



Committee: APPEALS COMMITTEE
Date: WEDNESDAY, 8 SEPTEMBER 2010
Venue: LANCASTER TOWN HALL
Time: 2.30 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of the Meeting held on 22 September 2009 (previously circulated).

3. **Items of urgent business authorised by the Chairman**

4. **Declarations of Interest**

MATTERS FOR DECISION:

5. **Tree Preservation Order No. 467 (2010): The proposed wind turbine project site, Lancaster University, Bailrigg Lane, Lancaster (Pages 1 - 30)**

6. **Tree Preservation Order No. 470 (2010): Land between 1 Highdale Place, and 18 Hurstleigh Drive, Mossgate Park, Heysham (Pages 31 - 55)**

7. **Tree Preservation Order No. 472 (2010): Land adjacent to Escow Beck, off Low Road, Halton (Pages 56 - 75)**

ADMINISTRATIVE ARRANGEMENTS

(i) **Membership**

Councillors Sheila Denwood (Chairman), Chris Coates, John Harrison, Helen Helme, David Kerr, Janie Kirkman and Bob Roe

(ii) **Substitute Membership**

Councillors Shirley Burns (Substitute), John Gilbert (Substitute), Karen Leytham (Substitute), Ian McCulloch (Substitute) and Roger Sherlock (Substitute)

(iii) **Queries regarding this Agenda**

Please contact Tom Silvani, Democratic Services.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER LA1 1PJ

Published on 31 August 2010

APPEALS COMMITTEE**TREE PRESERVATION ORDER NO. 467****8 SEPTEMBER 2010****REPORT OF HEAD OF DEMOCRATIC SERVICES****PURPOSE OF REPORT**

To enable Members to consider the objections received to Tree Preservation Order No. 467 (2010): located at the proposed wind turbine project site, Lancaster University, Bailrigg Lane, Lancaster, 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 5 of Schedule 12A of the Local Government Act 1972).

RECOMMENDATIONS

That Members consider the objections to Tree Preservation Order No. 467 (2010): located at the proposed wind turbine project site, Lancaster University, Bailrigg Lane, Lancaster, 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 1999, an objection has been received to Tree Preservation Order No. 467 (2010), which has been made in relation to individual trees located at Lancaster University, Bailrigg Lane, Lancaster.
- 1.3 In accordance with the Regulations, it is necessary to consider the objection, 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 3 to 30).

Appended to the report are:

- Appendix 1 - *Copy of the original Tree Preservation Order No.467 (2010) (page 6);*

- Appendix 2 – *Tree Protection Officer's consultation response to Planning Application no: 10/00039/FUL (page 18)*
- Appendix 3 - *Tree Evaluation Method for Preservation Orders (TEMPO) (page 21)*
- Appendix 4 – *Correspondence and objections in relation to Tree Preservation Order No. 467 (2010). (page 26)*

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. 467 (2010).

3.0 Details of Consultation

3.1 There has not been any consultation at this stage.

4.0 Options

4.1 The Options are:

- (1) To confirm Tree Preservation Order No. 467 (2010)
 - (a) Without modification
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 467 (2010)

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. 467 (2010).

CONCLUSION OF IMPACT ASSESSMENT

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

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

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

BACKGROUND PAPERS

Tree Preservation Order No. 467 (2010)

Contact Officer: Tom Silvani

Telephone: 01524 582132

E-mail: tsilvani@lancaster.gov.uk

Ref: TLS

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: 6th August 2010

Appeals Committee (TPO)

Trees subject of the Appeals Committee – in connection to the proposed wind turbine project site, University Lancaster, Bailrigg Lane, Lancaster – trees subject of **Tree Preservation Order no. 467 (2010)**.

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

1.0 Introduction

1.1 **Site:** The trees in question are established on land under the control of Lancaster University. The site was subject to a planning application (10/00039/FUL) for the erection of two wind turbines; this has subsequently been refused planning permission.

1.2 **Scope and limitation of this report:** This is an arboriculture report restricted to only those trees subject of the Appeals Committee. The information provided within this report has been gathered by means of a preliminary visual tree assessment restricted to ground level observations and inspection at the time of the site visit. A systematic and objective appraisal of the amenity value of the trees has been undertaken using the *Tree Evaluation Method for Preservation Orders (TEMPO)*. It should be noted that trees are dynamic, living organisms subject to changes in weather, climate, pest and disease, development activities and site conditions.

2.0 Site Visit

2.1 **Date:** Undertaken February 2010.

2.2 **Brief Site Description:** The site includes open fields with extensive hedgerows established along the boundaries and three areas of woodland.

3.0 Identification and condition of the trees:

- 3.1 The trees in question are the subject of Tree Preservation Order no. 467 (2010) (appendix 1). The trees have been identified as **T1-T7** and three woodland areas identified as **W1, W2, & W3**
- 3.2 **W1** - (Beck Wood - 2.2 hectares) semi-natural woodland established along the course of a beck and understood to be growing on a former ancient woodland site. Species include sycamore, oak, ash, birch, hawthorn, blackthorn and alder.
- 3.3 **W2** – (North Copse – 0.3 hectares) established outside the development site. The woodland is established around an old pond, upon a mounded area. Species include a veteran oak, ash, beech, sycamore, Scots pine, and birch.
- 3.4 **W3** – (Motorway Wood – 1.8 hectares) this woodland is mixed species deciduous, semi-ancient woodland, including oak, ash, cherry, beech and birch.
- 3.5 **T1-T7** – individual, field grown trees including sycamore, alder, and oak. Several of these trees have been classified as veteran trees or potential veteran status. With the exception of T5 these trees are all in good condition
- 3.5 The Tree Protection Officer provided a consultation response to Planning Application no: 10/00039/FUL. A formal objection was made to the extent of the proposed tree removals, many biologically, historically and environmentally important trees, hedgerows and parts of woodlands were proposed for removal in order to accommodate the erection of the two wind turbines. The Tree Officer determined that the proposed tree removals would have a detrimental and long-term adverse impact on the existing individual trees, hedgerows and woodlands which could not be mitigated by proposed replacement planting (appendix 2).

4.0 Tree Preservation Order

- 4.1 The amenity value of trees within the site has been assessed using an objective and systematic approach (Tree Evaluation Method for Preservation Orders - *TEMPO* system). A score of 15+ was achieved supporting the action of serving a Tree Preservation Order (appendix 3).
- 4.2 Trees within the site and off site contribute significantly to the local amenity by providing the following:
 - highly visible landscape features
 - make an important contribution to the character of the wider area
 - Important historically and biologically – many trees of veteran status/potential veteran status
 - important wildlife resource
- 4.3 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of the trees in question **under sections 198, 201 and 203 of the Town & Country Planning Act 1990.**

Lancaster City Council cite the following reasons.
Trees :

- important visual amenity
- provide cohesion to adjacent woodlands/trees
- important wildlife resource
- under threat from removal, in relation to development proposals with an adverse impact of the locality and wider area

It is my view that the proposed extent of trees removals would have an immediate and long-term adverse impact on the amenity value of the local area; irreplaceable local heritage and important wildlife resources would be lost. As such these trees and woodlands should be protected by serving a Tree Preservation Order.

5.0 Objection to TPO no. 467(2010)

- 5.1 Lancaster City Council has received a written objection from *Segen* the agent acting on behalf of the landowners; dated 10th March 2010. The issues raised in the letter of objection have been addressed in my correspondence dated 3rd June 2010 (appendix 4).

Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer, Development Management
Lancaster City Council

Appendix no. 1

Tree Preservation Order No.467 (2010)

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 467 (2010)

---ooOoo---

I hereby certify that this is a true copy of the original order.

A.M. Kenchington 22/2/10.

RELATING TO TREES LOCATED AT

PROPOSED WIND TURBINE PROJECT SITE
LANCASTER UNIVERSITY
BAILRIGG LANE
LANCASTER

TOWN HALL
LANCASTER
LA1 1PJ

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Sycamore	Land at Lancaster University, Lancaster
T2	Alder	Land at Lancaster University, Lancaster
T3	Oak	Land at Lancaster University, Lancaster
T4	Oak	Land at Lancaster University, Lancaster
T5	Sycamore	Land at Lancaster University, Lancaster
T6	Oak	Land at Lancaster University, Lancaster
T7	Oak	Land at Lancaster University, Lancaster

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
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Groups of trees

(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
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Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
W1	Sycamore, Birch, Alder, Oak, Beech, Rowan, Holly, Hawthorn, Blackthorn	Beck Wood Lancaster University Lancaster
W2	Mixed Species Broadleaf	North Copse Lancaster University Lancaster
W3	Mixed Broadleaf Oak, Ash, Cherry Birch, Beech, Hazel Hawthorn, Holly	Motorway Wood Lancaster University Lancaster

Tree Preservation Order no.467(2010)

Proposed Wind Turbine Project Site
Lancaster University, Bailrigg Lane, Lancaster

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside



Legend

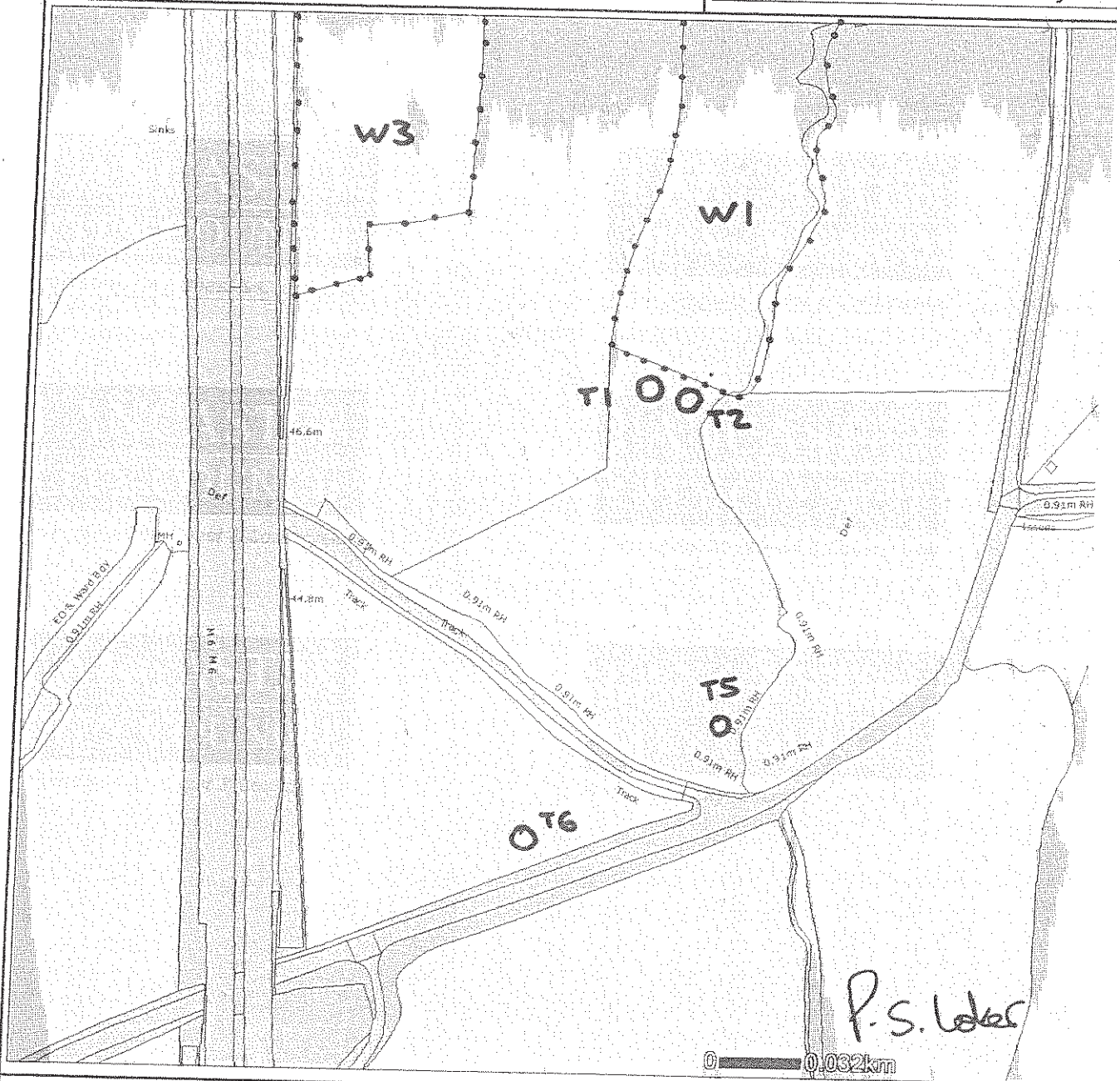
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Tree Preservation Order no.467(2010)

Proposed Wind Turbine Project Site
Lancaster University, Bailrigg Lane, Lancaster

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside



Legend

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Map Information

Scale: 1: 2500

Date: 12.2.2010

Tree Preservation Order no.467(2010)

Proposed Wind Turbine Project Site
Lancaster University, Bailrigg Lane, Lancaster

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside



Legend

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Map Information

Scale:	1: 2500
Date:	12.2.2010

Tree Preservation Order no.467(2010)

Proposed Wind Turbine Project Site
Lancaster University, Bailrigg Lane, Lancaster

