



**Committee:** APPEALS COMMITTEE  
**Date:** FRIDAY, 14 DECEMBER 2012  
**Venue:** LANCASTER TOWN HALL  
**Time:** 2.30 P.M.

Please note that a site visit will take place prior to the meeting. The coach will depart from Morecambe Town Hall at 12.45 p.m. and from Lancaster Town Hall at 1.00 p.m.

## AGENDA

1. **Apologies for Absence**
2. **Appointment of Vice-Chairman**
3. **Minutes**

Minutes of the meeting held on 23 April 2012 (previously circulated)

4. **Items of Urgent Business authorised by the Chairman**
5. **Declarations of Interest**

### MATTER FOR DECISION

6. **Tree Preservation Order No. 504 (2012) relating to a single group of x31 trees established along the southern bank of the River Lune, close to Holme Lane, Brookhouse (Pages 1 - 26)**

Report of Head of Governance

### ADMINISTRATIVE ARRANGEMENTS

**(i) Membership**

Councillors Helen Helme (Chairman), Eileen Blamire, Kathleen Graham, Mike Greenall, Janice Hanson, Andrew Kay and Karen Leytham

**(ii) Substitute Membership**

Councillors June Ashworth, Jon Barry, John Harrison, Billy Hill, David Kerr, Vikki Price and Sylvia Rogerson

**(iii) Queries regarding this Agenda**

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

**(iv) Changes to Membership, substitutions or apologies**

Please contact Members' Secretary, telephone (01524) 582170, or email [memberservices@lancaster.gov.uk](mailto:memberservices@lancaster.gov.uk).

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

Published on Wednesday, 5 December 2012.

**APPEALS COMMITTEE****TREE PRESERVATION ORDER NO. 504 (2012)****14 DECEMBER 2012****REPORT OF HEAD OF GOVERNANCE****PURPOSE OF REPORT**

To enable Members to consider the objections received to Tree Preservation Order No. 504 (2012) relating to a single group of x31 trees established along the southern bank of the River Lune, close to Holme Lane, Brookhouse, 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. 504 (2012) relating to a single group of x31 trees established along the southern bank of the River Lune, close to Holme Lane, Brookhouse, and thereafter 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. 504 (2012), which has been made in relation to a single group of x31 trees established along the southern bank of the River Lune, close to Holme Lane, Brookhouse.
- 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 3 to 8). Appended to the report are:

- Appendix 1 – (page 9);
- Appendix 2 – (pages 10 to 11);
- Appendix 3 – (page 12);
- Appendix 4 – (pages 13 to 14);
- Appendix 5 – (pages 15 to 18);
- Appendix 6 – (page 19);
- Appendix 7 – (pages 20 to 21);
- Appendix 8 – (page 22);
- Appendix 9 – (pages 23 to 25);
- Appendix 10 – (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. 504 (2012).

## 3.0 Details of Consultation

3.1 There has not been any consultation at this stage.

## 4.0 Options

- (1) To confirm Tree Preservation Order No. 504 (2012) -
  - (a) Without modification;
  - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 504 (2012).

## 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. 504 (2012).

<b>CONCLUSION OF IMPACT ASSESSMENT</b>
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(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)
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Not applicable.
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<b>LEGAL IMPLICATIONS</b>
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A Legal Officer will be present at the meeting to advise the Committee .
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<b>FINANCIAL IMPLICATIONS</b>
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Not applicable.
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<b>BACKGROUND PAPERS</b>	<b>Contact Officer:</b> Jane Glenton
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Tree Preservation Order No. 504 (2012)	<b>Telephone:</b> (01524) 582068
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	<b>Email:</b> jglenton@lancaster.gov.uk
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	<b>Ref:</b> JEG
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Contact: Maxine Knagg  
Telephone: 01524 582381  
FAX: 01524 582323  
Email: [mknagg@lancaster.gov.uk](mailto:mknagg@lancaster.gov.uk)  
Website: [www.lancaster.gov.uk](http://www.lancaster.gov.uk)  
Our Ref: TPO470/2010/MK

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

Date: 20<sup>th</sup> November 2012

## Appeals Committee (TPO)

Trees subject of the Appeals Committee – A single group of x31 trees, established along the southern bank of the River Lune, Close to Holme Lane, Brookhouse, subject of **Tree Preservation Order no. 504 (2012)**.

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 two objections received in relation to Tree Preservation Order no.504 (2012).

