



**Committee:** APPEALS COMMITTEE  
**Date:** THURSDAY, 27 JUNE 2013  
**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.**

## **A G E N D A**

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

Minutes of the Meeting held on 14 December 2012 (previously circulated)

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

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

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

Whilst not a legal requirement, in accordance with Council Procedure Rule 10, and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register at this point in the meeting.

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

## **MATTER FOR DECISION**

6. **Tree Preservation Order No. 512 (2013) relating to Queen's Well Wood, Crook O'Lune, Lancaster** (Pages 1 - 26)

Report of the Head of Governance

## **ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

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

**(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 Friday, 14 June 2013.

**APPEALS COMMITTEE**

**Tree Preservation Order No. 512 (2013)  
Queen's Well Wood, Crook O'Lune, Lancaster  
27 June 2013**

**Report of Head of Governance**

**PURPOSE OF REPORT**

To enable Members to consider a single, formal, written objection received to Tree Preservation Order No. 512 (2013) relating to Queen's Well Wood, a woodland, comprised of mixed broadleaf species trees, established to the south of the Crook O'Lune Caravan Park, Crook O'Lune, 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 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 a single formal, written objection to Tree Preservation Order No. 512 (2013) relating to Queen's Well Wood, a woodland, comprised of mixed broadleaf species trees, established to the south of the Crook O'Lune Caravan Park, Crook O'Lune, Lancaster, 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, a single, formal, written objection has been received to Tree Preservation Order No. 512 (2013), which has been made in relation to Queen's Well Wood, a woodland, comprised of mixed broadleaf species trees, established to the south of the Crook O'Lune Caravan Park, Crook O'Lune, Lancaster.
- 1.3 In accordance with the Regulations, it is necessary to consider the objection, and in order for the objection to be considered objectively, the matter is referred to the Appeals Committee.

1.4 The report of the City Council's Tree Protection Officer is attached (pages 3 to 7). Appended to the report are:

- Appendix 1 – *Aerial View (page 8)*;
- Appendix 2 – *TEMPO (page 9)*;
- Appendix 3 – *Initial Report (pages 10 to 11)*;
- Appendices 4, 5 and 6 – *Photographs (pages 12, 13 and 14)*;
- Appendix 7 – *Tree Preservation Order (pages 15 to 18)*;
- Appendix 8 – *Letter of Objection (pages 19 to 21)*;
- Appendix 9 – *Response to Letter of Objection (pages 22 to 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. 512 (2013).

## 3.0 Details of Consultation

3.1 Tree Preservation Order No. 512 (2013) was made and advertised in the usual way, and one objection was received.

## 4.0 Options

- (1) To confirm Tree Preservation Order No. 512 (2013) -
  - (a) Without modification;
  - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 512 (2013).

## 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. 512 (2013).

<b>CONCLUSION OF IMPACT ASSESSMENT</b>
--

<b>(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</b>
---

Not applicable.
-----------------

<b>LEGAL IMPLICATIONS</b>
---------------------------

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

<b>FINANCIAL IMPLICATIONS</b>
-------------------------------

Not applicable.
-----------------

<b>BACKGROUND PAPERS</b>
--------------------------

Tree Preservation Order No. 512 (2013)
--

<b>Contact Officer:</b> Jane Glenton
--------------------------------------

<b>Telephone:</b> (01524) 582068
----------------------------------

<b>Email:</b> <a href="mailto:jglenton@lancaster.gov.uk">jglenton@lancaster.gov.uk</a>
--

<b>Ref:</b> JEG
-----------------

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: 05<sup>th</sup> June 2013

## Appeals Committee (TPO)

Trees subject of the Appeals Committee – A woodland, comprised of mixed broadleaf species trees, established to the south of the Crook O Lune Caravan Park, Crook O Lune, Lancaster, subject of **Tree Preservation Order no. 512 (2013)**.

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

### 1.0 Purpose of Report

- 1.1 This report relates to a single objection received in relation to Tree Preservation Order no.512 (2013).

