



Committee: APPEALS COMMITTEE
Date: FRIDAY, 7 MARCH 2014
Venue: LANCASTER TOWN HALL
Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of the meeting held on 27 June 2013 (previously circulated).

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

4. **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 they 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.

MATTERS FOR DECISION

5. **Tree Preservation Order No. 523 (2013) relating to an area of trees established on land adjacent to the railway and to the rear of numbers 25-47 Hazelmount Drive, Warton (Pages 1 - 26)**

Report of the Chief Officer (Governance)

6. **Tree Preservation Order No. 526 (2013) relating to a single tree established on County Council Land adjacent to Darwen House, 52 Main Road, Bolton-le-Sands (Pages 27 - 70)**

Report of Chief Officer (Governance)

7. **Tree Preservation Order No. 530 (2013) relating to an area of woodland comprised of mixed broadleaf species trees, established on land to the east of Midland Terrace, Millhead, Carnforth** (Pages 71 - 104)

Report of Chief Officer (Governance)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

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

(ii) Substitute Membership

Councillors June Ashworth, Jon Barry, 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.

(iv) Changes to Membership, substitutions or apologies

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

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

Published on Thursday, 27 February 2014

APPEALS COMMITTEE**Tree Preservation Order No. 523 (2013)
7 March 2014****Report of Chief Officer (Governance)****PURPOSE OF REPORT**

To enable Members to consider the objections received to Tree Preservation Order No. 523 (2013) relating to an area of trees established on land adjacent to the railway and to the rear of numbers 25-47 Hazelmount Drive, Warton, 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. 523 (2013) relating to an area trees established on land adjacent to the railway and to the rear of numbers 25-47 Hazelmount Drive, Warton, 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. 523 (2013), which has been made in relation an area of trees established on land adjacent to the railway and to the rear of numbers 25-47 Hazelmount Drive, Warton.
- 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 7).

Appended to the report are:

- Appendix 1 – *The area of trees established on land adjacent to the railway and to the rear of numbers 25 – 47 (pages 8 to 9);*

- Appendix 2 – *Tree Evaluation Method for Preservation Orders (TEMPO)* (pages 10 to 11);
- Appendix 3 – *Tree Protection Officer's Initial Report* (pages 12 to 13);
- Appendix 4 – *Tree Preservation Order No. 523 (2013)* (pages 14 to 18);
- Appendix 5 – *Letters received* (pages 19 to 23);
- Appendix 6 – *Response letter to the collective formal objection* (pages 24 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. 523 (2013).

3.0 Details of Consultation

3.1 Tree Preservation Order No. 523 (2013) was made and advertised in the usual way, and 3 objections were received.

4.0 Options

- (1) To confirm Tree Preservation Order No. 523 (2013) -
 - (a) Without modification;
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 523 (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. 523 (2013).

CONCLUSION OF IMPACT ASSESSMENT

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

Not applicable.

LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Not applicable.

BACKGROUND PAPERS

Tree Preservation Order No. 523 (2013)

Contact Officer: Jane Glenton

Telephone: (01524) 582068

Email: jglenton@lancaster.gov.uk

Ref: JEG

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

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

Date: 20th February 2014

Appeals Committee (TPO)

Trees subject of the Appeals Committee – An area of trees established on land adjacent to the railway, and to the rear of nos.25-47 Hazelmount Drive, Warton, subject of **Tree Preservation Order no. 523 (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 an area (**A1**) of trees established on land under the control of Network Rail, subject to Tree Preservation Order no.523 (2013).

2.0 Background

2.1 The land in question is established to the rear of residential properties identified as nos.25-47 Hazelmount Drive, Warton, x12 properties in total.

2.2 Tree species are comprised of mainly broadleaf deciduous species, including ages ranging from young to mature. They are clearly visible from a range of public vantage points and the railway and provide valuable greening and screening between the railway site and the public domain. Land adjacent to railway lines provide important public amenity and wildlife habitat (**Appendix 1**).

2.3 There is a similar belt of trees further to the east also established on Network Rail land, which are subject to TPO no.407 (2007). Collectively both groups of trees maintain canopy cover along the railway network to the rear of properties along Hazelmount Drive, Warton.

- 2.4 The trees have significant potential to support a range of wildlife communities including habitat and foraging opportunities for protected species including nesting birds and bats.
- 2.5 Carnforth Ironworks site is immediately to the east, this site is designated a Biological Heritage Site (BHS); TPO 407 (2007) is contained within this BHS.
- 2.6 Lancaster City Council became aware of damage and the felling of trees from within the site following a complaint from a member of the public. Concerns were expressed that further damage may occur.

3.0 Amenity Value of Trees

- 3.1 Trees within the site 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 'defensible' with a score of 14.
- 3.2 The area identified as **A1** is a significant landscape feature. The trees are clearly visible from a range of public vantage points including the railway network to the west. They form part of a much larger belt of trees and significant landscape feature along the railway. The trees have significant potential provide important amenity value for many decades.
- 3.3 The age and condition of the existing trees is such that they have significant remaining life potential beyond the next 50+ years. With good management they have the potential to remain beyond the next 50-100 years.