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside



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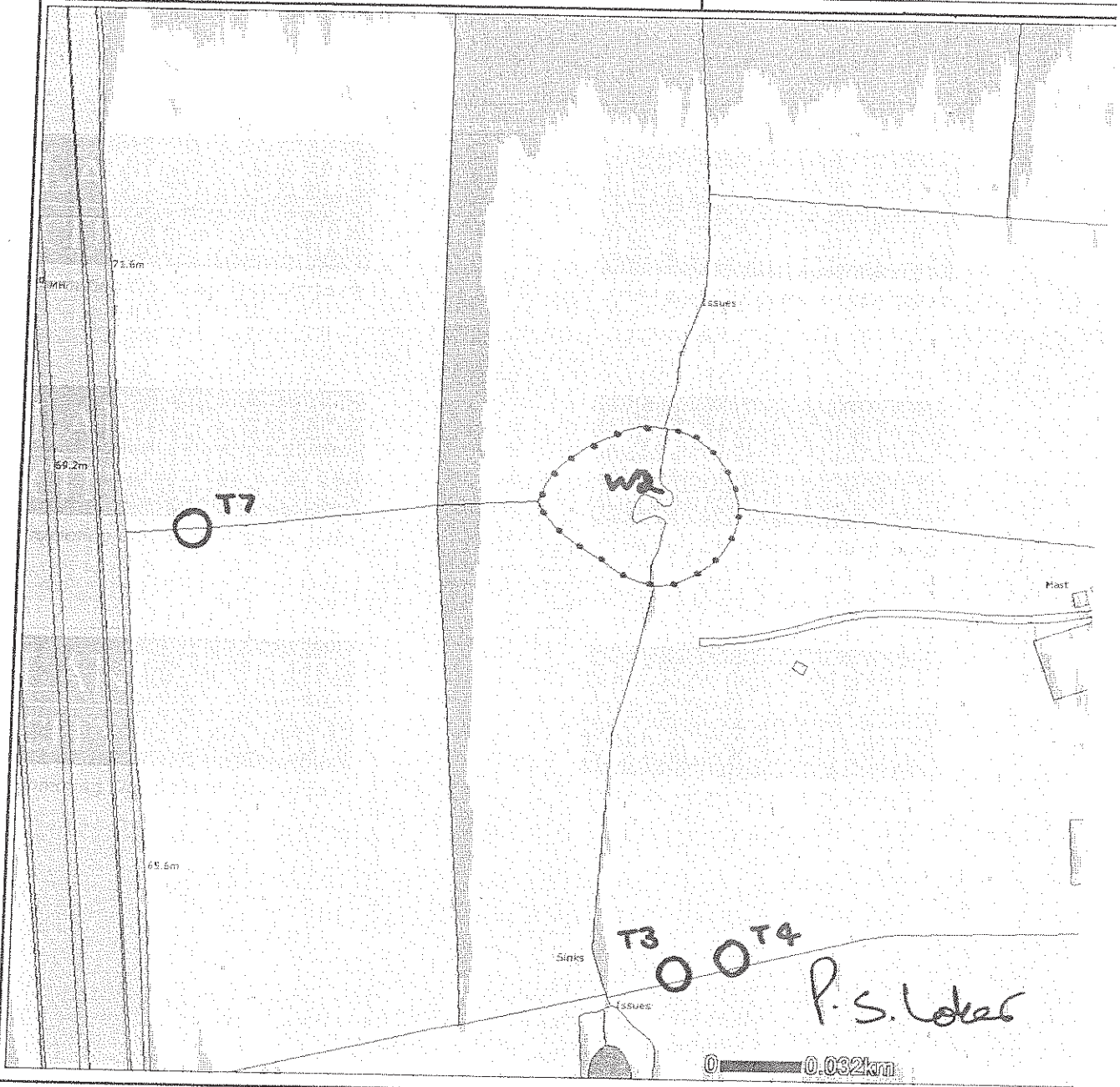
Scale:	1: 2500
Date:	12.2.2010

North Copse - Tree Preservation Order no.467(2010)

Proposed Wind Turbine Project Site
Lancaster University, Bailrigg Lane, Lancaster

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside



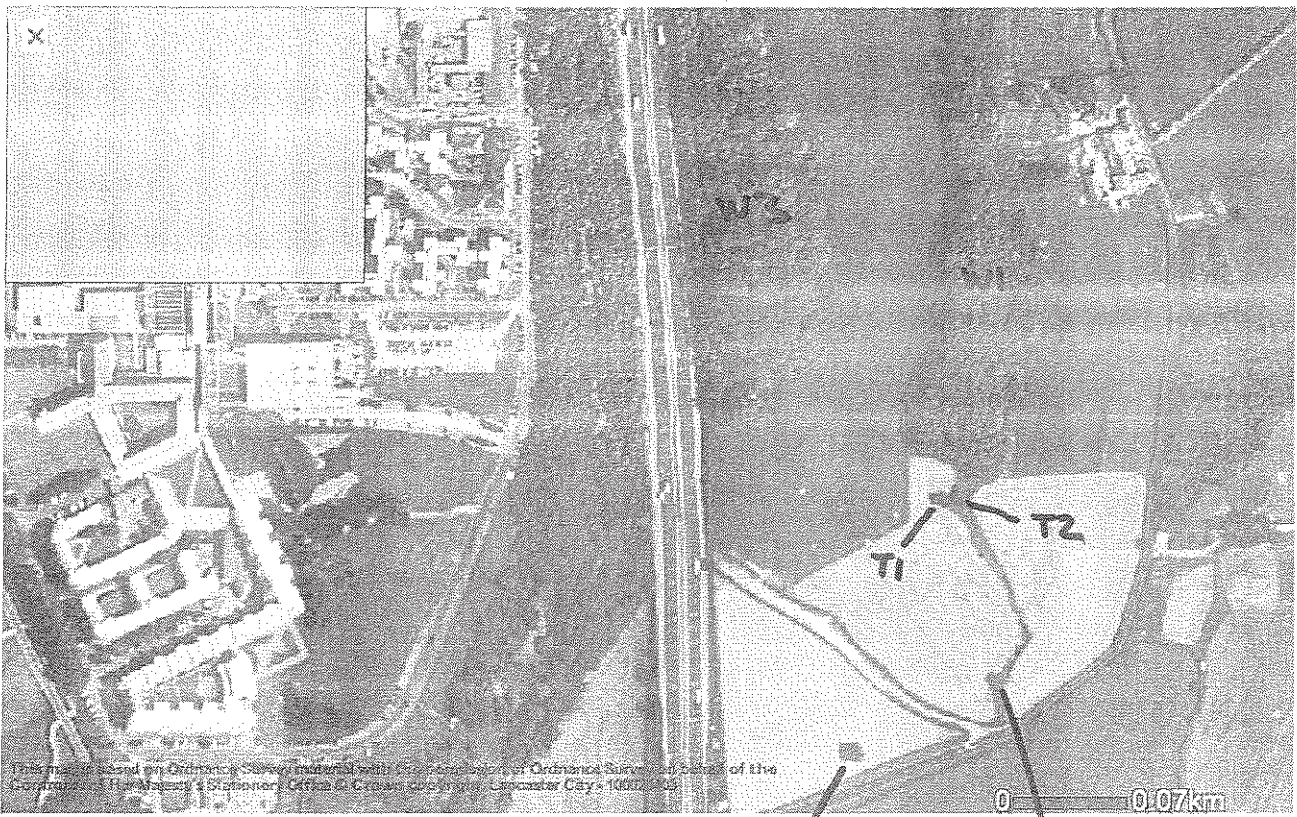
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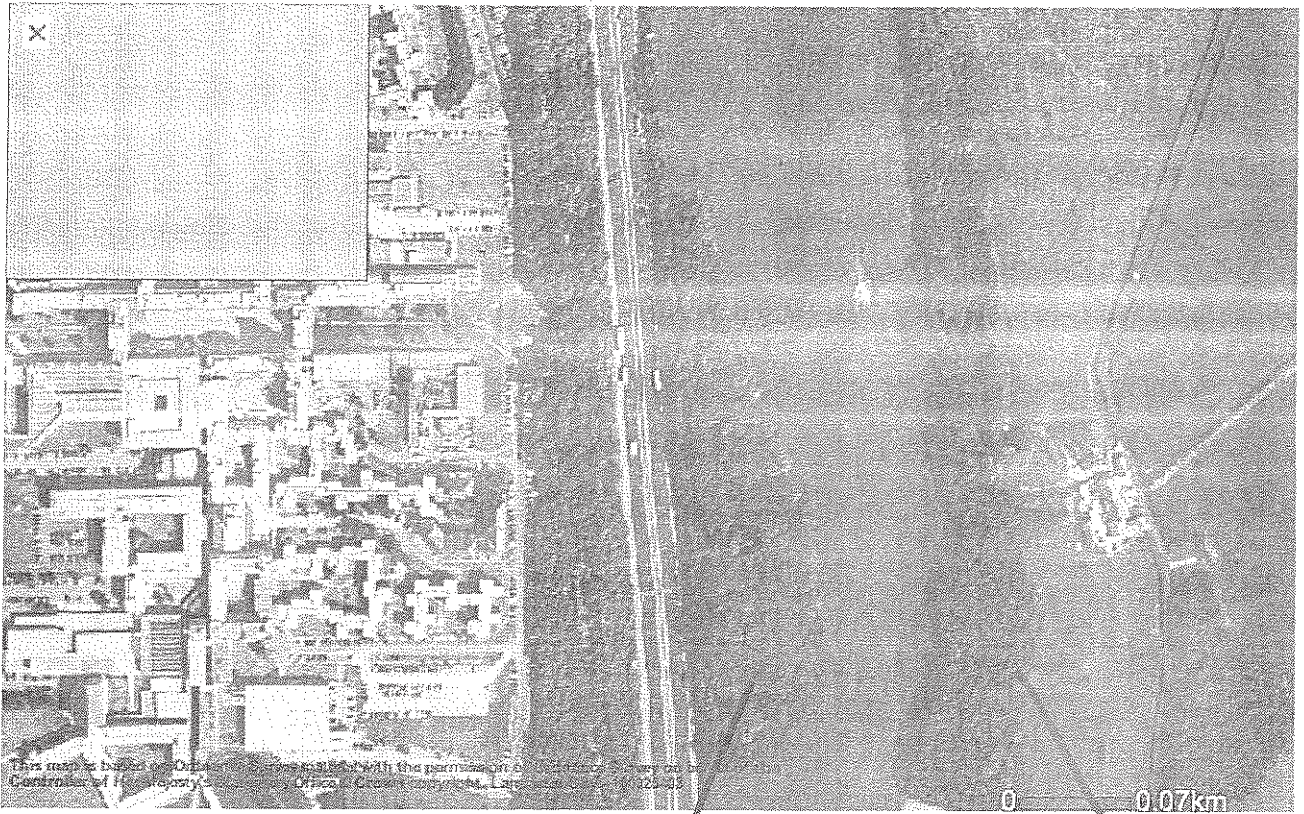
Scale: 1: 2457