### 2.0 Background

- 2.1 Tree Preservation Order no. 512 (2013) relates to a Queen's Well Wood, which is comprised of mixed, broadleaf species, age range from semi-mature to mature trees. The woodland is established on land to the south of the Crook O Lune Caravan Park.
- 2.2 The trees and land in question are in part under the control of the owners of the caravan park; however the woodland is extensive and extends beyond the curtilage of this site. The site is in a rural location established immediately adjacent to the public highway, A683. The River Lune lies immediately beyond the highway to the north-east.
- 2.3 The River Lune is recognised for its importance and is designated a Biological Heritage Site. Trees are an integral component of this biological heritage. Trees within Queen's Well Wood have clear links with the riverside trees, generating a continuous canopy of tree cover and important corridor for wildlife (**Aerial View - Appendix 1**).

## 2.4 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”.

2.5 Lancaster City Council became aware that x7 trees had been felled within the woodland and concerns were expressed from the public that further felling may continue (**Photographs - Appendices 4, 5 and 6**).

2.6 Planning Application no. 13/00081/FUL was submitted to the council, a short time after the trees were felled. The application detailed a proposal to install new sewage tanks and an associated control kiosk within the woodland, close to the public highway.

2.7 This application was ‘Withdrawn’ by the applicant prior to refusal, following objections to the scheme, including the adverse impact on existing woodland trees.

2.8 A new planning application no. 13/00434/FUL has since been submitted to the local planning authority, and is at yet ‘Undetermined’. There remain significant concerns at the loss of additional trees and the unacceptable threat to trees proposed for retention.

2.9 A Tree Preservation Order does not prevent or obstruct development. It does however; ensure that trees become a material consideration in relation to any subsequent planning applications. Planning consent overrides the powers of a TPO where trees would have to be removed to facilitate the implementation of a planning permission. It also ensures the protection of existing trees, and limits tree removals to only those absolutely necessary to facilitate the development.

2.10 Importantly a TPO can be used to enforce replacement planting where trees are agreed for removal and protect the woodland beyond the development period and long into the future, in the interest of public amenity.

## 3.0 Amenity Value of Trees

3.1 Trees within the woodland 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 2 & 3**. The use of a Tree Preservation Order is described as ‘definitely merits’ with a total score of 20.

3.2 The woodland identified as **W1** is a significant landscape feature. The presence of the woodland is clearly visible and can be appreciated from a range of locations within the wider landscape and public domain, including the busy public highway immediately to the east.

- 3.3 The age and condition of the existing trees are such that they have significant remaining life potential beyond the next 50+ years. With good woodland management it has the potential to remain for many more decades beyond the next 50 years.

#### 4.0 Wildlife Value

- 4.1 The woodland has an important role in the provision of resources, habitat and foraging opportunities for a range of wildlife communities, including the potential for protected species such as nesting birds and bats.
- 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.

#### 5.0 Tree Preservation Order

- 5.1 Tree Preservation Order no. 512 (2013) was made on 15<sup>th</sup> March 2013 (**Appendix 7**) following local concerns which were expressed following the felling of x7 trees from within the woodland. A planning application was submitted to the Council shortly after (13/00081/FUL).
- 5.2 Lancaster City Council considered it to be expedient in the interests of amenity to make TPO no.512 (2013) because of the loss of x7 woodland trees and the threat of further tree felling operations. The area affected by tree losses is apparent from the public domain, combined with the potential for further felling operations, there remains a significant threat to the visual appearance, character and public amenity value of the immediate and wider locality.
- 5.3 The loss of trees in this location has potential to adversely impact upon important wildlife communities, some of which are in themselves also protected in law.

#### 6.0 Objections to TPO no.512 (2013)

- 6.1 Lancaster City Council received a single formal, written objection to Tree Preservation Order no.512 (2013).
- 6.2 A letter of objection was received from Mr Peter Black, of Blacktowers Town Planning, agent acting on behalf of the applicant in relation to planning application nos.13/00081/FUL (Withdrawn) and 13/00434/FUL (Undetermined); a full copy of the appellant's letter of objection is available at **Appendix 8**.
- 6.3 The main points for objection are as detailed as follows.