### 2.0 Background

- 2.1 Tree Preservation Order no. 504 (2012) relates to a single group of x 31 trees comprised of x19 willow trees, x8 ash, 2x alder and x2 elm. Ages range from semi-mature to mature. The trees are established on land immediately adjacent to the River Lune, formed along the southern bank.
- 2.2 The trees and land in question are under the control of Caton Parish Council, as Trustees to the Poor's Land Charity. The site is in a rural location and is currently in use to graze livestock and let for use by a local tenant farmer.
- 2.3 The wider landscape is characterised by open agricultural fields, remnant, native hedgerows and dominant woodland areas to the west and north.
- 2.4 The group of trees in question is comprised of by and large willow and also includes alder and elm. Collectively, they form a clear, linear belt of trees along a short section of the southern bank of the River Lune.

**2.5** A total of x31 trees have been identified in relation to TPO no.504 (2012). There are however, additional trees within the belt which have been excluded because of their poor overall condition. Their exclusion from the TPO does not mean that they have little or no value; on the contrary they have great importance, particularly as wildlife resources. Dead wood has great biological importance in a standing form and as fallen wood; it has the potential to provide habitat and resources for a diverse range of biological species/communities.

**2.6** The River Lune has been recognised for its importance and value, and as such has been designated as a Biological Heritage Site. Trees are an integral component of this biological heritage.

**2.7** Excerpts from the site description of the Biological Heritage Site:

“The Lune is one of the largest rivers in north-west England and is a Class 1 river (good/excellent water quality) for the whole of its length. As well as the course of the river itself, which can change appreciably from year to year, the site includes associated riverbanks, shingle beds, earth banks and fringing trees and shrubs because of their value for plants, mammals, birds and invertebrates..... The Lune is one of the best salmon rivers in the country and is important for otters. The river is also a valuable feeding area for bats”.

**2.8** Trees provide stabilisation of the river bank; the tight network of roots bind the soil together allowing the river bank to resist the erosion effect of rainfall and importantly the flow, rise and fall of the river levels. Significant land slips and collapse of the riverbank can be seen along the river where trees are not established. Erosion of river banks result in the loss of land mass and habitat.

### **3.0 Amenity Value of Trees**

**3.1** The trees in question have been assessed in terms of their amenity value; a copy of the Tree Evaluation Method for Preservation Orders (TEMPO) and my initial report are included at (**Appendices 1 & 2**). The use of a Tree Preservation Order is described as ‘defensible’ with a total score of 14.

**3.2** Trees identified as **G1** are clearly visible landscape features, seen from a range of locations within the wider landscape, including a public footpath along the river and from Caton Green Road.

**3.3** Trees that are in a poor overall condition, or that are dead have not been included within the TPO. Only those trees that in a condition to justify their inclusion with important remaining life potential have been included.

### **4.0 Wildlife Value**

**4.1** Trees have an important role in the provision of resources and habitat for a range of wildlife communities. In this location trees offer protection and habitat to aquatic and land living species, including protected species such as kingfishers, otters, nesting birds and bats. The low volume of

trees along the river in this area means that where trees are established their value becomes even greater.

**4.2** It should be noted that whilst the benefit of trees to wildlife cannot be used as a sole reason for making and serving a TPO, in conjunction with existing amenity value, the value of trees to wildlife can be recognised within current TPO legislation.

**4.3** The value of the trees in question, the protection of habitat and control of erosion along the river bank have been supported by comments made by the County Conservation Officer for North Lancashire, her comments include:

The BHS citation is quite explicit that “ the site includes associated river banks, shingle beds, earth banks and fringing trees and shrubs because of their value for plants, mammals, birds and invertebrates.”

All the functions you list are good reason why the willows concerned should be retained. If those excluded from the TPO do require surgery/felling for safety reasons, we urge that they be pollarded/coppiced unless wholly inappropriate for landscape reasons. If they do have to be felled, the cut material should be stacked as deadwood habitat or used for erosion control purposes. Needless to say, this would have to be done outside of the bird nesting season (late Feb to end July inclusive).

**4.4** Similarly, comments have been provided by Environment Agency:

I agree with the statement that willow trees on the bank of the river are important wildlife habitat and provide bank stabilisation. That area of the river Lune is highly mobile and bank repair works have been undertaken in various areas in recent years with limited success. Removing the trees could lead to further areas of the bank becoming unstable.