Date: 12.2.2010



T6

T5



MOTELWAY WOOD
W3

BECK WOOD
W1

3

Tree Preservation Order no.467(2010)

Proposed Wind Turbine Project Site
Lancaster University, Bailrigg Lane, Lancaster

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside



Legend

Aerial Photos 2000

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Map Information

Scale: 1: 2457

Date: 12.2.2010

Tree Preservation Order no.467(2010)

Proposed Wind Turbine Project Site
Lancaster University, Bailrigg Lane, Lancaster

LANCASTER CITY COUNCIL

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Map Information

Scale: 1: 3139

Date: 12.2.2010

Appendix no. 2

**Tree Protection Officer's consultation response to Planning Application
no: 10/00039/FUL**

Knagg, Maxine

From: Knagg, Maxine
Sent: 12 February 2010 12:54
To: dcoconsultation; Rehman, Jennifer
Subject: 10/00039/FUL - Lancaster University Wind farm

Application No. 10/00039/FUL
Site: Lancaster University, Bailrigg, Lancaster
Proposal; Erection of two wind turbines, access roads and associated buildings

I have reviewed the development proposals in relation to trees and my comments are as follows:

There are currently no TPO's of conservation area constraints affecting trees within or around the proposed development area.

The site in question is a long hilltop ridge approximately 23.5 hectares of farmland, including three old estate woodlands. The woodlands consist of two belts on either side of the ridge, together with a small hilltop copse to the northern boundary. There are also long stretches of mixed species hedgerow and individual field grown trees.

Motorway Wood (1.8 hectares); mixed species deciduous semi-ancient woodland, including oak, ash, wild cherry beech and silver birch.

Beck Wood (2.2 hectares); semi-natural woodland established along the course of the beck and understood to be growing on a former ancient woodland site. The woodland includes of sycamore, oak, ash, silver birch, hawthorn, blackthorn and alder.

North Copse (0.3 hectares approx.); established outside development site. Planted around an old pond site on a mound, includes veteran oak trees, ash, beech, sycamore, Scots pine and silver birch.

Mixed species hedgerow trees and 7x individual field grown trees; with the exception of T5 these trees are in remarkably good condition, many are large specimens and importantly are of veteran or potential veteran status. They have significant arboriculture and historic importance within the landscape.

The three woodland areas are important historic landscape, and arboriculture features. The trees are in good overall condition and include a number of important veteran trees. Clearly the woodlands are also important in ecological terms however, the ecology of the site will be considered in detail by Lancashire County Council Ecologist and Natural England.

The woodlands, hedgerows and field trees are by and large clearly visible landscape features. Trees and woodlands within the site and immediately 'off site' have important amenity value and as such should be retained and protected. It is the intention of Lancaster City Council to serve these woodland areas, and important field trees with respective tree preservation orders ensuring their protection in the short term.

T7 to the northern boundary of the site has been identified as of 'special interest'; it is a notable ancient tree with significant aesthetic and historic value.

The development proposals require the following tree removals:

To accommodate development of Turbine no.1 requires:

- i. removal of veteran/potential veteran field tree T3;
- ii. removal of 150m of veteran/potential veteran hedgerow trees, mixed species.

To accommodate development of Turbine no.2 requires:

- i. removal of 0.36 hectares Beck Wood; 271 trees, 5x holly bushes and 120 hedging; includes many veteran trees and hedges
- ii. removal of veteran/potential veteran field trees T1 & T2;

The location of Turbine 2 has the most severe implications for trees/hedgerow/woodland. It would require an amendment in its present location to eliminate these serious issues.

Recommendation

1. **Objection** - It is my view that the development proposals would result in the unacceptable loss of important mixed species woodland, hedgerows and field grown trees that have significant historic, and arboriculture value; value that if removed cannot be replaced within a single generation. The development proposal in its current format would adversely impact on the existing value of trees, woodlands and hedgerows and the wider landscape.
2. A tree protection plan must be agreed in writing in relation to trees/hedgerows/woodlands and in compliance to BS5837 (2005) Trees in relation to construction.
3. New planting would of course be an essential requirement with regard to any site development; a scheme would have to be submitted and agreed in writing to include quantity trees, species, size at planting, support systems and maintenance regime for a minimum period of 10 years post planting.

If you have any comments with regard to my comments please do not hesitate to contact me.

Regards, Maxine

*Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer
Planning Services
Lancaster City Council
Tel: 01524 582384*

Appendix no. 3

Tree Evaluation Method for Preservation Orders (TEMPO)

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 12-02-10 Surveyor: MK

Tree details
 TPO Ref: 467 (2010) Tree/Group No: WI Species: mixed deciduous + evergreen species
 Owner (if known): Lancaster Uni. Beckwood Location: land east Lancs university, Bailings, Lancaster. Semi-natural former ancient woodland site. Syc. birch, alder, oak, beech, rowan, holly Hawthorn, blackthorn.

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 5 Trees good overall condition.

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 Some trees have potential several 100ys remaining longevity oak, beech, sycamore.

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 a number of public heritage points

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 5 many trees veteran/potential veteran trees. Principal arboriculture feature.

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 Planning application - 2x wind turbines

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:
23

Decision:
Sewer TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 13/2/10 Surveyor: MH

Tree details
 TPO Ref: 467 (2010) Tree/Group No: W2 Species: mixed broadleaf, Scots pine + veteran oak + beech.
 Owner (if known):
 Location:

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 5
 Good condition - important visual amenity.