## 7.0 Objection Letter – Main Points

### 7.1 Objection Letter - **Appendix 8**

- No potential threat to woodland trees once planning application no. 13/00081/FUL is determined
- TEMPO system is over scored
- No significant wildlife value of woodland
- Most of the trees are hidden from public view
- Area of woodland covered by TPO is far too big
- Confirmation of TPO would make woodland management unnecessarily bureaucratic

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

## 8.0 Decision to Serve TPO no. 512 (2013)

**8.1** 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.  
Woodland (**W1**):

- Important public visual amenity
- important landscape feature in keeping with the character of the immediate and wider locality
- significant potential to provide important habitat and resources for a range of protected and unprotected wildlife communities
- potential threat from removal and inappropriate management

The trees in question have sufficient amenity value and importance within the landscape to justify their existing and future protection with TPO no.512 (2013).

There remains an ongoing threat to woodland trees from existing development proposals. The existing TPO not only safeguards existing woodland trees, but it also ensures that there is an enforceable legal requirement to make new replacement plantings where trees are agreed for removal.

The trees have important links to trees established along the River Lune, a designated Biological Heritage site.

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. In addition, the powers of a tree preservation order are overridden where planning consent is granted for development and trees are required to be removed in order to implement that consent.



It remains my professional opinion that the woodland in question remains under threat from further tree removal and inappropriate management resulting in additional future tree losses and that TPO no.512 (2013) must be confirmed without modification to ensure its long term protection and future management, in the interest of public amenity and wildlife value.

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

Map Print Layout - Windows Internet Explorer

File Edit View Favorites Tools Help

Favorites Suggested Sites Web Slice Gallery

Page Safety Tools

### Aerial View

Queen's Well Wood & River Lune  
[Additional Information]

**LANCASTER**  
**CITY COUNCIL**  
*Promoting City, Coast & Countryside*



#### Legend

- M6 Link CPO
- CLTBA
- CHRTBA
- Uniform TPO Points
- Uniform TPO Polygons
- Conservation Areas

© Crown copyright and database rights 2011. Ordnance Survey  
100025403

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

### SURVEY DATA SHEET & DECISION GUIDE

Date: 15.03.13      Surveyor: Mknagg

#### Tree details

TPO Ref: 512 (2013)      Tree/Group No: W1      Species: Ash, Sycamore, Oak, Silver Birch, beech, Elm & Hazel

#### 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)** Generally trees within the woodland are in a good overall condition, there is however little evidence of management in the recent past.

##### 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)** Trees range from young to mature, many of the species have potential longevity in excess of 100+

##### 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)** Many of the trees are mature, and in excess of 15m in height, established adjacent to a busy public highway

##### 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     | <p><b>Score &amp; Notes 4)</b> The trees in question forms a mature and well established deciduous woodland</p> |
| 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            |   |

#### Part 2: Expediency assessment

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

- |  |  |
|--|--|
| 5) Known threat to tree                    | <p><b>Score &amp; Notes 5)</b> x7 young and mature trees have been felled, prior to submission of a planning application for development – x5 additional mature trees are threatened</p> |
| 3) Foreseeable threat to tree              |  |
| 2) Perceived threat to tree                |  |
| 1) Precautionary only                      |  |
| 0) Tree known to be an actionable nuisance |  |

#### 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:**  
20

**Decision:**  
Definitely merits TPO

**Proposed New Tree Preservation Order No: 512 (2013)****Site: Queen's Well Wood, Crook O'Lune, Lancaster****Location of Trees: A woodland established immediately west of the public highway A683 and immediately south of the Crook O'Lune Caravan Park, Crook O Lune, Lancaster****Assessment:**

I have assessed trees established to the west of the A683, public highway and immediately south of the Crook O Lune Caravan Park, in relation to their suitability and the appropriateness of serving and protecting trees with a Tree Preservation Order.

The trees form an extensive area of predominantly deciduous woodland formed immediately west of the A683 and immediately south of the Crook O Lune Caravan Park. The woodland is under private ownership which may extend to more than one private party. A land registry search will be undertaken accordingly.

The woodland is comprised of mainly deciduous species including oak, ash, sycamore, silver birch, hazel and elm. Ages range from young, natural regeneration to mature trees in excess of 18m in height. Generally trees are in a good overall condition, there is evidence of deadwood within the canopy of a number of trees, typical of a mature woodland situation. The woodland is an immensely important resource for a range of wildlife communities.

