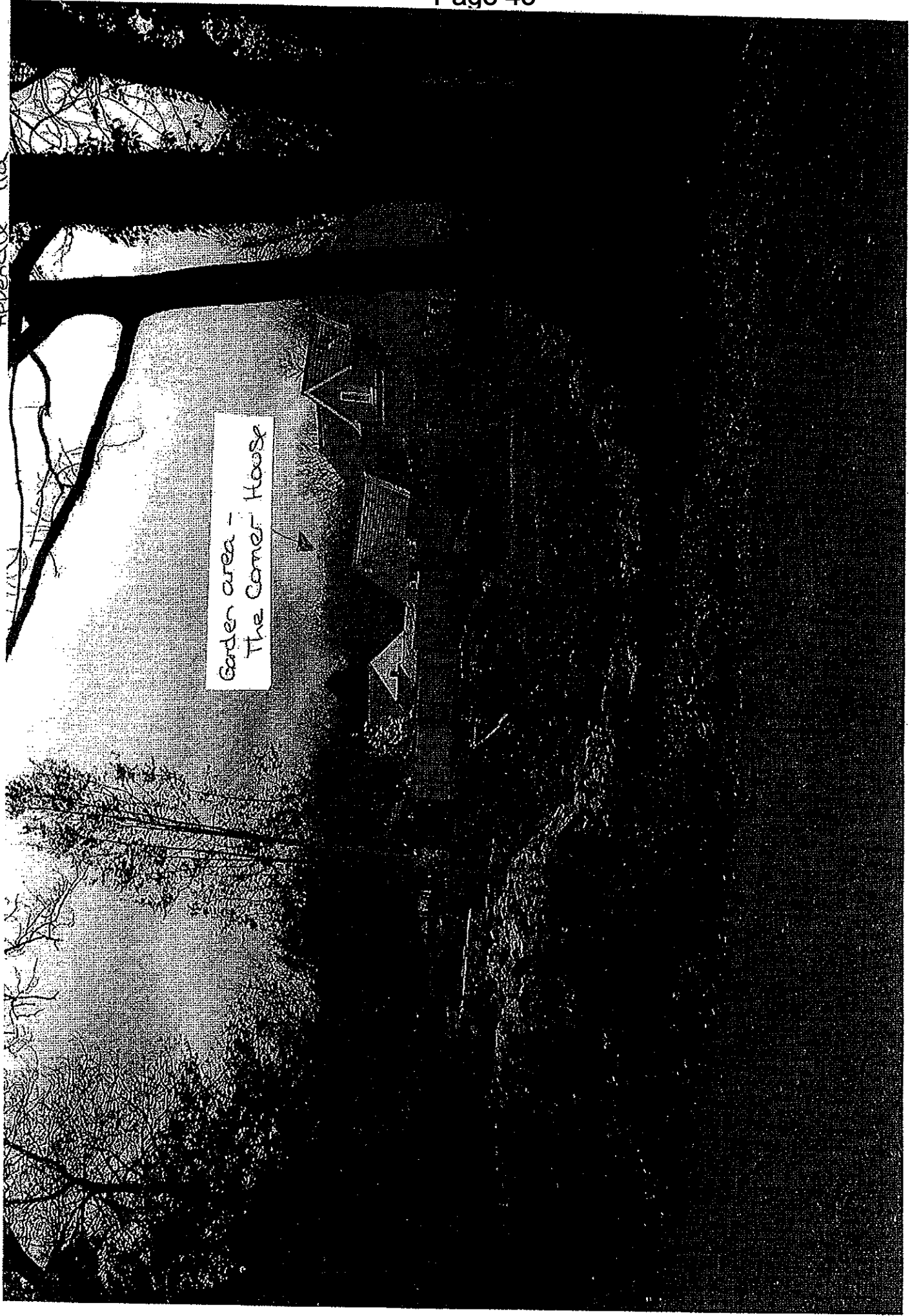
GROUP OF TREES

(Shown within a broken black line on map)