However, depending on the condition of the trees, it may be necessary at some point to carry out coppicing works to some of the trees which would be beneficial if done correctly.

Trees provide important cover and shade for fish and could be a base for an otter holt or birds nesting. If any works were proposed, surveys would be required to check if any protected species use of the trees.

Our local Fisheries Officer has added that access for fishing doesn't appear to be critical, as access to the river side in the area is good and the area where the trees are appears to be available for fishing from the right bank of the river. Bank side cover in this section of river is limited and this does appear to offer valuable cover for wildlife.

**4.5** Photographs of the southern river bank taken at ground level and an aerial shot of the wider site are contained within **Appendices 3 & 4a, b, c.**

## 5.0 Tree Preservation Order

5.1 Tree Preservation Order no. 504 (2012) was made on 30<sup>th</sup> July 2012 (**Appendix 5**) following local concerns which were raised when intentions to fell trees along the river were indicated by Caton Parish Council. Tree removals were later cited by the Parish Council to enable the erection of a platform from the river bank for the purposes of fishing.

5.2 Lancaster City Council considered it to be expedient in the interests of amenity to make TPO no.504 (2012) because of the threat of removal or inappropriate management of some or all of the trees in question. The Council considers that tree losses in this location will result in an adverse impact on the character and amenity of the immediate locality and wider landscape. The loss of trees in this location has significant potential to adversely impact upon important wildlife communities, some of which are in themselves also protected in law. In addition, loss of trees has the potential to cause an increase in the rate and severity of soil erosion resulting in the loss of land mass.

## 6.0 Objections To TPO no.504 (2012)

6.1 Lancaster City Council received two formal, written objections to Tree Preservation Order no.504 (2012).

6.2 Objection letter no.1 was received from Mr John Harvey, who we understand rents the land for grazing live stock, (letter dated 23.08.12); a full copy of the appellant's letter of objection is available at **Appendix 6**.

6.3 Objection letter no.2 was received from the land owner, Caton Parish Council, as Trustees of the Poor Land's Charity, (letter dated 28.08.12). A full copy of the appellant's letter of objection is available at **Appendix 7**.

6.4 The main points for objection are as detailed below.

## 7.0 Objection letters – Main Points

### 7.1 Objection letter 1 – **Appendix 6**

Trees are of poor quality, some are dead and damaged; willow risk failing and falling into the river causing damage to the river bank resulting in loss of land, if trees are not managed; the trees require pruning work.

Lancaster City Council's full response to objection letter 1 is available at **Appendix 8**.

### 7.2 Objection letter 2 - **Appendix 7**

Consider the trees in this location to be an anomalous feature in the landscape compared to the rest of the landscape; they wish to retain the freedom to undertake work without the requirement to seek permission; disagree with the TEMPO assessment.



Lancaster City Council's full response to objection letter 2 is available at **Appendix 9**.

## **8.0 Supporting letter – Main Points**

**8.1** Lancaster City **Council** has received a letter from Lancaster and District Angling Association expressing support for TPO no.504.

**8.2** Supporting letter – Appendix 10

Trees originally planted by the angling association to control erosion of the river bank, evidence suggests it has been successful, trees contribute to the aesthetic appearance and amenity value of the area. The potential for tree removals generates concerns over increased erosion of the river bank. Trees provide important shade for fish whilst resting; tree losses would be detrimental to the fishing in this area.

A full copy of the supporting letter is available at **Appendix 10**.

## **9.0 Decision to Serve TPO no.496 (2011)**

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

Lancaster City Council cite the following reasons.

Group 1, x31 trees (G1):

- important visual amenity
- important and appropriate landscape features in keeping with the character of their locality
- significant potential to provide important habitat and resources for a range of protected and unprotected wildlife communities
- potential threat from removal or inappropriate management

The trees in question have sufficient amenity value and importance within the landscape to justify their protection with TPO no.504 (2012).

The trees are an important component of life along the River Lune which is recognised as important as a Biological Heritage Site.

The trees are important in controlling the erosion of the river bank.

It should be noted that a tree preservation order does not prevent works being undertaken that are appropriate and reasonable and in the interest of good arboriculture practice and in compliance to current standard of practice BS 3998 (2010) Tree Work.