The natural topography of the site is relatively steep in areas, sloping north to south, down to a small water course, here the topography inclines again, rising up to the southern boundary of the site. There is an access to the site from the public highway to the east, from which an access track, continues through the site on level ground through to the west.

There is evidence of recent tree felling works, a total of x5 mature trees have been felled and x2 semi-mature trees. There is a small area of excavation immediately north of the access track. This felling work was undertaken prior to the submission of an existing planning application (No.13/00081/FUL). This application proposes to install a new sewage tank to serve the caravan park to the north. Trees removals previously mentioned above were cited as part of 'site investigations'. The exact nature of these investigations is unclear and why trees had to be removed prior to undertaking the 'investigations'.

Whilst a tree preservation order is not intended to prevent or obstruct development, it does ensure that affected trees remain a material consideration, preventing their lawful removal prior to submission of any future planning application or prior to determination where trees may otherwise be considered to be an unacceptable constraint. It should be noted that Permitted Development Rights do not override the powers or constraints of a Tree Preservation Order. However, full planning permission does override the powers of a TPO where trees would clearly require removal in order to allow the implementation of any future planning consent.

Trees within the site are clearly visible from a number of public vantage points including the public highway to the east. The wood provides important screening and greening between the Caravan Park and public domain, in effect enclosing the caravan site from public view. The trees also link to the Crook O Lune Wood, immediately to the east providing extremely important links for wildlife. This woodland also links Queen's Well Wood to the River Lune

which has been designated a Biological Heritage Site, of which trees are important component features.

The trees in question are under threat from severe damage in relation to existing development proposals, and the absence of significant mitigation and tree protection measures.

The amenity value of the wood has been assessed using a Tree Evaluation Method for Preservation Orders (TEMPO). TEMPO Assessment Score: 15+ – Merits TPO.

**Decision:** To serve Tree Preservation Order no. 512 (2013) under sections 198 and 203 of the Town & Country Planning Act 1990, in the interests of public amenity; affecting a single woodland (W1).

The trees and woodland in question have important amenity value and have become significant landscape features. They make an important contribution to the amenity and character of their immediate vicinity and wider locality. They link to similar woodland areas in the immediate vicinity and as such are significantly important resources for a range of wildlife.

Trees within the woodland are under threat from an existing planning application.

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.

<b>Title</b>	TPO 512 (2013) Queen's Well Wood, Crook O'Lune, Lancaster
<b>Grounds</b>	The woodland is a highly visible landscape feature, contributing to the character and appearance of the locality. Trees within the wood provide important greening, and screening, and links to similar woodlands in the vicinity. <b>W1</b> is an important resource for a range of wildlife communities including protected species. Trees within the woodland are under threat from an existing development proposal.

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

(15.03.13)



APPENDIX 5



APPENDIX 6





CITY COUNCIL OF LANCASTER  
TREE PRESERVATION ORDER NO. 512(2013)

---ooOoo---

RELATING TO:

Queen's Well Wood  
Crook O' Lune  
Lancaster

PO BOX 4  
TOWN HALL  
LANCASTER  
LA1 1QR

**TOWN AND COUNTRY PLANNING ACT 1990**

**LANCASTER CITY COUNCIL  
TREE PRESERVATION ORDER NO. 512(2013)**

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. 512(2013), trees relating to Queen's Well Wood, Crook O' Lune Lancaster.

**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 15<sup>th</sup> day of March 2013

Signed on behalf of the Lancaster City Council:



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

**SCHEDULE**

**Specification of Trees**

**TREE PRESERVATION ORDER NO. 512(2013)**

Trees relating to woodland established at Queen's Well Wood, Crook O' Lune, Lancaster

**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)

**WOODLAND**

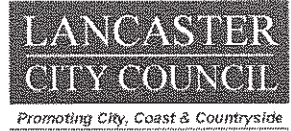
(Shown within a solid black line on map)

Reference on Map	Description	Situation
W1	Ash, Sycamore, Oak, Silver Birch, beech, Elm & Hazel	Centred on (E) 352093 (N) 464204 grid ref:

Trees relating to a woodland established immediately west of the public highway A683 and immediately south of the Crook O' Lune Caravan Park, Crook O' Lune, Lancaster

512(2013)