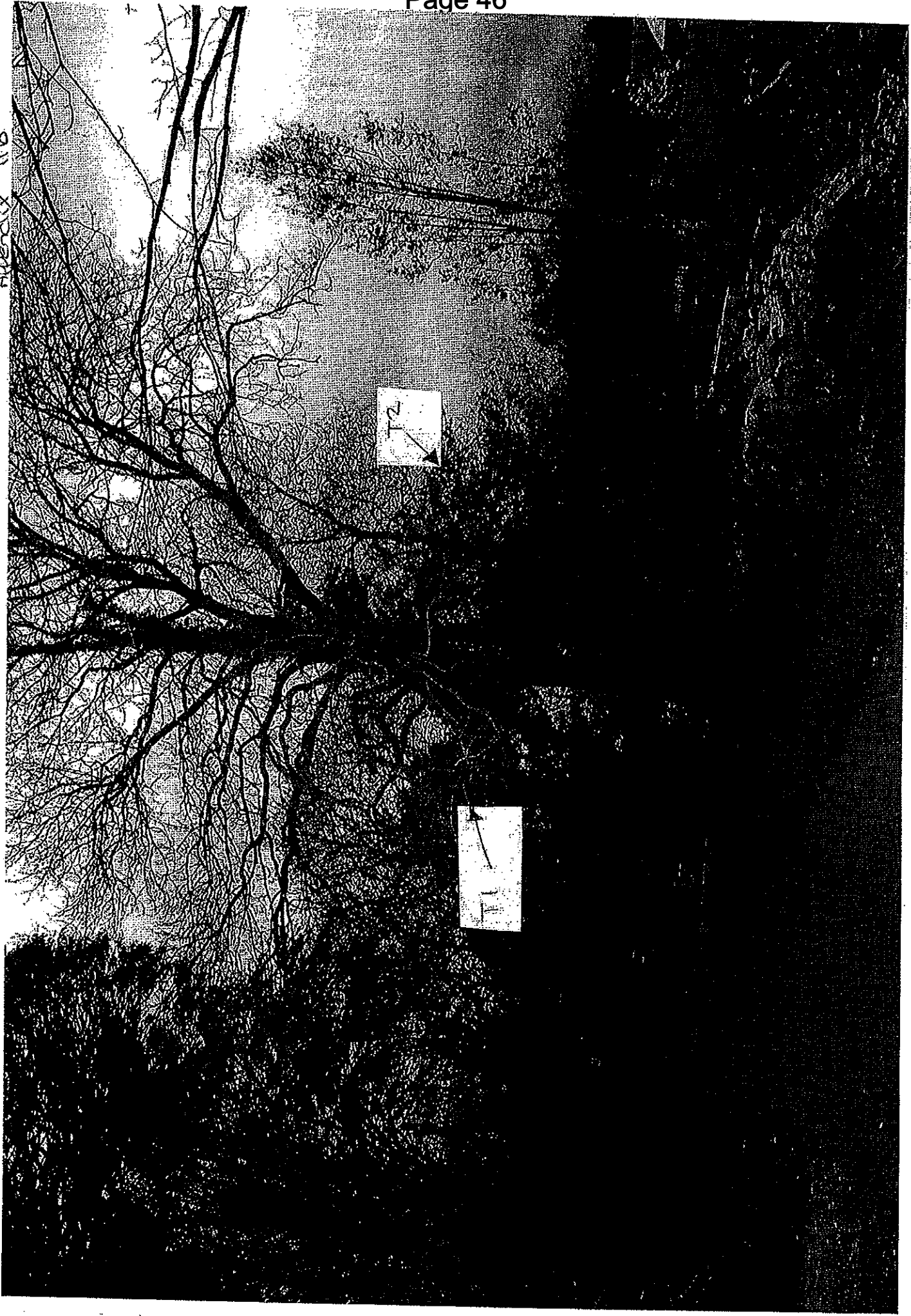
WOODLAND

(Shown within a solid black line on map)