4.0 Wildlife Value

- 4.1 The site has an important role in the provision of resources, habitat and foraging opportunities for a range of wildlife communities, in a site with a relative low level of disturbance. There is significant 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. 523 (2013) was made on 4th October 2013 (**Appendix 4**) following concerns being expressed to the council following damage and removal of a number of trees.
- 5.2 Lancaster City Council considered it to be expedient in the interests of amenity to make TPO no.523 (2013) to ensure the protection and sustainability of an important belt of trees and green infrastructure.

5.3 The loss of trees in this location has potential to adversely impact upon public amenity, and the character and appearance of the wider locality.

6.0 Objections to TPO no.523 (2013)

6.1 Land owners of the site and trees in question did not object to TPO 523 (2013). Lancaster City Council received a letter of objection dated 13th October 2013, and signed by residents at nos. 27, 29, 31, 35, 37, 39, 41, 43 and 45 Hazelmount Drive, Warton.

6.2 The owner/occupiers at no.25, and 43 Hazelmount Drive, have made additional submissions, objecting to TPO 523 (2013).

6.3 The owner/occupiers of 33 and 31 have submitted additional "comments" that do not constitute formal objections.

6.4 All letters received (x5) are available at **Appendix 5**.

6.4 Lancaster City Council has issued a response letter to the collective formal objection (**Appendix 6**). All of the objections and comments will be addressed at the committee hearing.

7.0 Objection Letter – Main Points

7.1 Objection Letter 1, dated 13.10.13

- Condition of trees is poor, no amenity value
- Trees are a nuisance and have outgrown their location
- A TPO reduces enjoyment of residents properties
- Limited life span as previously cut down and growth of ivy affecting trees
- Collectively residents believe that the trees should be managed by themselves/professional/landowners

7.2 Objection Letter 2, dated 17th October 2013

- Invasion of ivy into adjacent garden from trees on Network Rail land
- Trees are dying, and haven't been managed by Network rail
- Large ash tree is a nuisance and sheds branches

7.3 Objection Letter 3, dated 28th October 2014

- TPO would make the arrangements to have work carried out on tree as time-consuming and inconvenient.
- Growth of trees may affect the saleability of their property
- Trees are mainly deciduous and offer no screening in autumn and winter

- Trees offer no protection to wildlife after leaf fall and neighbours undertake activities to encourage wildlife in own gardens
- Questions the amenity of the tree
- TPO affects the regular maintenance of the trees in question by the land owner
- Hawthorn is considered as a shrub
- Confirmation of the order would result in unnecessary and avoidable problems.

8.0 Decision to Serve TPO no. 530 (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.
Area 1 (**A1**):

- Important public visual amenity
- important landscape feature in keeping with the character of the immediate and wider locality, immediately adjacent a Biological heritage Site and other off site trees subject to a TPO
- significant potential to provide important habitat and resources for a range of protected and unprotected wildlife communities
- on going threat from inappropriate management of trees

The site lies just outside Arnside & Silverdale Area of Outstanding Natural Beauty (AONB) of which trees are important components. There are visual links between the site in question and the AONB.

The trees in question have sufficient amenity value and importance within the landscape to justify their existing and future protection with TPO no.523 (2013). Erosion of this belt of trees through inappropriate management and felling would destroy the integrity of the wider belt of trees that extends through the Biological heritage Site to the east, continuing behind the residential properties of Hazelmount Drive, and further west into the AONB.

Trees within **A1** can be seen from the public domain and offer important habitat for a range of wildlife. "Dead" and "dangerous" trees are exempt from the order and only those trees in sufficient condition are included.

Ivy and "other" non-woody vegetation are excluded from all TPOs.

A TPO does not relinquish the land owner from their responsibility to undertake regular maintenance of their land and trees. Consent is of course required from the local authority prior to carrying out work to protected trees. This process is simple, and streamline and should not be an undue burden to any land owner.

It should be noted that a tree preservation order does not prevent works from 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.

A TPO overrides Common Law Rights to prune back overhanging branches; that is not to say that consent would not be granted by the local authority for such work, if it was deemed reasonable and appropriate, in line with current standards of arboriculture best practice.

It remains my professional opinion that the belt of trees offers sufficient amenity value to warrant and justify continued protection with TPO no.523 (2013), and as such the order should be confirmed without modification.

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

Appendix 1

The area of trees established on
land adjacent to the railway and to
the rear of numbers 25 – 47



To see all the details that are visible on the screen, use the "Print" link next to the map.



 - A1 TPO 523 (2013)

Appendix 2

Tree Evaluation Method for Preservation Orders (TEMPO)

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

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Tree details TPO Ref: 523 (2013)
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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 – Trees generally in good

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 with in excess of

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

d) Other factors

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

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes 1

Part 2: Expediency assessment

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

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

Score & Notes 2 – Some trees
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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

Add Score for

Decision: TPO

Appendix 3

Tree Protection Officer's Initial Report

Proposed New Tree Preservation Order No: 523 (2013)

Site: Land to the rear of nos. 25-47 Hazelmount Drive, Warton

Location of Trees: A total of x 1 Area of trees, established on Network Rail land

Assessment:

I have assessed trees established on land to the rear of the above properties, in relation to their suitability and the appropriateness of serving with a Tree Preservation Order.