Queen's Well Wood Crook O' Lune Lancaster



Scale : 1:2500

© Crown copyright and database rights 2011. Ordnance Survey 100025403

Lancaster City Council	
Department	Regeneration and Planning
Comments	
Date	15 March 2013

Andrew Dobson  
Head of Regeneration and Planning  
Lancaster City Council  
Development Management  
PO Box 4, Town Hall  
Lancaster LA1 1QR



26 March 2013

## Tree Preservation Order 512 (2013) Crook o Lune Caravan Park

Thank you for your letter of 15 March 2013 informing us about this order and requesting comments before 12 April. I confirm that the wood is owned and managed by Pure Leisure Group (PLG) as part of the caravan park and that PLG is aware of the implications of the Tree Preservation Order.

PLG also own a number of caravan parks with a woodland setting and appreciates that customers value the amenity, wildlife and active play potential that woodlands bring. The PLG record in protecting trees and woodlands is excellent, and the group is committed to maintaining the woodland cover at Crook o Lune – as shown through the offer to implement a 'light touch' management plan in this woodland.

The Order has been placed in the context of application 13/00081/FUL (Buried sewage treatment plant and small kiosk) and we recognise that it is normal for a TPO to be placed on development sites to protect trees while proposals are assessed.

13/00081/FUL aims to implement pollution prevention measures requested by the Environment Agency and considered essential to protect fisheries in the European protected area of Morecambe Bay. We feel that after application is determined that **the Tree Preservation Order should not be confirmed**, for the following reasons:

- There will be no potential threat to trees in the woodland at all, over any other woodland in the area once application 13/00081/FUL is determined. Guidance suggests that although trees may merit protection on amenity grounds it may not be expedient to make them the subject of a TPO.
- The TEMPO assessment is deficient and has been over-scored – as if the wood was a free-standing group of trees in a parkland setting. If the assessment was accurate, then every established woodland in reasonable condition near a road in the Lancaster area would merit a TPO, and this is clearly not the intention of either the legislation or the TEMPO process. For instance 'Other factors' is scored as 4 (Members of groups of trees important for their cohesion). However this is intended for significant groups of trees, perhaps in an historic parkland, not a clough woodland largely hidden from view.
- A TEMPO assessment undertaken on behalf of PLG is attached – this suggests that once the development issue is resolved, the woodland does not merit a TPO.
- The text of the notification letter is also misleading. It states that '*W1 is an important resource for a range of wildlife communities including protected species*'. It is strange, therefore that the site has no statutory wildlife designation such as SSSI, and no local designation either. It may be true that protected species (for instance bats) use the woodland, but this is true for most woodlands. Again if this is a qualification for a TPO, then every wood within Lancaster City Council area would merit a TPO.

- Similarly it is described as a 'highly visible landscape feature'. In fact, most of the trees are hidden in a narrow valley and not visible. Only a handful are visible from the A683.
- The area covered by the TPO is far too large – it includes a large area where trees are not visible to the public, regardless of size, and where there is no possible development threat.
- Confirmation of the TPO would make normal woodland management unnecessarily bureaucratic and expensive, and therefore less likely to be carried out – to the long term detriment of the health of the woodland.

**We feel that it is reasonable to ask that a decision on confirmation of the TPO is delayed until after the development control process on application 13/00081/FUL is complete. This should happen well before the six month deadline for confirmation of the TPO.**

I would be grateful if you could confirm receipt of this letter and let me know when a decision on the permanency of the TPO will be made, so that we can make further representations if needed

Best wishes.

Peter Black MRTPI (on behalf of PLG)  
9 Ecclesbridge Road, Marple  
STOCKPORT SK6 7PF  
Tel: 0750 522 1405  
[PeterBlack62@gmail.com](mailto:PeterBlack62@gmail.com)

End of letter – appendix follows.

Appendix: TEMPO assessment: Crook o Lune Caravan Park, Caton Rd, Lancaster LA2 9HP

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

**SURVEY DATA SHEET & DECISION GUIDE**

Date: 25.03.2013	Surveyor: Peter Black
<b>Tree details</b>	
TPO Ref: 512 (2013)	Tree/Group No: W1 Species: Ash, Sycamore, Oak, Silver Birch, beech, Elm & Hazel

**Part 1: Amenitv 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)** Trees within the woodland are in a good overall condition, although most of the site is sloping and unstable with leaning and recently fallen trees. Several multi-stemmed Sycamores

**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 2)** Unstable nature of sloping site means that trees are generally young, but with limited life expectancy. Some Oaks are established and could have significant life, but these are exceptions.