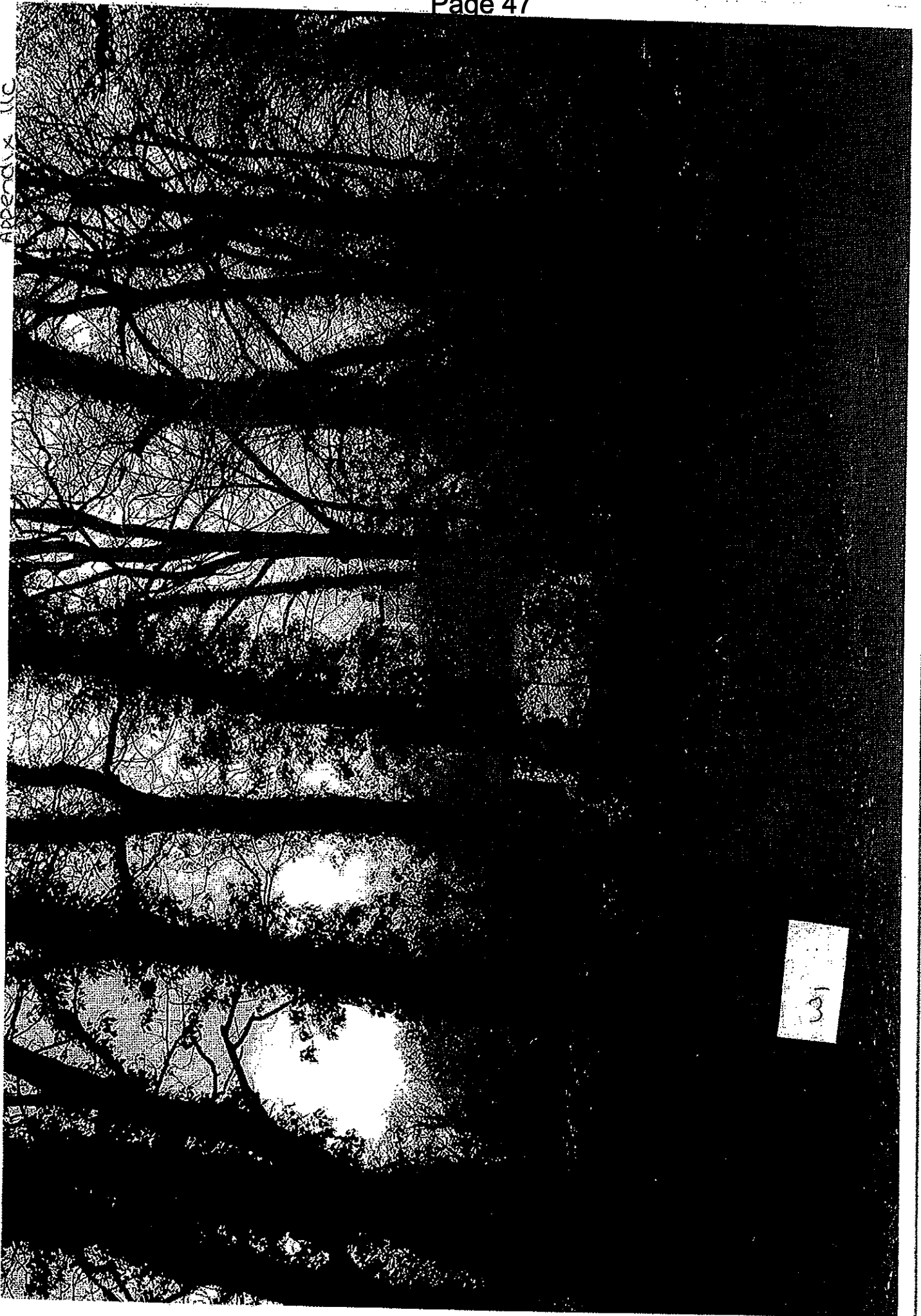
Appendix 11a



Appendix 11b

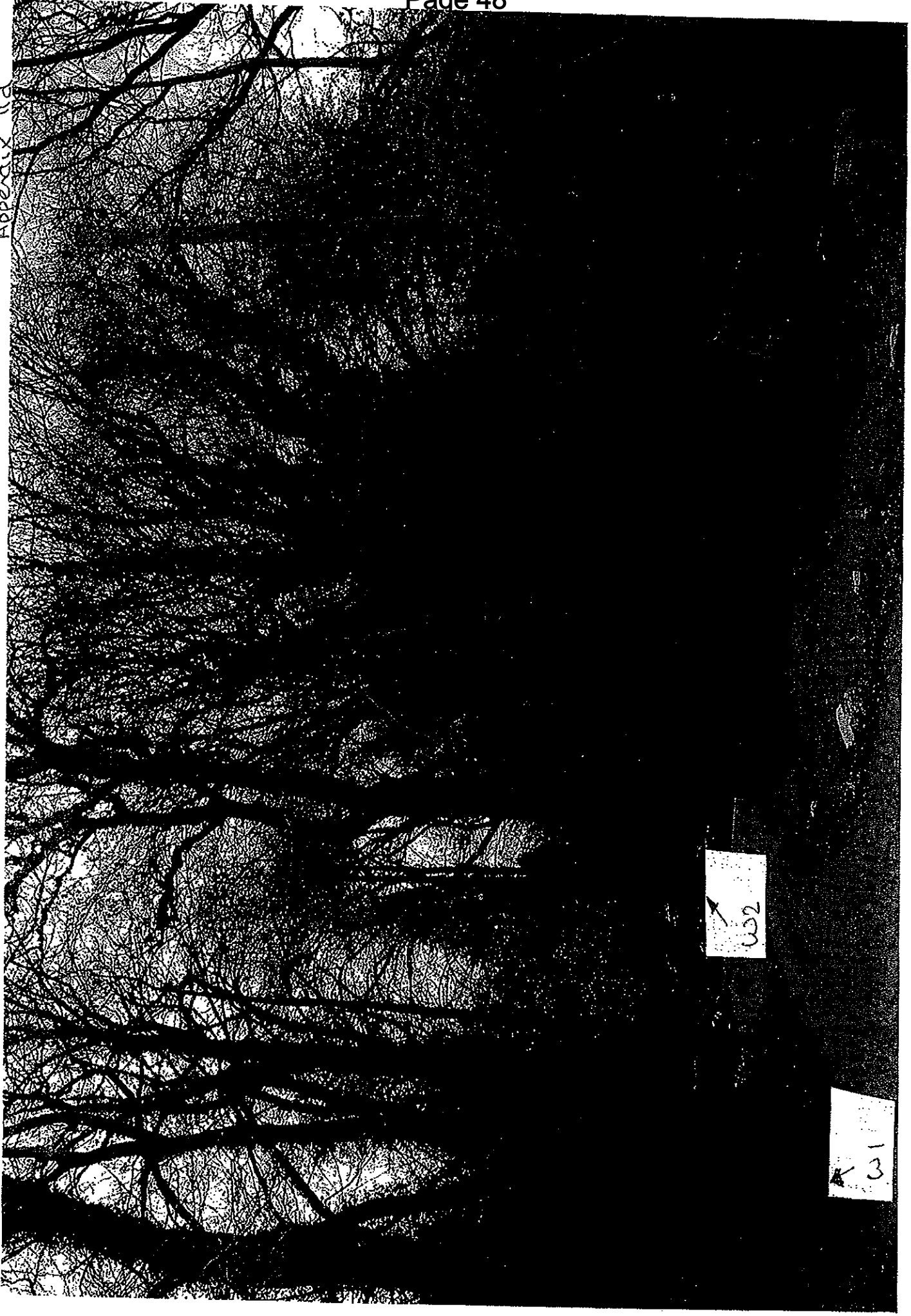


Appendix 11C



3

Appendix 11d



U32

3

Small vertical text along the right edge of the page, likely a page number or document identifier.

APPEALS COMMITTEE

Tree Preservation Order No. 595 (2017)

24 April 2017

Report of Democratic Services Manager

PURPOSE OF REPORT

To enable Members to consider the objection received to Tree Preservation Order No. 595 (2017) relating to a single mature beech tree established within the curtilage of 51 Meadow Park, Galgate, and thereafter whether or not to confirm the Order.

This matter will be dealt with in accordance with the adopted procedure for considering matters relating to individual applications, that is, the relevant matters for consideration by the Committee will be presented in the public part of the meeting, and the decision will be made after the exclusion of the press and public, on the basis that, in making its decision, the Committee will receive exempt information in the form of legal advice on possible legal proceedings arising from the decision (Paragraph 5A of Schedule 12A of the Local Government Act 1972) as amended by the Local Government (Access to Information) (Variation) Order 2006.

RECOMMENDATIONS

That Members consider the objection to Tree Preservation Order No. 595 (2017) relating to a single mature beech tree established within the curtilage of 51 Meadow Park, Galgate, and decide whether or not to confirm the Order.

1.0 Introduction

- 1.1 Under Section 198 of the Town and Country Planning Act 1990, the Local Planning Authority may make an Order in respect of a tree or group of trees if it appears that it is expedient in the interests of amenity to make provision for the protection of trees in their area.
- 1.2 In accordance with the Town and Country Planning (Tree Preservation Order) Regulations 2012, an objections has been received to Tree Preservation Order No. 595 (2017), which has been made in relation to a single mature beech tree established within the curtilage of 51 Meadow Park, Galgate.
- 1.3 In accordance with the Regulations, it is necessary to consider the objection, and in order for the objection to be considered objectively, the matter is referred to the Appeals Committee.
- 1.4 The report of the City Council's Tree Protection Officer is attached (pages 51 to 54).