The land and trees in question are under the control and ownership of Network Rail. The trees form an extensive linear belt of mainly deciduous trees to the rear of the above properties. Concerns have been expressed to the Council that some trees have been recently removed and damaged with a detrimental affect on amenity, in the affected areas. There are fears that further tree removals/damage may occur.

The trees provide important greening and screening between the railway land and the private residential properties and can be seen from the public domain. They are also an important resource for arrange of wildlife communities with the potential to provide habitat and foraging opportunities for protected species including nesting birds and bats.

The trees in question have been identified as a single area of trees – **A1**. Trees further to the east and again established on Network Rail land were made the subject of TP no.407 (2007), in the past for similar reasons.

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.523 (2013) under sections 198 and 203 of the Town & Country Planning Act 1990, in the interests of public amenity; affecting x1 Area of trees.

The trees in question have important amenity value and have become significant landscape features, many are important their cohesive qualities. They make an important contribution to the amenity and character of their immediate vicinity and wider locality. They are also 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.

Title	TPO no.523 (2013) Land to the rear of nos.25-47, Hazelmount Drive, Warton
Grounds	In the interest of amenity

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

04.10.13

Appendix 4

Tree Preservation Order No. 523
(2013)

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 523(2013)

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RELATING TO:

LAND TO THE REAR OF
25 – 47 HAZELMOUNT DRIVE
WARTON

PO BOX 4
TOWN HALL
LANCASTER
LA1 1QR

TOWN AND COUNTRY PLANNING ACT 1990

**LANCASTER CITY COUNCIL
TREE PRESERVATION ORDER NO. 523(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. 523(2013), relating to trees at land to the rear of 25 - 47 Hazelmount Drive, Warton, 4th October 2013.

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 4th day of October 2013

Signed on behalf of the Lancaster City Council:



**Andrew Dobson DipEP MRTPI PDDMS
CHIEF OFFICER (REGENERATION AND PLANNING)**

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of Trees

TREE PRESERVATION ORDER NO. 523(2013)

Relating to trees at land to the rear of 25 - 47 Hazelmount Drive Warton.

TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

TREES SPECIFIED BY REFERENCE TO AN AREA

(Shown within a dotted black line on map)

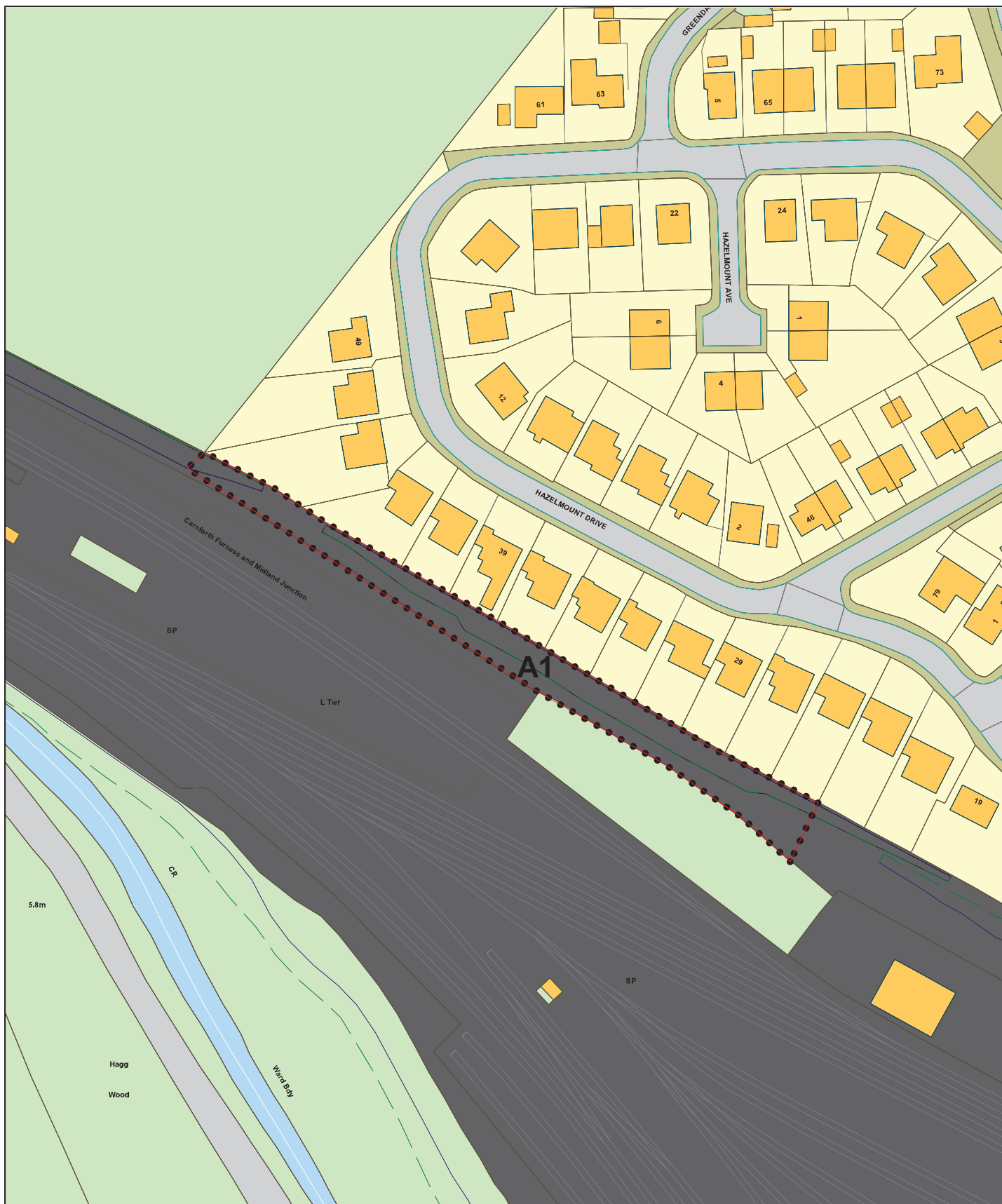
Reference on Map	Description	Situation
A1	Mixed Species Mainly Deciduous	Centred on grid ref: (E) 349510 (N) 471321