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

**APPENDIX 1**

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 26.07.12	Surveyor: MK
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<b>Tree details</b>		
TPO Ref: 504 (2012)	Tree/Group No: G1	Species: Willow, Ash, Alder & Elm
Owner (if known): Caton Parish Council		
Location: Southern bank of River Lune, Caton		

**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

<b>Score &amp; Notes</b> 3.
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**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

<b>Score &amp; Notes</b> 4. Willow, Ash, and Alder have the potential for 40-100yrs. Elm may become susceptible to Dutch Elm Disease
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**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

<b>Score &amp; Notes</b> 4. Clearly visible within landscape and from public footpath
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**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

<b>Score &amp; Notes</b> 1.
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**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

<b>Score &amp; Notes</b> 2. Local concern that trees maybe removed
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**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

<b>Add Scores for Total:</b> 14
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<b>Decision:</b> TPO defensible
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## APPENDIX 2

### **Proposed New Tree Preservation Order No: 504 (2012)**

**Site: River Bank, River Lune, Caton**

**Location of Trees: x1 group of deciduous tree established to the southern river bank, near Holme Lane, Caton**

#### **Assessment:**

I have assessed trees established along the southern bank of the River Lune, in an area to the north of Holme Lane, Caton. The assessment was carried out in relation to their suitability and the appropriateness of serving with a Tree Preservation Order.

The land is understood to be under the control of Caton Parish Council and it is currently used for agricultural grazing. It is also accessed by anglers for the purpose of fishing and walkers who can enjoy the rural location and public access along the riverside.

The trees in question form a linear belt along the southern bank of the river. They are entirely in keeping with the visual appearance and general character of the wider, rural landscape. The trees can be clearly seen from the public footpath and as landscape trees from a range of wider locations. They contribute to the visual setting of the River Lune. In addition, they make an important contribution to the control of erosion of the river bank as water levels inevitably rise and fall. Where trees are not present along the river the increased incidence of soil erosion is apparent. The trees also have significant potential to provide habitat, shade and shelter for a range of wildlife and protected species including nesting birds, and otters which are known to be within the area, also fish and their developing/maturing young.

For the purpose of this report and the proposed new tree preservation order the trees in question have been identified as **G1**, comprised of x19 willow trees, x8 ash, 2x alder and x2 elm. Ages range from semi-mature to mature. There are two willow trees not included within the order because of their poor overall condition, they do however make an important contribution as a wildlife resource because of this condition and should be retained as such.

Concerns have been expressed locally that some of the trees maybe removed, fragmenting the existing group. Fragmenting the group may lead to an increased susceptibility erosion and loss of the river bank as roots which currently help to stabilize the river bank would inevitably be lost. There would also be an adverse impact on the visual appearance of the riverbank in this location and a detrimental impact on the visual appearance of the wider landscape view and wildlife resources.

The amenity value of the trees has been assessed using a Tree Evaluation Method for Preservation Orders (TEMPO). TEMPO Assessment Score: 14 – TPO defensible

**Decision:** To serve Tree Preservation Order no. 504 (2012) under sections 198 (201) and 203 of the Town & Country Planning Act 1990, in the interests of public amenity; affecting x1 group of trees comprised of x31 trees.

The trees in question have important amenity value and have become a significant landscape feature. They make an important contribution to the amenity and character of their

immediate vicinity and wider locality. They make an important contribution to the stability of the river bank and control of soil erosion, and are an important resource for wildlife.

Any tree works must be undertaken by a suitably competent, trained and experienced arborist and in line with BS 3998 (2010) Tree works – recommendations. Written agreement with the local planning authority must be obtained prior to undertaking any works to protected trees.

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

(26.07.12)

### APPENDIX 3

The screenshot shows a Microsoft Internet Explorer browser window displaying Google Maps. The title bar reads "Holme Lane, Brookhouse - Google Maps - Microsoft Internet Explorer". The address bar contains the URL "http://maps.google.co.uk/maps?hl=en&tab=ll". The search bar has "Holme Lane, Brookhouse" entered. The map shows a satellite view of a rural area with a large pond, roads, and fields. The left sidebar shows "Holme Ln" with the address "Brookhouse, Lancashire LA2". The taskbar at the bottom shows several open applications, including "Appeal\_Committee\_Rep...", "Lancaster Intranet - Micr...", "Lancaster City Council...", "Lancaster Internet Mapp...", "Holme Lane, Brookho...", and "Appendices". The system clock shows "10:27".