Appended to the report are:

- Appendix 1 - *Copy of the original Tree Preservation Order No. 595 (2017) (pages 55 to 58);*

- Appendix 2 - *Tree Protection Officer's Initial Report dated 7 February 2017 (page 59)*;
- Appendix 3 – *Tree Evaluation Method for Preservation Orders (TEMPO) (page 60)*;
- Appendix 4 – *Letter of Objection from Mr. A. J. Hargreaves dated 2 March 2017 (page 61)*;
- Appendix 5 – *Lancaster City Council's Letter in Response dated 9 March 2017 (pages 62 to 63)*.

2.0 Proposal Details

2.1 The purpose of the report is to provide Members with details to enable them to decide whether or not to confirm Tree Preservation Order No. 595 (2017).

3.0 Details of Consultation

3.1 Tree Preservation Order No. 595 (2017) was made and advertised in the usual way, and an objection was received.

4.0 Options

- (1) To confirm Tree Preservation Order No. 595 (2017) -
 - (a) Without modification;
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 595 (2017).

5.0 Conclusion

5.1 In the light of information contained within the report and its appendices, together with legal advice given at Committee and a site visit, Members are requested to determine whether or not to confirm Tree Preservation Order No. 595 (2017).

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) Not applicable.	
LEGAL IMPLICATIONS A Legal Officer will be present at the meeting to advise the Committee	
FINANCIAL IMPLICATIONS Not applicable.	
BACKGROUND PAPERS Tree Preservation Order No. 595 (2017)	Contact Officer: Jane Glenton Telephone: (01524) 582068 Email: jglenton@lancaster.gov.uk Ref: JEG

Contact: Maxine Knagg
Telephone: 01524 582381
FAX: 01524 582323
Email: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: TPO470/2010/MK

Regeneration & Policy Service
Development Management
PO Box 4
Town Hall
Lancaster
LA1 1QR

Date: 10th April 2017

Appeals Committee (TPO)

Tree subject of the Appeals Committee – A single mature beech tree established within the curtilage of 51 Meadow Park, Galgate, subject to **Tree Preservation Order no. 595 (2017)**.

This report has been produced by Maxine Knagg (BSc Hons Arboriculture), Tree Protection Officer, Lancaster City Council.

1.0 Purpose of Report

1.1 This report relates to a single mature beech tree, established within the rear garden of the above property with respect to the above tree preservation order. The Appeals Committee are to consider whether the TPO should be confirmed without modification, confirmed with modifications or not confirmed. A copy of Tree Preservation Order no. 595 (2017) is available at **appendix 1**.

2.0 Background

2.1 The site is a residential property that backs onto Lancaster Canal. The canal is a biologically sensitive location, designated a Biological Heritage Site (BHS). Trees are an important component feature of the BHS in a range of locations along the canal. Trees along the canal make an important contribution to the green wildlife corridor established along the canal.

2.2 The tree in question (T1) is growing at the furthest point from the main dwelling, and sits immediately adjacent to the canal. It can be seen from the wider public domain, notably from the waterway and its associated towpath, and, as such, makes an important contribution to the character and appearance of the wider public domain.

2.3 A tree of this age and size has the potential to offer important habitat and foraging opportunities for a range of wildlife communities, including protected

species. This is particularly important, given the location of the tree adjacent to the waterway. Protected species, such as nesting birds and bats, are protected under the Wildlife & Countryside Act (as amended 2010) 1981.

- 2.4 Lancaster City Council was made aware of concerns from the tree owner that the tree could be under threat from injudicial pruning to control overhanging branches. Heavy or repeated pruning events have the potential to alter the natural shape and appearance of an affected tree, impacting on the tree's future health, vitality, long-term sustainability and amenity value. The tree is established close to a boundary fence. Its size is such that branches from T1 encroach towards the neighbouring property.
- 2.5 In the absence of a tree preservation order, a neighbour has a Common Law Right to prune back any overhanging branches from a tree back to the boundary line and in fulfilling their legal obligation must offer the cut branches back to the tree owner.
- 2.6 A tree preservation order overrides this Common Law Right. Instead, the tree owner or any interested third party is required by law to make a formal application to the local authority to seek written authorisation to carry out works to the tree. This allows the local authority to control the extent of works agreed to protect the future health, vitality, shape and appearance of the tree and, as such, safeguard wider public amenity and wildlife benefit. A TPO does not prevent maintenance works from being undertaken, even to overhanging branches, subject of course to written approval.