GROUP OF TREES

(Shown within a broken black line on map)

WOODLAND

(Shown within a solid black line on map)



Scale : 1:1250

Lancaster City Council	
Department	Regeneration and Planning
Comments	
Date	04 October 2013

Document is Restricted

Document is Restricted

Appendix 6

Response letter to the collective
formal objection

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

Date: 23.02.14

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

Dear

Re: Objection to Tree Preservation Order no.523 (2013) Land to rear of 25-47 Hazelmount Drive, Warton

Further to the submitted collective, formal objection to the above Tree Preservation Order to which you signed.

The local authority has the powers to make a Tree Preservation Order where it is considered expedient in the interests of amenity, to do so. Lancaster City Council made the above order following damage to existing trees on land under the control and ownership of Network Rail.

A Tree Preservation Order does not prevent or obstruct good arboriculture practice and management of trees, as set out within current arboriculture standards of best practice (BS 3998 2010). Furthermore, the application process to undertake works to protected trees is streamlined and there are no charges associated with making any such application.

A TPO excludes shrubs and "other" vegetation that may be associated with some trees, i.e. ivy and brambles; they are not protected by a TPO.

Within the letter (dated 13.10.13) a number of grounds for the collective objection have been identified. Each will be addressed in turn, following the original order.

1. The general condition of trees is sufficient to be incorporated within a TPO, any tree that is "dead" or in a "dangerous" condition (in arboriculture terms) is exempt from a TPO. The trees are visible from a number of public vantage points in the wider landscape. Public access to protected trees is not a requirement of a TPO.

2. A TPO does not prevent or obstruct reasonable and appropriate management of protected trees; management of this nature remains the responsibility of the landowner (Network Rail). A TPO does override Common Law Rights to prune back overhanging branches; that is not to say that consent could not be sought from the local authority for such work to be carried out, in line current standards of best arboriculture practice.
3. Ivy does not kill trees; it is however, an important plant in ecological terms. Providing year round habitat and shelter for a range of wildlife species, and offers one of the last winter feeding resources for bees. Ivy is not protected by a TPO.

The land owner has responsibility for the management of the trees and land in question. The management of this land should be discussed with the owners; of course written authorisation is required prior to undertaking work affecting protected trees only.

A TPO appeal hearing will be arranged and you will receive details from Lancaster City Council, shortly, should you wish to make a representation or attend the committee hearing.

Yours sincerely,

Maxine Knagg
Tree Protection Officer
On behalf of Lancaster City Council

APPEALS COMMITTEE**Tree Preservation Order No. 526 (2013)
7 March 2014****Report of Chief Officer (Governance)****PURPOSE OF REPORT**

To enable Members to consider an objection received to Tree Preservation Order No. 526 (2013) relating to a single tree established on County Council land, adjacent to Darwen House, 52 Main Road, Bolton-le-Sands.

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

RECOMMENDATIONS

That Members consider the objection to Tree Preservation Order No. 526 (2013) relating to a single tree established on County Council land, adjacent to Darwen House, 52 Main Road, Bolton-le-Sands, 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. 526 (2013) relating to a single tree established on County Council land, adjacent to Darwen House, 52 Main Road, Bolton-le-Sands.
- 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 29 - 32).