CITY COUNCIL OF LANCASTER  
TREE PRESERVATION ORDER NO. 504(2012)

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RELATING TO:

Trees located on the Southern Bank of River Lune, North of Holme Lane, Brookhouse

PO BOX 4  
TOWN HALL  
LANCASTER  
LA1 1QR

**TOWN AND COUNTRY PLANNING ACT 1990**  
**LANCASTER CITY COUNCIL**  
**TREE PRESERVATION ORDER NO. 504(2012)**

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. 504(2012), trees located on the Southern Bank of River Lune, North of Holme Lane, Brookhouse, 30th July 2012.

**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 30th day of July 2012

Signed on behalf of the Lancaster City Council:



**Andrew Dobson DipEP MRTPI PDDMS**  
**Head of Regeneration and Policy**  
Authorised by the Council to sign in that behalf

**SCHEDULE**

**Specification of Trees**

**TREE PRESERVATION ORDER NO. 504(2012)**

Trees located on the Southern Bank of River Lune, North of Holme Lane, Brookhouse

**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)

**GROUP OF TREES**

(Shown within a broken black line on map)

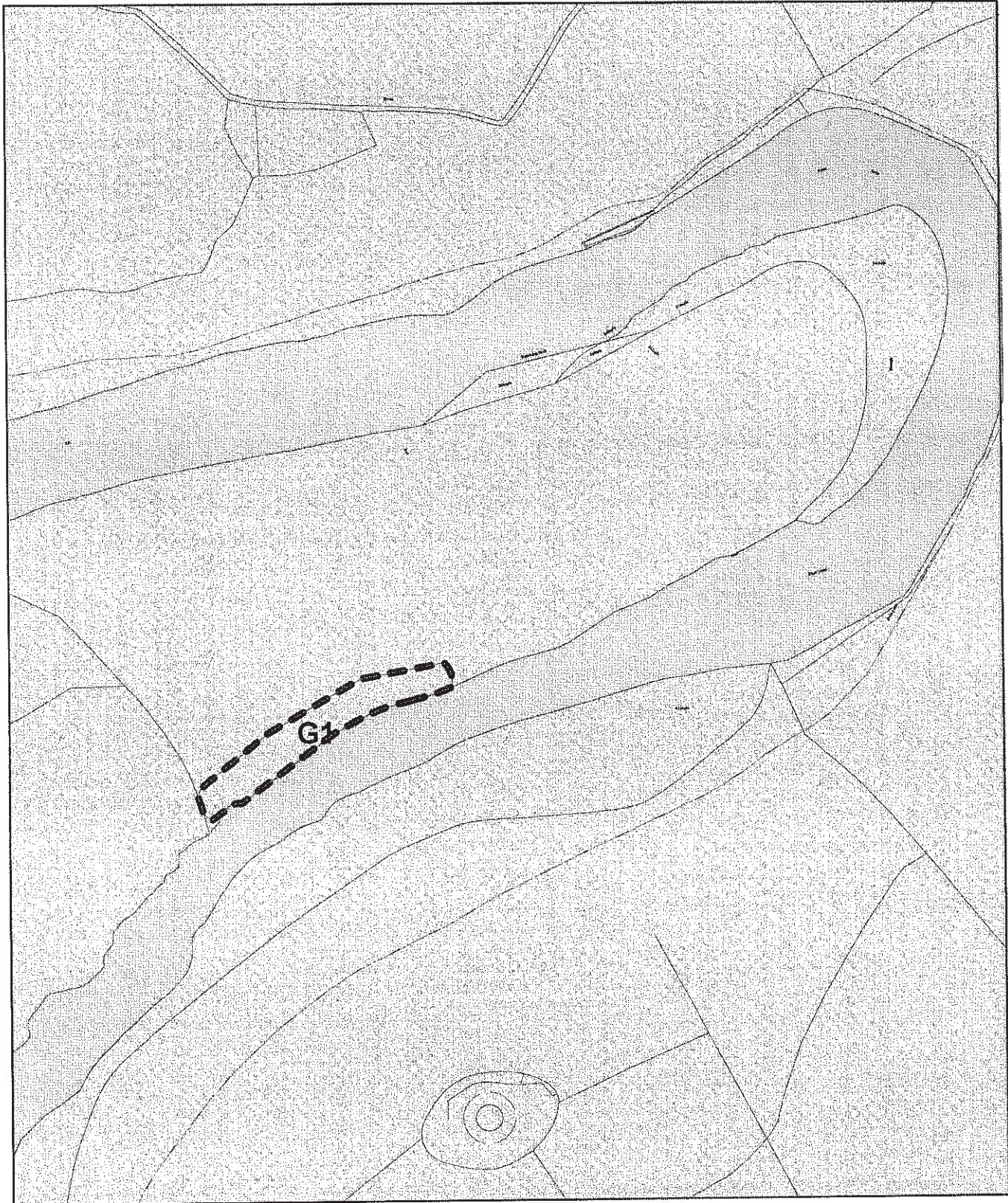
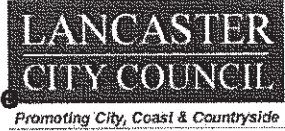
Reference on Map	Description	Situation
G1	x19 Willow x8 Ash x2 Alder x2 Elm	Centred on (E) 353851 (N) 465790 grid ref:

**WOODLAND**

(Shown within a solid black line on map)

# Tree Preservation Order No. 504(2012)

Southern Bank of River Lune North of Holme Lane Brookhouse



Scale : 1:2500

Lancaster City Council	
Department	Regeneration and Planning
Comments	
Date	27 July 2012

Low House Farm

Claughton

Lancaster

LA2 9RZ

23.08.2012

Andrew Dobson

Lancaster Town Hall

LA1 1QR

Dear Sir,

**Tree Preservation Order 504(2012)**

I wish to place on record my objection to the above TPO. The trees are of a poor quality. Some are dead and others are splitting or propping each other up. They are in need of pruning which I understand the Trustees of the Poor's Land Charity were planning to do since the Fishing Rights lease with the L&DAA is coming to an end. Having farmed in the Lune Valley all my life I know that if the willows are not kept in check they fall into the river taking the bank with them. This will lead to a loss of land and therefore loss of grazing for my stock and loss of income for the Charity. I understand the Charity does not intend to remove all the willows but put in place a proper management programme. Decisions on how to deal with day to day problems regarding river bank management often need immediate solutions. By placing the TPO on trees of a questionable quality the bank management could be put in jeopardy.

I trust you will take these comments into consideration when making your decision.

Yours faithfully,



John Harvey

Copies to:

Maxine Knagg, Tree Protection Officer

Cllr K Budden, Chairman of Planning



## Caton-with-Littledale Parish Council

R.B. Alexander  
Clerk to the Council

Tel/Fax 01524 381491  
E-mail [brucealexander@mypostoffice.co.uk](mailto:brucealexander@mypostoffice.co.uk)

Heather Barn  
Rigg Lane  
QUERNMORE  
Lancaster  
LA2 9EH

28<sup>th</sup> August 2012

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

Dear Sirs,

Tree Preservation Order 504(2012) Trees located on the Southern Bank of the River Lune, North of Holme Lane, Brookhouse.

As Trustees of the Poor's Land Charity we wish to place on record our objection to this TPO.

The Trustees own and manage this small parcel of land on the south bank of the river Lune and were surprised and annoyed to learn that a TPO had been served without prior discussion with themselves.

The Charity derives its income from the letting of both the land for grazing and the fishing rights on the river and takes its responsibility of managing these assets seriously.

The trees in question were planted a number of years ago with the specific aim to help stabilize the river bank from continued erosion. They form a linear feature along this short stretch of river bank in isolation to the rest of the river frontage and could be considered an anomalous feature in the landscape when compared to the treeless remainder of the riverbank in this area.

The Trustees are very much against the imposition of a TPO on these trees as they wish to retain the freedom to manage the trees as required to maintain the banking without recourse to seeking permissions each and every time.

The Trustees feel that these trees do not warrant the imposition of a TPO and have considered your TEMPO scoring assessment in detail and would make the following comments and observations.

### Part 1 Amenity Assessment

#### a) Condition & Suitability for TPO

We would consider that the trees are in a poor condition as they require a degree of cutting back to remove dead wood and a couple of trees (as noted in your Assessment) and thus encourage a healthy root system, particularly for the Willows. We would consider a score of 1 to be more appropriate.

#### b) Remaining longevity

The trees are mature specimens and have been there in excess of 20 years already. We consider their future lifespan to be a maximum of 40 more years and would therefore score this at 2.

c) Relative Public visibility

Although the trees are visible from the adjacent footpath and from Caton Green Road, they are but a minor feature on the landscape when seen against the densely wooded hillside behind them. We consider that in a worst case scenario if they were to be felled then their loss would not have a detrimental effect on the overall landscape in this area and we consider a score of 2 to be more appropriate.