3.0 Threat to the Tree

- 3.1 In the view of the Secretary of State, a TPO should be used to protect selected trees and woodland if their removal would have a significant impact on the local environment and its enjoyment by the public. Local Planning Authorities (LPAs) should be able to show that a reasonable degree of public benefit would accrue before the TPOs are made or confirmed. The trees or woodland or at least part of them should therefore normally be visible from a public place, such as a road or footpath, although the inclusion of other trees may be justified. The benefit may be present or future: trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore, or future development: the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors such as importance as a wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO. A tree that is dead or in a dangerous condition is exempt from a TPO.
- 3.2 With this in mind, LPAs are advised to develop ways of assessing the 'amenity value' of trees in a structured and consistent way, taking into account the visibility of trees from a public vantage point: the individual impact of a tree or the collective impact of a group of trees: in addition to the wider impact of trees, their significance to their local surroundings taking into account their suitability to their particular setting, as well as the presence of other trees in the vicinity.
- 3.3 Expediency must also be assessed. The Secretary of State considers that it may be expedient to make a TPO if the LPA believe there is a risk of the tree

or woodland being cut down or pruned in ways which would have a significant impact on the amenity of the area. Importantly, it is not necessary for the risk to be immediate. In some cases, the LPA may believe that certain trees are at risk from development pressures. The LPA may have some other reason to believe that trees are at risk: changes in property ownership are widely recognised as potential threats to trees and woodlands, particularly as intentions to fell trees are not always known in advance and so the protection of selected trees by a precautionary TPO might be considered expedient.

- 3.4 The potential for injudicial pruning to eliminate overhanging branches from T1 is present. Beech trees are a species that are intolerant of heavy pruning events. They recover slowly, if at all, and are at an increased risk of invasion by pest and disease following heavy or repeated pruning events, with an adverse impact upon their long-term sustainability.

4.0 Assessment

- 4.1 A copy of my initial report, dated 7th February 2017, is available at **appendix 2**.
- 4.2 A copy of the Tree Evaluation Method for Preservation Orders (TEMPO) is available at **appendix 3**. A cumulative score of 14 was achieved, indicating that at the time of the initial assessment the tree in question merits protection with a TPO, as a precaution - "TPO is Defensible".
- 4.3 Lancaster City Council uses a TEMPO to demonstrate a structured and consistent approach to the assessment of trees and woodlands in relation to their suitability for inclusion within a TPO. This system, when used by an individual suitably trained and experienced in the assessment of trees, can be a useful tool to demonstrate key elements of the decision making process, resulting in a final total score and outcome indicator. The system in itself is not a decision making process.
- 4.4 In addition to the public amenity value of T1, it offers a range of important resources for wildlife providing essential habitat and foraging opportunities, including significant potential to provide important resources for protected species, such as nesting birds and bats, both of which are protected under the Wildlife & Countryside Act 1981. The presence of Lancaster Canal increases the wildlife potential of the tree, particularly for birds and bats.

5.0 Tree Preservation Order no. 595 (2017)

- 5.1 Tree Preservation Order no. 595 (2017) was made on 7th February 2017, following an assessment.
- 5.2 The beech tree in question (T1) has been identified as a tree of good condition, with sufficient public amenity value and wildlife benefit to justify its protection with a tree preservation order as a precaution. The order has been served to protect the tree from the potential of injudicial pruning events with the potential to alter its natural character and visual appearance, and for an adverse impact upon tree health, vitality and public amenity and wildlife benefit.

6.0 Objection to TPO no. 595 (2017)

- 6.1 Lancaster City Council has received a letter of objection to Tree Preservation Order no. 595 (2017) from Mr. A. J. Hargreaves, 35 Lichfield Road, Galgate, detailed in his letter dated 2nd March 2017. Mr. Hargreaves lives immediately next door to the property in which T1 is established. A copy of Mr. Hargreaves' letter can be read in full at **appendix 4**.
- 6.2 A copy of Lancaster City Council's letter of response, dated 9th March 2017, can be read in full at **appendix 5**.

7.0 Decision to Serve TPO no. 595 (2017)

- 7.1 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of a single mature beech tree identified as T1 under sections 198, 201 and 203 of the Town & Country Planning Act 1990. It is recommended that the TPO is confirmed without modification.

Lancaster City Council cite the following reasons.

- important visual amenity shared from the public domain
- significant contribution to the character and appearance of the site and wider locality, established immediately adjacent to Lancaster Canal, designated a Biological Heritage Site (BHS)
- potential to provide important habitat and foraging opportunities for a range of protected and unprotected wildlife communities
- potential threat to the character and appearance of the tree, its future health, vitality and long-term sustainability from inappropriate management to control overhanging branches.