Appended to the report are:

- Appendix 1 – *Section 211 Notice (13/0108/TCA) (pages 33 - 43);*
- Appendix 2 – *Tree Preservation Order No. 526 (2013) (pages 44 - 48);*
- Appendix 3 – *Tree Evaluation Method for Preservation Orders (TEMPO) (pages 49 - 50);*

- Appendix 4 – *Tree Protection Officer’s Initial Report (pages 51 – 53);*
- Appendix 5 – *Letter of Objection from Mr. M. Garnett of 52 Main Road, Bolton-le-Sands dated 13 October 2013 (pages 54 - 56);*
- Appendix 6 – *Lancaster City Council’s Full Response dated 12 November 2013 from Lancashire County Council (pages 57 - 59);*
- Appendix 7 - *Tree Works Application in relation to TPO No. 526 (2013) (pages 60 - 66);*
- Appendix 8 – *Decision Notice in connection with works to the canopy of the tree (page 67 - 70).*

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. 526 (2013).

3.0 Details of Consultation

3.1 Tree Preservation Order No. 526 (2013) was made and advertised in the usual way, and an objection was received.

4.0 Options

- (1) To confirm Tree Preservation Order No. 526 (2013) -
 - (a) Without modification;
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 526 (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. 526 (2013).

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) Not applicable.</p>	
<p>LEGAL IMPLICATIONS A Legal Officer will be present at the meeting to advise the Committee .</p>	
<p>FINANCIAL IMPLICATIONS Not applicable.</p>	
<p>BACKGROUND PAPERS Tree Preservation Order No. 526 (2013)</p>	<p>Contact Officer: Jane Glenton Telephone: (01524) 582068 Email: jglenton@lancaster.gov.uk Ref: JEG</p>

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

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

Date: 20th February 2014

Appeals Committee (TPO)

Trees subject of the Appeals Committee – A single tree, established on County Council land, adjacent to Darwen House, 52, Main Road, Bolton le Sands, subject of **Tree Preservation Order no. 526 (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, mature maple established on land immediately adjacent to a private dwelling known as Darwen House, 52 Main Road, Bolton le Sands.

2.0 Background

2.1 The tree is growing on land under the control of Lancashire County Council, to the front of Bolton le Sands Library.

2.2 The tree is clearly visible from the public domain and as such makes a positive contribution to the visual amenity of the site and locality.

2.3 Lancaster City Council received a section 211 notice (13/0108/TCA) (**Appendix 1**) to undertake works to the canopy of the tree in question, in order to alleviate an existing conflict between branches and structures of the adjacent private dwelling.

2.4 The proposed work was assessed and judged to be excessive and inappropriate with regard to the age and species of tree in question and current standards of best practice, BS 3998 (2010) – Tree Work.

- 2.5** As such, TPO 526 (2013) was made on 4th October 2013 (**Appendix 2**).
- 2.6** A Tree Preservation Order does not prevent maintenance or pruning work to affected trees, it does however, safeguard the appearance, health, vitality and long term sustainability of trees where they are considered to have a positive contribution to public amenity. The nature and extent of tree works must be agreed in writing with the local authority, which in turn will use planning conditions to limit and control the extent of work to ensure the health, vitality and sustainability of affected trees and of course public amenity..
- 2.7** Trees not protected in this way are susceptible to inappropriate management and removal with significant potential to harm public amenity.
- 2.8** Importantly a TPO can be used to enforce replacement planting where trees are agreed for removal, safeguarding long term public amenity.

3.0 Amenity Value of Trees

- 3.1** The tree in question has been assessed in terms of its amenity value; a copy of the Tree Evaluation Method for Preservation Orders (TEMPO) and my initial report are included at **Appendices 3 & 4**. The use of a Tree Preservation Order is described as 'definitely merits' with a score of 15.

4.0 Wildlife Value

- 4.1** The tree in question offers habitat and foraging opportunities for a range of wildlife within the heart of the village and conservation area, including the potential for protected species such as nesting birds. Species protected under the Wildlife & Countryside Act 1981.
- 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. 526 (2013) was made on 4th October 2013. The council objected to the extent of works proposed. If the Council objects to works identified within a section 211 notice, it must serve a TPO, if the tree in questions justifies such action in terms of public benefit.
- 5.2** Lancaster City Council considered it to be expedient in the interests of amenity to make TPO no.526 (2013) and protect and safeguard the future of the tree in question, in the interest of public amenity.

6.0 Objections to TPO no.526 (2013)

- 6.1** Lancaster City Council received a single formal, written objection to Tree Preservation Order no.526 (2013).

6.2 A letter of objection was received from Mr M.Garnett, of 52, Main Road, Bolton le Sands, dated 13.10.13 (**Appendix 5**).

6.3 The main points for objection are as follows.

7.0 Objection Letter – Main Points

7.1 Objection Letter - **Appendix 5**

- *The proximity of the tree in question to 52 Main Road causes maintenance issues relating to damp and shading of the building.*
- *A section 211 notice was submitted to the City Council, and contained proposals for the inappropriate management of the tree in question.*

7.2 Lancaster City Council's full response (dated 12.11.13) is available at **Appendix 6**.

7.3 Lancaster City Council operates a Tree Policy (adopted 2010) that does not support the inappropriate management of trees in relation to issues relating to leaf litter and shade. However, the Council would be happy to consider a new application where by tree works would be species and age appropriate and in compliance to Bs 3998 (2010).