At this juncture we have scored these trees at 5 which means that the remainder of the TEMPO scoring is irrelevant.

However we would make the following comments on the remaining headings

d) Other Features.

We agree with your scoring of 1. The trees have none of the above redeeming features and this has been reflected in our scoring of the previous categories.

Part 2 Expediency Assessment.

We are unsure where 'the local concern that the trees may be removed' has come from. The Trustees have no intention of removing any healthy trees. We had suggested that the trees may need to be thinned or coppiced to improve their health, root structure and lifespan and open up the banking to allow access to the river for fishermen. If there needs to be a score here then a precautionary 1 could be scored.

Our scoring of the TEMPO was 5 which demonstrates that a TPO is indefensible.

However if we were to be generous and allow sections a)-c) a score of 7 and add an extra 2 points then we would have only reached a score of 9. This falls into the area where a TPO is unmerited.

It is on this basis that we as Trustees feel that the imposition of a TPO is a completely over the top reaction to a request from an unidentified party to a perceived threat which has no basis in actuality. If one was to take the view that this TPO is justified then there should be a TPO on every stand of trees throughout the District.

The income of the Poor's Land Charity is derived from letting the grazing and fishing rights and it is the Trustees duty to maximise this income. We are in the process of planning improvements to the access to the river for fishermen prior to offering a new lease on the open market rather than continuing the previous arrangements with Lancaster and District Angling Association.

The Trustees are of the opinion that if this TPO is confirmed and it compromises the ability of the Trustees to realise the full potential of the site then they will be forced to seek compensation from the Council.

On the basis of the above the Trustees object strongly to the imposition of this TPO in the first instance and request that the City Council do not confirm this TPO. To this effect the Trustees request that this matter be considered by the full Planning Committee rather than as a delegated matter by an officer of the Council.

Yours sincerely,



Clerk to the Trustees and Parish Council.

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## APPENDIX 8

Mr John Harvey  
Low House Farm  
Claughton  
Lancaster  
**LA2 9RZ**

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

Date: 7<sup>th</sup> September 2012

Dear Mr Harvey

**Re: Tree Preservation Order no.504 (2012)**

Thank you for your letter dated 23<sup>rd</sup> August 2012.

In your letter, you have made a formal objection to the above tree preservation order citing your principal reason for objection as *'trees are of poor quality'*.

Certainly, there are trees which are dead or in a poor overall condition; these trees were not included within the order. Those that have been identified within the First Schedule of TPO no.504 (2012) are of a condition, remaining longevity and public visibility and as such carry sufficient overall amenity value to justify their inclusion. We consider them to be under sufficient 'threat' to warrant serving them with a tree preservation order.

A tree preservation order does not prevent 'good arboriculture practice', tree work that has an identifiable and justifiable need and work that is carried out in compliance to current British Standards of Best Practice - BS 3998 (2010) Tree work – recommendations.

We as the local planning authority would be happy to receive and review any management plan for the trees in question. Proposed tree works would of course have to be agreed in writing, with the exception of the removal of deadwood which does not require consent.

Yours sincerely,

**Maxine Knagg**  
**Tree Protection Officer**  
**On behalf of Lancaster City Council**



## APPENDIX 9

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Mr R.B. Alexander  
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Regeneration & Planning Service  
Development Management  
PO Box 4  
Town Hall  
Lancaster  
LA1 1QR

Date: 7<sup>th</sup> September 2012

Dear Mr Alexander

**Re: Objection to TPO no.504 (2012)**

Thank you for your letter dated 28<sup>th</sup> August 2012.

We understand from your letter that you have made a formal objection to the above tree preservation order, as Trustees of the Poor's Land Charity, who own and manage the trees in question.

1. Your principal reason for your objection to the order has been cited as: the Trustees '*wish to retain the freedom to manage the trees as required to maintain the banking without recourse to seek permissions each and every time*'. You are of course required to seek written consent from the local authority to carry out works to trees subject of the order; with the exception for the removal of deadwood or indeed dead trees where consent is not required.

Certainly, there are trees which are dead or in a poor overall condition; these trees were not included within the order. Those that have been identified within the First Schedule of TPO no.504 (2012) are of a condition, remaining longevity and public visibility and as such carry sufficient overall amenity value to justify their inclusion. We consider them to be under sufficient 'threat' to warrant serving them with a tree preservation order.