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 5
 Contains veteran trees - some trees have significant remaining longevity.

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 5
 Prominent feature

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 5
 Many veteran / potential veteran trees.

Part 2: Expediency assessment

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

- 4) 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 4
 off-site trees; threats from development activities in future.

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:
 28

Decision:
 Save TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 13/2/10 Surveyor: MH

Tree details
TPO Ref: 467(2010) Tree/Group No: W3 Species: mixed broadleaf species.
Owner (if known): Lincs. Uni. oak, ash, cherry,
Location: ady. M6. birch, beech, hazel,
hawthorn, holly

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 5
Good condition.

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 5
many trees have potential for 100's years remaining longevity. (oak 40-50%)

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
visible number public viewpoint.

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 5
Potential veteran trees.

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 3
Planning application.

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:
22

Decision:
Sever TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 12-02-10 Surveyor: MK

Tree details	Tree/Group No:	Species:
TPO Ref: 467 (2010)	T1-T7	T1 - Sycamore T2 - Alder T3 - oak T4 - oak T5 - Sycamore (crown dieback) T6 - oak T7 - oak
Owner (if known): Lancs. uni		
Location:		

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 5 T5 - poor condition
T1-T4; T6-T7: good condition,
Veteran (potential veteran trees)
T7 - Ancient tree 300+ yrs.
T2 - Unusually large old Alder - 150-200yrs

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 5
Many of trees potential for
several 100+ more 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 High visible

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 5
Veteran + ancient trees

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
Planning application -
2x wind turbines

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:
24

Decision:
Save TPO

Document is Restricted

APPEALS COMMITTEE

TREE PRESERVATION ORDER NO. 470

8 SEPTEMBER 2010

REPORT OF HEAD OF DEMOCRATIC SERVICES

PURPOSE OF REPORT

To enable Members to consider the objections received to Tree Preservation Order No. 470 (2010): located at land between 1 Highdale Place, and 18 Hurstleigh Drive, Mossgate Park, Heysham, 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 5 of Schedule 12A of the Local Government Act 1972).

RECOMMENDATIONS

That Members consider the objections to Tree Preservation Order No. 467 (2010): located at land between 1 Highdale Place, and 18 Hurstleigh Drive, Mossgate Park, Heysham, 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 1999, two objections have been received to Tree Preservation Order No. 470 (2010), which had been made in relation to individual trees located at land between 1 Highdale Place, and 18 Hurstleigh Drive, Mossgate Park, Heysham.
- 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 33 to 55).

Appended to the report are:

- *Appendix 1 – Site visit report relating to new Tree Preservation Order no. 470 (2010) (page 36);*
- *Appendix 2 - Tree Preservation Order no. 470 (2010) (page 40)*

- Appendix 3 – Tree Evaluation Method for Preservation Orders (TEMPO) (page 44);
- Appendix 4 – Correspondance and objections in relation to Tree Preservation Order No. 470 (2010) (page 46).
- Appendix 5 – Letter of support in relation to Tree Preservation Order No. 470 (2010). (page 54)

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. 470 (2010).

3.0 Details of Consultation

3.1 There has not been any consultation at this stage.

4.0 Options

4.1 The Options are:

- (1) To confirm Tree Preservation Order No. 470 (2010)
 - (a) Without modification
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 470 (2010)

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. 470 (2010).

CONCLUSION OF IMPACT ASSESSMENT

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

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

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

BACKGROUND PAPERS

Tree Preservation Order No. 470 (2010)

Contact Officer: Tom Silvani

Telephone: 01524 582132

E-mail: tsilvani@lancaster.gov.uk

Ref: TLS

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: 6th August 2010

Appeals Committee (TPO)

Trees subject of the Appeals Committee – Trees established on land between no.1 Highdale Place, and 18 Hurstleigh Drive, Mossgate Park, Heysham, subject of **Tree Preservation Order no. 470 (2010)**.

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

1.0 Introduction

1.1 **Site:** The trees in question are established on land between Moreton Green, Highdale Place and Hurstleigh Drive. Ownership of the land is unclear.

1.2 **Scope and limitation of this report:** This is an arboriculture report restricted to only those trees subject of the Appeals Committee. The information provided within this report has been gathered by means of a preliminary visual tree assessment restricted to ground level observations and inspection at the time of the site visit. A systematic and objective appraisal of the amenity value of the trees has been undertaken using the *Tree Evaluation Method for Preservation Orders (TEMPO)*. It should be noted that trees are dynamic, living organisms subject to changes in weather, climate, pest and disease, development activities and site conditions.

2.0 Site Visit

2.1 **Date:** Undertaken 7th April 2010 (appendix 1).

2.2 **Brief Site Description:** The site is part of a residential development completed around 8-10 years ago. The trees in question were planted as part of the original development. There is a footpath that runs between the various properties; there are indications that the path is frequently used.

3.0 Identification and condition of the trees:

- 3.1 The trees in question are the subject of Tree Preservation Order no. 470 (2010) (appendix 2). They have been identified as **G1** for the purpose of this report and for the Tree Preservation Order.
- 3.2 **G1** - the trees are predominantly semi-mature and early-mature trees, including species of lime, birch, ash, rowan, hawthorn and sycamore. Generally the trees are healthy and free from pests and disease.
- 3.3 Collectively the trees provide important greening and screening between properties and the footpath. They are also an important wildlife resource.
- 3.3 Lancaster City Council received information from a concerned member of the public, reporting that a number of trees had been removed and branches had been removed from other trees.
- 3.4 This was found to be the case during the site assessment made by Maxine Knagg on 7th April 2010. Recently felled tree stumps could be seen and branch stubs were evident on some of the tree in the vicinity and to the rear of no.1 Highdale Place.

4.0 Tree Preservation Order

- 4.1 The amenity value of trees within the site has been assessed using an objective and systematic approach (Tree Evaluation Method for Preservation Orders - *TEMPO* system). A score of 15+ was achieved supporting the action of serving a Tree Preservation Order (appendix 3).
- 4.2 Trees within the site contribute significantly to the local amenity by providing the following:
 - Clearly visible landscape features
 - greening and screening between properties and local footpath
 - make an important contribution to the character of the area
 - important wildlife resource
- 4.3 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of the trees in question **under sections 198, 201 and 203 of the Town & Country Planning Act 1990.**

Lancaster City Council cite the following reasons.

Trees :

- important visual amenity
- provide greening and screening in a heavily urbanised area
- important wildlife resource
- under threat from removal

It is my view that further tree removals from within this site would have a detrimental impact on the amenity value of the local area and as such trees should be protected by serving a Tree Preservation Order.

5.0 Objection to TPO no. 470(2010)

5.1 Lancaster City Council has received two written objections to the order being served. The issues raised were addressed in my letters dated 3rd June 2010 (appendix 4).