7.4 Lancaster City received a tree works application in relation to TPO 526 (2013), application no. 13/0108/TPO (**Appendix 7**) from Lancashire County Council. Works were agreed to the canopy of this tree to include a reduction of the canopy back from the fabric of the rear elevation, a copy of this decision notice can be seen at **Appendix 8**. This work was in compliance to current standards of best practice and was completed by Lancashire County Council.

7.5 It remains the view of Lancaster City Council that the tree in question is to be retained and protected to ensure that only work that is appropriate and in compliance to current standards of best practice are undertaken, given its prominent local position within Bolton le Sands conservation area.

8.0 Decision to Serve TPO no. 526(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.

T1 (Maple):

- Important public visual amenity
- important landscape feature in keeping with the character of the immediate locality and wider conservation area
- wildlife benefit
- on going threat from inappropriate future management

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.

It remains my professional opinion that the tree in question is worthy of ongoing protection with TPO 526 (2013).

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

Appendix 1

Section 211 Notice (13/0108/TCA)

**LANCASTER
CITY COUNCIL**

Promoting City, Coast & Countryside

Planning Services - Development Control Team
PO Box 4
Town Hall
Dalton Square
Lancaster
LA1 1QR
Tel: 01524 582381
Fax: 01524 582323
Email: developmentcontrol@lancaster.gov.uk

Application Number:

Date Received:

Fee: £

Receipt No:

Application for tree works: works to trees subject to a preservation order (TPO)
and/or notification of proposed works to trees in conservation areas (CA).

Town and Country Planning Act 1990

Publication of planning applications on council websites

Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on the council's website, please contact the council's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address		2. Agent Name and Address	
Title:	<input type="text" value="MR"/>	First name:	<input type="text" value="MAL"/>
Last name:	<input type="text" value="GARNETT"/>		
Company (optional):	<input type="text"/>		
Unit:	<input type="text"/>	House number:	<input type="text" value="52"/>
		House suffix:	<input type="text"/>
House name:	<input type="text" value="DARWEN HOUSE"/>		
Address 1:	<input type="text" value="MAIN ROAD"/>		
Address 2:	<input type="text" value="BOLTON LE SANDS"/>		
Address 3:	<input type="text"/>		
Town:	<input type="text" value="CARNFORTH"/>		
County:	<input type="text" value="LANCS"/>		
Country:	<input type="text" value="UK"/>		
Postcode:	<input type="text" value="LA5 8DN"/>		
Title:	<input type="text"/>	First name:	<input type="text"/>
Last name:	<input type="text"/>		
Company (optional):	<input type="text"/>		
Unit:	<input type="text"/>	House number:	<input type="text"/>
		House suffix:	<input type="text"/>
House name:	<input type="text"/>		
Address 1:	<input type="text"/>		
Address 2:	<input type="text"/>		
Address 3:	<input type="text"/>		
Town:	<input type="text"/>		
County:	<input type="text"/>		
Country:	<input type="text"/>		
Postcode:	<input type="text"/>		

3. Trees Location

Full address/location of the site where the tree(s) stand (including full postcode where available)

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (if known):

If there is not a full postal address, describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Main Road') or provide a grid reference:

Easting:

Northing:

Description:

*LIBRARY LAND
OVER HANGING 52 MAIN
ROAD.
MARKED IN RED ON PLAN
MARKED IN RED IN PHOTOGRAPH*

4. Trees Ownership

Is the applicant the owner of the tree(s): Yes No
If 'No' please provide the address of the owner (if known and if different from the trees location)

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone numbers

Country code:	National number:	Extension number:
<input type="text"/>	<input type="text"/>	<input type="text"/>
Country code:	Mobile number (optional):	
<input type="text"/>	<input type="text"/>	
Country code:	Fax number (optional):	
<input type="text"/>	<input type="text"/>	

Email address (optional):

5. What Are You Applying For?

Are you wishing to carry out works to tree(s) in a Conservation Area (CA)? Yes No

Are you seeking consent for works to tree(s) Subject to a Tree Preservation Order (TPO)? Yes No

6. Tree Preservation Order Details

Do you know the title of the Tree Preservation Order (TPO)? Yes No

If Yes, please provide the title of the TPO:

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Enter the species of the tree(s) and include a sketch plan showing position(s) of the tree(s) in relation to buildings, named roads and boundaries.

If the trees are protected by a TPO, if possible please number them as shown in the First Schedule to the Tree Preservation Order (for example T3 Oak; two Beech and one Birch in G2; seven Ash in A1; sycamore in W1).

Trees and proposed works:

*TREE NEEDS CROWNING TO RESTRICT FURTHER GROWTH
OVER HANGING BOUGHTS OVER 52 MAIN ROAD.
NEED REMOVING*

You might find it helpful to consult a tree surgeon to clarify what needs to be done.