**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)** Most of the trees are medium, and in general are not visible to the general public apart from glimpses from road

**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)** The trees have typical elongated woodland form and do not have good form, historic, commemorative or habitat importance, and while a pleasant wood, have no special cohesion.

**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 1)** After determination of current application, no known threat.

**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:**  
10

**Decision:**  
Does not merit TPO

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

Mr Peter Black  
Blackfryers Town Planning  
9 Ecclesbridge Road  
Marple  
Stockport  
**SK6 7PF**

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

Date: 17th May 2013

Dear Mr Black

**Re: Objection to Tree Preservation Order no.512 (2013) Crook O Lune Caravan Park**

Further to your recent letter dated 26th March 2013.

I apologise for the delay in responding to your letter, I have had two periods of leave since your letter arrived with the Council.

Tree Preservation Order no.512 (2013) was served following the felling of early-mature and mature woodland trees during apparent ground investigation works, in relation to a proposed development to install an underground sewage treatment plant and associated kiosk (planning application no. 13/00081/FUL).

I understand from the planning case officer, at Lancaster City Council that planning application no. 13/00081/FUL was due to be 'refused' on the grounds of the unresolved threat to existing trees. In light of this, the applicant chose to withdraw the application. As such, there is no existing permission to undertake the above works within the site.

You raised a number of issues in your objection to TPO no.512 (2013); I will seek to address your main issues.

I am unable to agree with your statement (para. 2) that a 'light touch' approach has been proposed to the management of the woodland by the owners. Significant woodland trees have been removed without justification and you have been unable to demonstrate the ability to provide adequate protection to other large, mature woodland trees within the context of the proposed development



and in compliance with British Standard 5837 (2010) *Trees in relation to design, demolition and construction*.

In your letter you accept that it would be appropriate to make and serve Tree Preservation Order no.512 (2013) (para. 3) given the threat from the proposed development. As such, it would seem that your objection does not relate directly to the order being served, moreover to its confirmation once planning application no.13/00081/FUL is determined.

You have cited the following reasons for your objection to the order being confirmed following determination of planning application no. 13/00081/FUL:

1. *There will be no potential threat to trees in the woodland at all, over any other woodland in the area once application 13/00081/FUL is determined. Guidance suggests that although trees merit protection of amenity grounds it may not be expedient to make them subject of a TPO.*

Local Planning Authorities have powers to make a TPO if it appears to them to be 'expedient in the interest of amenity to make provision for the preservation of trees or woodlands in their area'. Whilst the T&CP Act (1990) does not define 'amenity' nor the circumstances in which it is in the interest of amenity to make a TPO. It is the view of the Secretary of State's that TPOs should be used to protect selective trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

Although a tree or woodland may have sufficient merit for a TPO on amenity grounds, it may not be expedient to do so. However, in the case in question early-mature and mature woodland trees have been removed and large, mature trees are threatened by the proposed development. All of these trees are important, integral component of the existing woodland. The impact of the tree losses and ongoing threat from development has not been adequately addressed with failure to identify measures to ensure the protection and sustainability of woodland trees.

Planning application no.13/00081/FUL has been withdrawn prior to refusal. The woodland remains under threat and it remains expedient in the interest of amenity to confirm TPO no.512 (2013).

2. *The TEMPO assessment is deficient and has been over-scored – as if the wood was a free standing group of trees in a parkland setting. If the assessment was accurate, then every established woodland in reasonable condition near a road in the Lancaster area would merit a TPO, and this is clearly not the intention of either the legislation or the TEMPO process. For instance 'Other Factors' is scored as 4 (Members of groups of trees,*

*perhaps in an historic parkland, not a clough woodland largely hidden from view.*

The woodland in question has been accurately and appropriately assessed. The score reached is based on the location, composition, age, condition, remaining life potential, and any other relevant factors as judged appropriate, in addition to the threat to the woodland.