5.2 Lancaster City Council received a letter of support for TPO no.470 (2010) dated 18th April 2010 (appendix 5).

Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer, Development Management
Lancaster City Council

Appendix no. 1

Site visit report relating to new Tree Preservation Order no. 470 (2010)

Date

Contact: Maxine Knagg
Telephone: 01524 582384
FAX: 01524 582323
Email: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: TPO/470/010
Your Ref:

Regeneration & Policy
Development Management Team

PO Box 4
Town Hall
LANCASTER
LA1 1QR

DX63531 Lancaster

Date: 9th April 2010

Re: New Tree Preservation Order TPO no.470 (2010) – Land to the rear of Moreton Green, no.1 Highdale and no.18 Hurstleigh Drive, Mossgate Park, Heysham

1.0 Introduction

- 1.1 Site: The trees in question are established on land between private residential properties within the Heysham Mossgate housing area.
- 1.2 Scope and limitation of this report: This is an arboriculture report restricted to the trees subject to the proposed new Tree Preservation Order. The information provided within this report has been gathered by means of a preliminary visual tree assessment restricted to ground level observations and inspection at the time of the site visit. An objective appraisal of the amenity value of the trees in question has also been undertaken using a Tree Evaluation Method for Preservation Orders (TEMPO). It should be noted that trees are dynamic, living organisms subject to changes in weather, climate, pest and disease, development activities and site conditions.

2.0 Site Visit

- 2.1 Date: Undertaken 7th April 2010.
- 2.2 Brief site description: The land lies between Moreton Green, Highdale and Hurstleigh Drive. There is a narrow public footpath that begins at Highdale and proceeds behind housing on Moreton Green, finally leading out onto Hurstleigh Drive.
- 2.3 The surrounding housing development was constructed and completed within the last 8-10-years. As part of the development trees were planted on the land in question.

2.4 The trees provide valuable greening and screening between properties, creating a pleasant walk through a heavily urbanised locality. They are also an important wildlife resource

3.0 Identification and condition of the trees

3.1 The trees are predominantly semi-mature and early-mature. Species include lime, silver birch, ash, rowan, cherry, hawthorn and sycamore. For the purpose of this report and the proposed new tree preservation order the trees in question have been identified and referenced as **G1**.

3.2 Generally, the trees are healthy and vigorous. However, a number of trees have recently been removed and heavily pruned to a poor standard. They remain under threat from unauthorised future works.

4.0 Tree Preservation Order

4.1 The amenity value of trees within **G1** have been assessed using an objective and systematic approach; the Tree Evaluation Method for Tree Preservation Orders (TEMPO system) has been used. A score of 15+ was accumulated, supporting the use of a Tree Preservation Order.

4.2 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of **G1** – under sections 198 (201) and 203 of the Town & Country Planning Act 1990. Lancaster City Council cite the following reasons:

- make an important contribution to greening, screening and amenity value of the surrounding area
- clearly visible from the public footpath, and limited view from the public highway which will increase as trees grow and mature
- important wildlife resource

5.0 Recommendation

5.1 Serve a Tree Preservation Order no.470 (2010) under sections 198 (201) and 203 of the Town & Country Planning Act 1990.

Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer
Planning Services
Lancaster City Council



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 7/11/10 Surveyor: MH

Tree details
 TPO Ref: 470 (2010) Tree/Group No: G1 Species: Lime, Spence, birch, hawthorn, ash, lime, cherry, rowan.
 Owner (if known): unknown
 Location: Land to rear Mooton Green, Hursleigh Drive + Hatfield, Mossgate Park, Heydon

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 5
 Remaining trees, healthy + vigorous / good form.

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
 Semi-mature - early mature trees

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 3
 Usable public footpath increasing with growth + maturity

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
 Number trees felled + heavily pruned.

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:
 18

Decision:
 Seize TPO

Appendix no. 2

Tree Preservation Order No. 470 (2010)

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 470 (2010)

---ooOoo---

I hereby certify that this is a true copy of the
original order.

A.M. Kendrick 13/4/10.

RELATING TO TREES LOCATED AT

LAND BETWEEN MORETON GREEN, No. 1 HIGHDALE AND 18 HURSTLEIGH DRIVE
MOSSGATE PARK
HEYSHAM

TOWN HALL
LANCASTER
LA1 1PJ

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

Groups of trees
(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
------------------	--	-----------

G1	Lime, Silver Birch, Ash Rowan, Cherry, Hawthorn and Sycamore	As stated on page one
----	--	-----------------------

Woodlands
(within a continuous black line on the map)

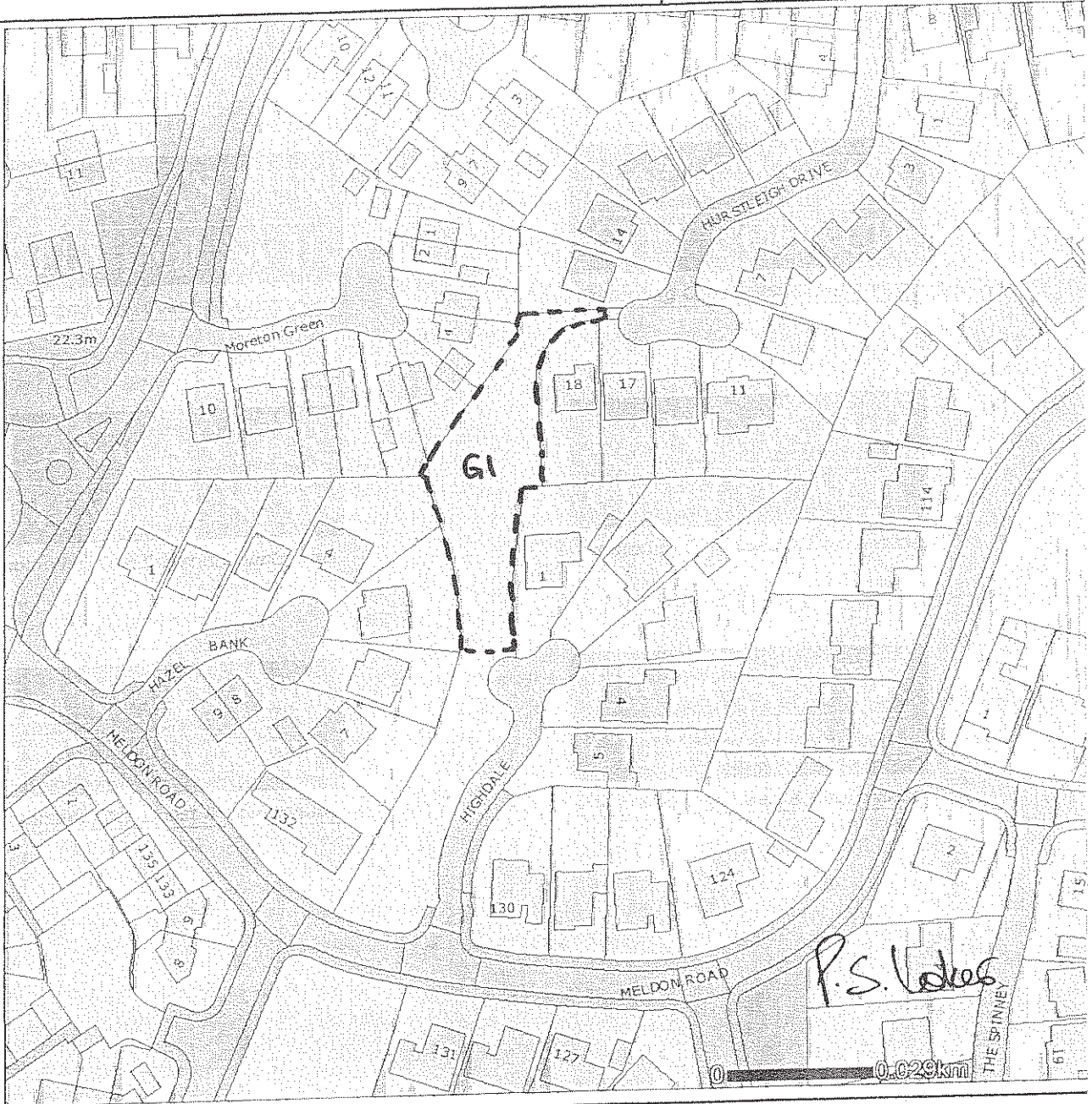
Reference on map	Description	Situation
------------------	-------------	-----------