Please state the reference number you have given the plan:

8. Trees - Reasons For Works

This section only needs to be completed if you are seeking consent to trees under a Tree Preservation Order (TPO)

Please state the reasons for carrying out the proposed works on the tree(s):

WE NEED TO REQUEST THAT LANCASTHIRE COUNTY COUNCIL RESTRICT THE GROWTH OF THE TREE, WE ARE COMPLETING BUILDING WORKS TO THE REAR OF THE PROPERTY. THE TREE IS WITHIN 1 METRE OF OUR BOUNDARY AND OVERHANGS OUR PROPERTY. THE ROOTS OF THE TREE EXTEND UNDER NEATH OUR PROPERTI AND HAS AFFECTED THE EXISTING BUILDINGS. AND WISH TO ENSURE THE NEW BUILD IS NOT AFFECTED. WE ARE ARE TAKING ALL NECESSARY MEASURES TO PROTECT THE TREE WHILE BUILDING WORKS PROGRESS AS PER PLANNING APPLICATION

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the documents specified.

Health or safety of the tree(s) - e.g. it is diseased, fears that it might break or fall:

Yes No

If Yes, information required - report by a tree professional (e.g. arboriculturist, horticultural adviser).

Alleged subsidence damage:

Yes No

If Yes, Information required: Full report by an engineer or surveyor, together with one from a tree professional - to include date and description of property damage; sub-soil type and shrinkage potential; location of any roots found and their identification; history of ground and building movement through a distortion survey and/or level or crack monitoring over suitable period; other vegetation in the vicinity and its management since discovery of the damage.

9. Trees - Additional Information

Are you providing additional information in support of your application?

Yes No

If Yes, please provide the reference numbers of plans, documents, professional reports etc in support of your application:

PLEASE FIND ENCLOSED. TREE SURVEYORS REPORT DETAILING THE REQUIRED WORKS TO REMOVE OVER HANG + RESTRICT FURTHER GROWTH TO PREVENT FUTURE CLAIMS OVER LCC FOR DAMAGE TO OUR PROPERTY.

10. Application For Tree Works - Checklist

Please use this checklist to ensure that the form has been completed correctly and that all relevant information is submitted.

For works to trees protected by a Tree Preservation Order, failure to supply sufficiently precise and detailed information may result in your application being rejected or delay in dealing with it. In particular, you MUST provide the following:

- The original and 3 copies of a completed and dated application form.
- The original and 3 copies of a sketch plan showing the location of all tree(s).
- The original and 3 copies of a full and clear specification of the works to be carried out.
- The original and 3 copies of a statement of reasons for the proposed work.
- evidence in support of statement of reasons: In particular, you should provide:
 - The original and 3 copies of a report by a tree professional (e.g. arboriculturist or horticultural adviser) if your reasons relate to the health and/or safety of the tree(s).
 - The original and 3 copies of a report by an engineer or surveyor, together with one from a tree professional (arboriculturist) if you are alleging subsidence damage.

For works to trees in conservation areas, it is important to supply precise and detailed information on your proposal. You may, therefore, wish to provide the following:

- The original and 3 copies of a completed and dated form, with all questions answered.
- The original and 3 copies of a sketch plan showing the precise location of all tree(s).
- The original and 3 copies of a full and clear specification of the works to be carried out.

Whether the trees are protected by a TPO or in a conservation area, please indicate which of the following types of additional information you are submitting (the original and 3 copies of each need to be provided):

- photographs.
- report by a tree professional (arboriculturist) or other.
- details of any assistance or advice sought from a Local Planning Authority officer prior to submitting this form.

11. Declaration - Trees

I/we hereby apply for consent/give notice as described in this form and the accompanying plans and additional information.

Signed - Applicant:

Mal Hancock

Or signed - Agent:

Date (DD/MM/YYYY):

27/07/13

(date cannot be pre-application)

12. Applicant Contact Details

Telephone numbers

Country code: +44 National number: 01524 740950 Extension number:

Country code: +44 Mobile number (optional): 07740306040

Country code: Fax number (optional):