Whilst other woodlands across the district may have sufficient value in terms of amenity, in the absence of a threat of damage/removal, there would as suggested be no requirement to make them subject of a TPO. There are many woodlands across the district that are not under threat and as such are not the subject of a TPO. This however, is not the case in question and the threat to woodland trees is significant. This threat will not be removed with the determination of planning application no.13/00081/FUL. Future applications maybe submitted and if the TPO was not confirmed there would be no protection for the woodland and trees could be removed to the detriment of public amenity.

Lancaster City Council has a duty to protect the landscape with the imposition of TPO in the interest of amenity when it is considered expedient to do so.

The trees in question are important for their cohesion, generating a significant arboriculture feature i.e. woodland. Hence their score of '4' in the 'Other Factor' section of the TEMPO document.

- 3. A TEMPO assessment undertaken on behalf of PLG is attached – this suggests that once the development issue is resolved, the woodland does not merit a TPO.*

The TEMPO assessment is a tool to demonstrate the factors considered in relation to determining the suitability of trees and woodlands to be served with a TPO, in terms of amenity value and threat from harm. It is designed to be used by arboriculturists who are suitably trained, qualified and experienced to do so.

It would be inappropriate to try to use the process to assess the amenity value of trees in a set of circumstances that do not apply. The assessment is here and now, and the woodland is under threat given the recent history of tree removals and the likely event that the original planning application will be re-submitted.

- 4. The text of the notification letter is also misleading. It states that 'W1 is an important resource for a range of wildlife communities including protected species'. It is strange, therefore that the site has no wildlife designation*

*such as SSSI, and no local designation either. It may be true that protected species (for instance bats) use the woodland, but this is true for most woodlands. Again if this is a qualification for a TPO, then every wood within Lancaster City Council area would merit a TPO.*

Any woodland is a recognisable resource for a range of wildlife. These will inevitably include protected species, such as nesting birds and bats. A woodland does not have to be designated a "SSSI" to be of importance to a range of wildlife. You will of course be aware that the River Lune is less than 250m to the north-east and that the canopies of the woodland in question link directly to the woodland continuation down to the banks of the river. The river is designated a Biological Heritage Site (BHS), trees are recognised and valued as key components of this BHS.

Whilst a TPO can not be made solely in respect of wildlife it remains the view of the Secretary of State that wildlife benefits can be taken into account. The absence of any local or national designation is entirely irrelevant.

- 5. Similarly it is described as a 'highly visible landscape feature'. In fact, most of the trees are hidden in a narrow valley and not visible. Only a handful is visible from the A683.*

From your comments, I assume that you have only considered the woodland from the perspective of the public highway to the east. From this busy main road the woodland feature can be seen clearly, it is not necessary to see every tree in the woodland from a singular perspective. However, elements of the woodland can be seen from a number of public vantage points near and far. It is also the continuity of woodland cover with adjacent woodland and their collective visual impact on the wider landscape that must be recognised.

- 6. The area covered by the TPO is far too large – it includes a large area where trees are not visible to the public, regardless of size, and where there is no possible development threat.*

Whilst woodland can be considered in smaller compartments or units for management purposes, it is good arboriculture practice to consider the entire woodland as one for the purposes of protection with a tree preservation order.

- 7. Confirmation of the TPO would make normal woodland management unnecessarily bureaucratic and expensive and therefore less likely to be carried out – to the long term detriment of the health of the woodland.*

I disagree entirely. A tree preservation order does not incur additional management costs, there is no monetary charge in relation to the submission of a tree works application to the local planning authority, and no stipulation of whom must undertake the work. I fail to see why you believe the contrary. Work must of course be undertaken to current standards of best practice BS 3998 (2010), which I would expect any manager of a woodland to employ as a standard in the interest of health & safety and good arboriculture practice.

Of course, the Forestry Commission is the authority to whom a felling licence must be applied for where large volumes of timber are to be felled. I wonder if you consider this process to be unnecessarily bureaucratic and expensive, and whether a licence was applied for in relation to the recent felling works.

It remains the view of Lancaster City Council that W1 has significant amenity value and that it remains expedient in the interest of amenity to confirm TPO no.512 (2013) in the interest of amenity given the recent removal of trees, on going threat from development.

It will be our intention to confirm TPO 512 (2013).

Yours sincerely,

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