Tree Preservation Order no.470 (2010)

Land to the rear of Moreton Green no.1 Highdale and no.18 Hurstleigh Drive and Mossgate Park, Heysham

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside



Legend

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Map Information

Scale:	1: 1250
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Appendix no. 3

Tree Evaluation Method for Preservation Orders (TEMPO)

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 7/11/10 Surveyor: MH

Tree details
 TPO Ref: 470 (2010) Tree/Group No: G1 Species: Lime, Spindle, birch, Hawthorn, ash, lime, cherry, roxn.
 Owner (if known): unknown
 Location: Land to rear Merton Green, Horsleigh Drive + Hylodge, Mossgate Park, Heydon

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 5
 Remaining trees, healthy + vigorous / good form.

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
 Semi-mature - early mature trees

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 3
 Visible public footpath increasing with growth + maturity

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
 no other trees felled + heavily pruned.

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:
 18

Decision:
 SEVERE TPO

Document is Restricted

Document is Restricted

APPEALS COMMITTEE**TREE PRESERVATION ORDER NO. 472****8 SEPTEMBER 2010****REPORT OF HEAD OF DEMOCRATIC SERVICES****PURPOSE OF REPORT**

To enable Members to consider the objections received to Tree Preservation Order No. 472 (2010): located at land adjacent to Escow Beck, off Low Road, Halton, 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 5 of Schedule 12A of the Local Government Act 1972).

RECOMMENDATIONS

That Members consider the objections to Tree Preservation Order No. 472 (2010): located at land adjacent to Escow Beck, off Low Road, Halton, 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 1999, objections have been received to Tree Preservation Order No. 472 (2010), which has been made in relation to individual trees located at land adjacent to Escow Beck, off Low Road, Halton.
- 1.3 In accordance with the Regulations, it is necessary to consider the objection(s), 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 58 to 75).

Appended to the report are:

- Appendix 1 – *Site visit report relating to Tree Preservation Order no. 472 (2010) (page 61);*
- Appendix 2 - *Tree Preservation Order No. 472 (2010) (page 65)*

- Appendix 3 – *Tree Evaluation Method for Preservation Orders (TEMPO)* (page 69);
- Appendix 4 – *Correspondence and objections in relation to Tree Preservation Order No. 472 (2010)* (page 71).

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. 472 (2010).

3.0 Details of Consultation

3.1 There has not been any consultation at this stage.

4.0 Options

4.1 The Options are:

- (1) To confirm Tree Preservation Order No. 472 (2010)
 - (a) Without modification
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 472 (2010)

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. 472 (2010).

CONCLUSION OF IMPACT ASSESSMENT

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

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

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

BACKGROUND PAPERS

Tree Preservation Order No. 472 (2010)

Contact Officer: Tom Silvani

Telephone: 01524 582132

E-mail: tsilvani@lancaster.gov.uk

Ref: TLS

*ontact: 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: 6th August 2010

Appeals Committee (TPO)

Trees subject of the Appeals Committee – on land adjacent to Escow Beck, off Low Road, Halton subject of **Tree Preservation Order no. 472 (2010)**.

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

1.0 Introduction

1.1 **Site:** The trees in question are established on land adjacent to Escow Beck, off Low Road, Halton.

1.2 **Scope and limitation of this report:** This is an arboriculture report restricted to only those trees subject of the Appeals Committee. The information provided within this report has been gathered by means of a preliminary visual tree assessment restricted to ground level observations and inspection at the time of the site visit. A systematic and objective appraisal of the amenity value of the trees has been undertaken using the *Tree Evaluation Method for Preservation Orders (TEMPO)*. It should be noted that trees are dynamic, living organisms subject to changes in weather, climate, pest and disease, development activities and site conditions.

2.0 Site Visit

2.1 **Date:** Undertaken 26th May 2010.

2.2 **Brief Site Description:** The site immediately adjacent to Escow Beck forms part of the property identified as Patterdale Mill House, Crook O Lune, Caton.

3.0 Identification and condition of the trees:

3.1 The trees in question are the subject of Tree Preservation Order no. 472 (2010) (appendix 2). The trees have been identified as **T1**, **T2** and **G1**.

3.2 **T1** and **T2** are oak trees; **G1** is a group of 4x hawthorn trees. Generally, the trees appear to be in good condition; leaves are of normal size, shape, and colour. There was no direct access to the site on the day of the initial visit.

3.3 There was evidence on site that a single oak tree had been felled recently.

3.4 Lancaster City Council received information from a concerned member of the public, reporting that a mature oak tree had recently been felled and that they were concerned further tree works maybe undertaken. This was found to be the case during the site assessment made by Maxine Knagg on 26th May 2010.

4.0 Tree Preservation Order

4.1 The amenity value of trees within the site has been assessed using an objective and systematic approach (Tree Evaluation Method for Preservation Orders - *TEMPO* system). A score of 15+ was achieved supporting the action of serving a Tree Preservation Order (appendix 3).

4.2 Trees within the site contribute significantly to the local amenity by providing the following:

- highly visible landscape features
- make an important contribution to the character of the locality
- important wildlife resource

4.3 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of the trees in question **under sections 198, 201 and 203 of the Town & Country Planning Act 1990**.

Lancaster City Council cite the following reasons.

Trees :

- important visual amenity – seen from the public highway
- provide links to trees adjacent to the river Lune
- important wildlife resource
- under threat from removal

It is my view that further tree removals from within this site would have a detrimental impact on the amenity value of the local area and as such trees should be protected by serving a Tree Preservation Order.

5.0 Objection to TPO no. 472(2010)

5.1 Lancaster City Council received one written objection from the owner of the property; Mr Thompson (appendix 4).

Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer, Planning Services
Lancaster City Council

Appendix no. 1

Site visit report relating to new Tree Preservation Order no. 472 (2010)

Contact: Maxine Knagg
Telephone: 01524 582384
FAX: 01524 582323
Email: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: TPO/470/010
Your Ref:

Regeneration & Policy Service
Development Management

PO Box 4
Town Hall
LANCASTER
LA1 1QR

DX63531 Lancaster

Date: 27th May 2010

Re: New Tree Preservation Order TPO no.472 (2010) – Land adjacent to Escow Beck, off Low Road, Halton

1.0 Introduction

- 1.1 Site: The trees in question are established on land immediately adjacent to Escow Beck.
- 1.2 Scope and limitation of this report: This is an arboriculture report restricted to the trees subject to the proposed new Tree Preservation Order. The information provided within this report has been gathered by means of a preliminary visual tree assessment restricted to ground level observations and inspection at the time of the site visit. An objective appraisal of the amenity value of the trees in question has also been undertaken using a Tree Evaluation Method for Preservation Orders (TEMPO). It should be noted that trees are dynamic, living organisms subject to changes in weather, climate, pest and disease, development activities and site conditions.