The tree in question has sufficient amenity value and importance within the landscape and is under potential threat from removal or inappropriate management to justify its protection with TPO no. 595 (2017).

- 7.4 As such, Lancaster City Council recommends that TPO no. 595 (2017) be confirmed without modification as a precaution.

Maxine Knagg BSc (Hons) Arboriculture

Tree Protection Officer, Regeneration & Planning Service
On behalf of Lancaster City Council

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 595 (2017)

---ooOoo---

RELATING TO:
Tree Preservation Order No. 595 (2017) - 51 Meadow Park, Galgate

PO BOX 4
TOWN HALL
LANCASTER
LA1 1QR

TOWN AND COUNTRY PLANNING ACT 1990
LANCASTER CITY COUNCIL
TREE PRESERVATION ORDER NO. 595 (2017)

The City Council of Lancaster, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 hereby make the following Order:

Citation

1. This Order may be cited as Tree Preservation Order No. 595 (2017) at 51 Meadow Park, Galgate", 7th February 2017.

Interpretation

2. (1) In this Order "the authority" means the Lancaster City 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 2011.

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 7 February 2017

Signed on behalf of the Lancaster City Council:



Andrew Dobson DipEP MRTPI PDDMS
CHIEF OFFICER (REGENERATION AND PLANNING)
Authorised by the Council to sign in that behalf

SCHEDULE

Specification of Trees

TREE PRESERVATION ORDER NO. 595(2017)

Tree Preservation Order No. 595 (2017) at 51 Meadow Park, Galgate, Lancaster

TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

Reference on Map	Description	Situation
T1	Beech	Centred on (E) 347695 (N) 455683 grid ref:

TREES SPECIFIED BY REFERENCE TO AN AREA

(Shown within a dotted black line on map)

GROUP OF TREES

(Shown within a broken black line on map)

WOODLAND

(Shown within a solid black line on map)

TPO595 (2017)

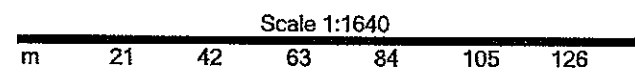
51 Meadow Park, Galgate



GIS by ESRI (UK)



Legend



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	07 February 2017
SLA Number	Not Set

Site: 51 Meadow Park, Galgate, LA2 0NH
Proposed Tree Preservation Order (TPO): no.595 (2017)

Assessment:

I have assessed a large, mature beech tree established within the curtilage of the above property.

Trees

The tree is established to the rear of the above property, close to Lancaster Canal. The canal is designated a Biological Heritage Site (BHS). Trees are an important element of the BHS, contributing to the development and maintenance of green corridors along the canal and the creation of important opportunities for wildlife.

The beech tree in question has the potential to provide habitat and foraging opportunities for protected species, such as nesting birds and bats, both groups are protected under the Wildlife & Countryside Act 1981 (as amended (2010)).

The tree is highly visible from the wider public domain, notably the foot and tow path along the canal. The tree has grown to attain large proportions, such that it is now a dominant landscape feature.

The new tree preservation order is a precautionary step to ensure the safe retention and protection of this important tree long into the future, subject to its continued good health, vitality and stability.

The trees in question have been assessed using a TEMPO system, and has attained a score of 14, TPO defensible.

Recommendation:

If Lancaster City Council's intention to serve T1, Beech with Tree Preservation Order no.595 (2017), in the interest of amenity and wildlife value.

Title	Tree Preservation Order no.595(2017)
Grounds	In the interests of amenity and wildlife benefit, as a precaution
Designation	T1
Site	51 Meadow Park, Galgate, LA2 0NH

Maxine Knagg BSc Arboriculture
Tree Protection Officer
Regeneration & Planning Service

Date: 07.02.17

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 02.02.17	Surveyor: M Knagg
Tree details	
TPO Ref: 595 (2017)	Tree/Group No: T1, Beech

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

<p>Score & Notes 5 – Long periods of useful remaining life potential, if under good arboriculture control</p>
--

b) Remaining longevity (in years) & suitability for TPO:

Refer to 'Species Guide' section in Guidance Note

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

<p>Score & Notes 2 – 20-40+ years, if under good arboriculture control</p>

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

<p>Score & Notes 5 – Clearly visible from public footpath along canal and waterway</p>

d) Other factors

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

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees 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

<p>Score & Notes 1</p>

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

<p>Score & Notes 1 – Precaution</p>

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

<p>Add Scores for Total: 14</p>
--

<p>Decision: TPO Defensible</p>
--

35 Leachfield Road
Galgate
Lancaster
LA20NX

2.3.17

Your Ref: 595(2017)

Dear Mr Dobson

Re: Tree Preservation Order 595(2017) – 51 Meadow Park, Galgate

Thank you for your letter of 7.2.17.