2. You have made a number of comments in relation to the Tree Evaluation Method for Preservation Orders (TEMPO). Perhaps the first point to make here is a TEMPO assessment must be undertaken by an arboriculturist, a professional that has undertaken arboriculture training, and has the experience in the assessment of trees. A TEMPO document is a 'tool' to demonstrate the elements that are considered when an arboriculturist assesses the suitability of a tree in relation to a tree preservation order. It is not a decision making tool, what is more it is rendered useless at best when used by any other professional or non-professional. This has been emphatically demonstrated in the comments and *ad hoc* scores that you have attempted to justify and in your suggestion that the order is *Indefensible*.

As you are aware, we have undertaken an assessment relating to the value and suitability of the trees in question. We are entirely satisfied that the trees convey the amenity value indicated within our report and by the TEMPO document. As previously mentioned those trees that are of an overall poor condition and which are dead have been excluded from the TPO because of their condition. Only those trees identified in the First Schedule are subject to TPO no.504 (2012).

3. A tree preservation order does not prevent 'good arboriculture practice', tree work that has an identifiable and justifiable need and work that is carried out in compliance to current British Standards of Best Practice - BS 3998 (2010) Tree work – recommendations. Of course Lancaster City Council would be happy to consider an application for tree works in line with standards of best practice (BS 3998 (2012)). There is no charge to make an application.
4. The local authority is keen to ensure that the trees in question are protected and not inappropriately managed. Collectively they make an important contribution in maintaining the integrity of the river bank and helping to control soil erosion which would otherwise result in the loss of important land mass; this can be clearly seen along the river bank where there are no trees. The trees make a positive contribution to the character of the immediate locality and wider countryside and are clearly visible from the public footpaths. In addition, they have sufficient condition and remaining longevity to justify inclusion within TPO no.504 (2012). They are also an important resource for a range of wildlife and have the potential to provide habitat for protected species.
5. We do consider there to be sufficient threat to the trees, to warrant their inclusion within the order. The Trustees have identified a requirement to remove, thin, coppice and prune trees to improve access to the river for the purposes of fishing. As you have clearly identified within your objection letter (end para 2) there are long stretches of the river where there are no

trees, and where access would be unobstructed. Such areas should be favoured.

Where the local planning authority receives formal objections to a new TPO, it is usual for Members of the TPO Appeals Committee to determine whether the order is confirmed, confirmed with modifications or left unconfirmed; it should be noted this is not the Planning Committee.

An appeal hearing would ordinarily be arranged following an initial period of exchanges between all parties, including the Local Planning Authority, objectors and supporters alike. It would be usual for unresolved objections to be heard at a committee hearing within 6 months of the order being made. It is also an opportunity for the local authority and supporters to make their case.

If you wish to discuss this matter further, please do not hesitate to contact me; however please note I will be on leave until Monday 24<sup>th</sup> September 2012.

I look forward to hearing from you again.

Yours sincerely,

**Maxine Knagg**  
**Tree Protection Officer**  
**On behalf of Lancaster City Council**

# LANCASTER AND DISTRICT ANGLING ASSOCIATION

Hon. Secretary:

V. C. Price  
19 Church Brow  
Halton  
Lancaster  
LA2 6LS

Hon. Treasurer:

B. Fozard  
14 Quernmore Road  
Caton  
Lancaster  
LA2 9QA

17 August 2012.

Dear Sir/Madam.

## Tree Preservation Order 504(2012).

Thank you for your letter dated 2 August 2012 with regard to a proposed tree preservation order to be placed on a group of trees on the bank of the Lune at Brookhouse.

I am writing to let you know that our Association is fully supportive of the Preservation Order.

Lancaster and District Angling Association originally planted these trees many years ago and the main reason for the planting was to try to halt the bank erosion which was taking place along the banks in this area. It is clearly evident that the exercise was very successful - this area has become, perhaps, the most stable stretch of river bank in the area, with obvious signs of continued erosion both up stream and downstream of this place. This effectiveness has been achieved in a very aesthetic manner and we feel that the trees contribute to the visual amenity of the area. We would be very concerned about renewed erosion problems should any of the trees be removed.

We feel that the Assessment by Maxine Knagg is objective and accurate and we agree with all the points she makes. LDAA own the fishing on the opposite bank and we feel that the fact that the trees provide a lot of shade increases the likelihood of fish resting in this area. To remove them would be to the detriment of the fishing.

Yours faithfully,

  
Vic Price. Hon. Secretary.