2.0 Site Visit

- 2.1 Date: Undertaken 26th May 2010.
- 2.2 Brief site description: There was no direct access to the private property. There was evidence of the recent removal of a single, mature oak tree that had been established immediately adjacent to the beck. The reason for removal was unknown.
- 2.3 The trees in question are clearly visible from two public highways and are all important components of the local landscape making an important contribution to the character of the area and are also an important wildlife resource.

3.0 Identification and condition of the trees

- 3.1 The trees are mature and include 2x oak, and 4 x hawthorn. All of the trees in question are established within a private property immediately adjacent to Escow Beck. They are situated several hundred meters from the River Lune which is an important biological site.
- 3.2 For the purpose of this report and the proposed new tree preservation order the trees in question have been identified and referenced as **T1-T2; & G1**.
- 3.3 **T1 & T2** are oak; **G1** is a group comprised of 4x hawthorn.
- 3.4 Generally, the trees appear to be healthy and vigorous; leaf size, shape, colour and distribution are all within normal parameters for the species. There is some deadwood within the canopy of the oak trees (**T1 & T2**) and a number of small cavities which represent important wildlife resources and potential habitat for protected species including bats and nesting birds.

4.0 Tree Preservation Order

- 4.1 The amenity value of the trees has been assessed using an objective and systematic approach; the Tree Evaluation Method for Tree Preservation Orders (TEMPO system) has been used. A score of 14 was accumulated, supporting the use of a Tree Preservation Order.
- 4.2 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of **T1-T2 & G1** – under sections 198 (201) and 203 of the Town & Country Planning Act 1990. Lancaster City Council cite the following reasons:
- make an important contribution to the character and amenity value of wider local area
 - provide greening, screening, and shelter within the site
 - clearly visible from a number of public vantage points and highways
 - important wildlife resource

5.0 Recommendation

- 5.1 Serve a Tree Preservation Order no.472 (2010) under sections 198 (201) and 203 of the Town & Country Planning Act 1990.

Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer
Planning Services
Lancaster City Council

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 27/5/10 Surveyor: MH

Tree details
 TPO Ref: 472(2010) Tree/Group No: Species: oak x 2
 Owner (if known): unknown name. T1+T2; Hawthorn x 4
 Location: low Rd., Halton, G1

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
 No direct access to trees.

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
 Data have significantly > potential remaining longevity

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 clearly seen
 2x public highway
 + heritage part.

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 2
 1x oak recently felled - reason unknown at present => precaution

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:
 14

Decision:
 Some TPO.

Appendix no. 2

Tree Preservation Order No. 472 (2010)

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 472 (2010)

---ooOoo---

I hereby certify that this is a true copy of the
original order.

A.M. Kenchington 2/6/10

RELATING TO TREES LOCATED AT

LAND ADJACENT TO ESCOW BECK
OFF LOW ROAD
HALTON

TOWN HALL
LANCASTER
LA1 1PJ

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1 and T2	Oak	Land Adjacent to Escow Beck off Low Road Halton

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
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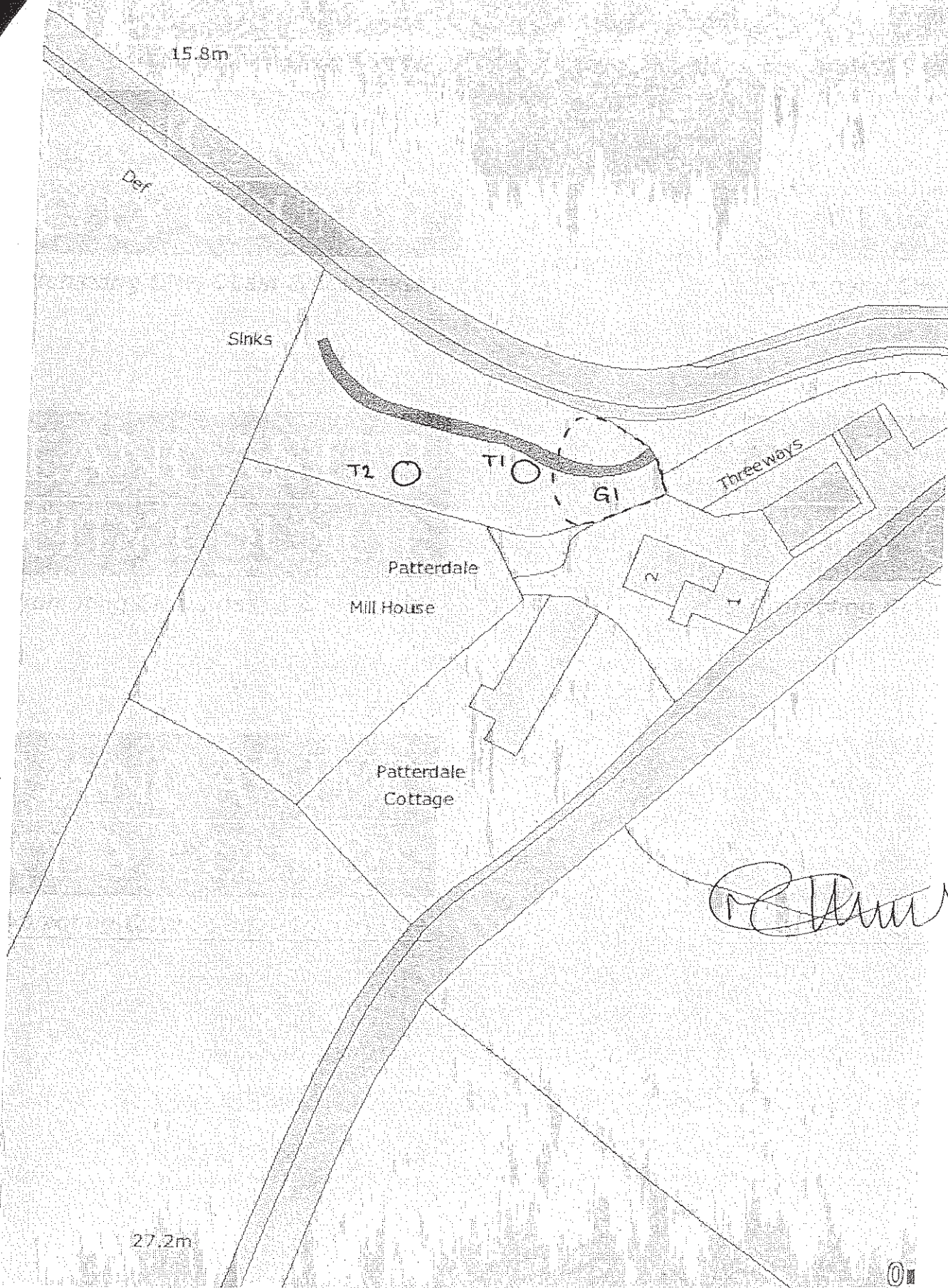
Groups of trees
(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
G1	4x Hawthorn	Land Adjacent to Escow Beck off Low Road Halton

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
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Land adjacent to Escow Beck,
Off Low Road, Halton



Scale 1:1250

Appendix no. 3

Tree Evaluation Method for Preservation Orders (TEMPO)

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 27/5/10 Surveyor: MH

Tree details
 TPO Ref: 472(2010) Tree/Group No: Species: oak x 2
 Owner (if known): unknown name. T1+T2; Hawthorn x 4
 Location: low Rd., Halton, GI

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
 no direct access to trees.

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
 Oak have significantly > potential remaining longevity

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 clearly seen
 2x public highways
 + heritage assets

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 2
 1x oak recently felled - reason unknown at present => precaution

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:
 14

Decision:
 Some TPO

Document is Restricted