After careful consideration and discussions with Maxine Knagg, Tree Protection Officer, Steve Edwards, Countryside Officer, Lancashire County Council and Andrew Lee, Bowland Tree Services, I would like to make an objection to the proposed tree preservation order number 595(2017).

The grounds for this objection are that the tree in question has branches that extend a considerable distance over my property, these branches cut out the light therefore nothing grows underneath them. If a tree preservation were to be granted we would have no control over the tree and consequently of this section of our garden. (The tree is closer to my property than 51 Meadow Park.)

Regards amenity value, the tree does not stand in an area of woodland it is within a residential area and as it is on private land no one other than the householders have access to it. Admittedly it is visible to canal users but it is not outstanding in the landscape, rather than be an amenity, over the years its low hanging branches have caused hazard to canal boat users.

I have lived next door to the tree for 33 years, and am a keen birdwatcher, whilst birds do rest in the tree during this time I have never witnessed any birds nesting there, nor has the owl box placed in it ever attracted any owls.

I hope you will take these observations into consideration when making your decision.

Yours sincerely



Mr A J Hargreaves

Mr A Dobson
Lancaster City Council Development Management
PO Box 4
Town Hall
Lancaster
LA1 1QR

Contact: Maxine Knagg
Telephone: (01524) 582384
Fax: (01524) 582323
E-mail: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk

Mr A J Hargreaves
35 Leachfield Road
Galgate
Lancaster
LA2 0NX

Regeneration & Planning Service
Development Management
PO Box 4
Town Hall
Lancaster
LA1 1QR

Date: 9th March 2017

Dear Mr Hargreaves,

Re: Objection to Tree Preservation Order no.595 (2017) – 51 Meadow Park, Galgate

Further to your letter dated 2nd March 2017, in objection to the above tree preservation order (TPO).

The principle reasoning for your objection to the above tree preservation order (TPO), relates to your perception that you have 'no control' over the tree or your garden. You have commented that branches from the tree overhang into your garden and the resulting shade prevents anything from growing beneath. You do not consider the tree to be an outstanding landscape tree, though you concede it can be seen from the canal. The canal is designated a Biological Heritage Site (BHS), trees are an important component feature of the BHS. You state the tree is growing on private land and therefore not accessible to the public.

Inevitably, trees that are established close to a shared boundary line, will have branches that encroach beyond the boundary into the neighbouring property. In the absence of a TPO, a third party neighbour would have the power to exercise their Common Law Right, to prune back overhanging branches back to the boundary line, offering the cut branches back to the owner. A TPO overrides your Common Law Right, you are no longer legally entitled to do this.

In exercising a Common Law Right, many trees can be pruned to such an extent that it has an adverse impact on the character and appearance of the tree, its health, vitality and long term sustainability, many trees will become unbalanced. Unnatural asymmetry in the canopy can lead to an increased failure potential in windy conditions. Furthermore inappropriate management can adversely impact upon the amenity and wildlife benefit of an affected tree. For this reason the beech tree was made subject of the above TPO.

Beech trees in particular, are intolerant to heavy or repeated pruning events. This intolerance increases with age. Resistance to pest and disease can also be reduced and structural problems can stack up for the future.

Please be advised a TPO does not prevent a tree from being pruned. It does however, mean that any party wishing to have works considered must obtain written authorisation from the local authority, with the exception of removing dead branches which do not require authorisation.

It remains the view of Lancaster City Council that the beech tree in question makes sufficient contribution to the character and appearance of the wider public domain and the adjacent Biological Heritage Site – Lancaster Canal, coupled with the potential threat from what may be deemed inappropriate management to justify its inclusion and continued protection with TPO no.595 (2017).

I would be grateful if you would confirm whether you wish to maintain your objection to the order or whether on consideration you wish to withdraw your objection.

In the event that you wish to maintain your opposition to the order, a TPO Appeal Hearing will be arranged and you will be advised of a date in due course.

I look forward to hearing from you in due course.

Yours sincerely,

Maxine Knagg

**Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer**

**Regeneration Service
Development Management
Lancaster City Council**