Email address (optional): mal@apparatusmarketing.com

13. Agent Contact Details

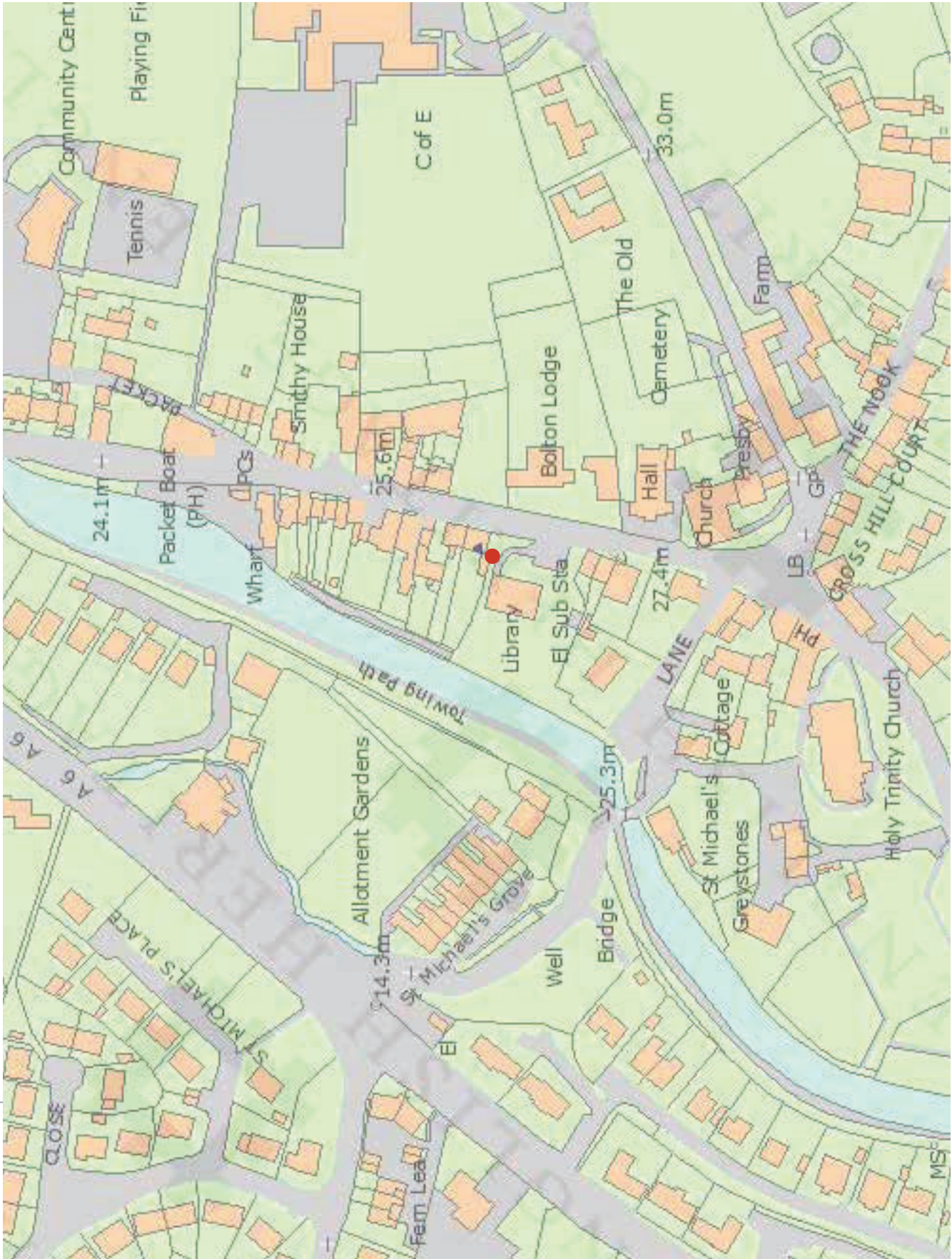
Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):



Location of tree marked in red



PLANNING SUBMISSION

Tree survey at Darwen House, Bolton le Sands.

CLIENT COPY

Contents

- 1.0 Introduction
- 2.0 Methodology
- 3.0 Tree survey
- 4.0 Visual site inspection
- 5.0 Photographic survey
- 6.0 Tree protection
- 7.0 Qualifications
- 8.0 Appendix

1.0 Introduction

This tree survey was prepared by Cedar Hill Landscape on behalf of Mr Mall Garnet and Harrison Pitt Architects LTD. The tree was surveyed in accordance with BS 5837:2005 Trees in Relation to Construction, determining their overall size, condition, value for retention and providing recommendations for protective distances to ensure the future health and stability of the retained trees.

1.2 Site Description

The site is a residential property with a garden adjacent to the County Council Library. The site is located in Bolton Le Sands in Lancashire. The address is, Darwen House, 52 Main Road, Bolton le Sands. LA5 8DN

2.0 Methodology

2.1 Site visit

The site was visited in March 2012, when the trees were assessed in accordance with BS 5837: 2005. It was a slightly overcast day and visibility clear.

2.2 Tree Condition

An assessment was made regarding the tree's condition with tree being assessed visually from ground level. No climbed inspection, or detailed investigation of decay was made. If it is considered that further survey work is prudent then this is noted in the survey schedule, and a more thorough assessment of their condition may be required. It should be noted that trees can change significantly over a relatively short period of time, and therefore trees should be monitored on a regular basis for sign of deterioration.

2.3 Categories recorded on the survey chart are:

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COPY

1. Number relating to position on the plan
2. Identification of tree species (see A2 plan)
3. Common name of the tree
4. Age, V = Veteran, OM = Over mature, M = Mature 60 years plus, MA = Middle age 20-60 years or Y = Young 0-20 years
5. Estimated height of tree given in metres
6. Girth Diameter (mm) of trunk @ 1.5m above ground. MS refers to multi stemmed tree.
7. Crown spread maximum radius in meters
8. Crown shade low, medium or dominant
9. Condition
10. Defects
11. Work needed
12. Estimated life
13. BS5837 class, detailed below
14. Root protection area
15. Notes

2.4 Recommendations for Tree Works

Works are proposed in order to either remove/reduce hazards or promote good future growth of the tree. All works should be carried out to BS 2998: 1989 British Standard Recommendations for Tree Work. It should be noted that at this stage, proposed works are not recommended to accommodate the proposed development, and these will be subject to the production of tree works, protection and removals drawing to be supplied as part of the development proposals.

3.0 The Survey

3.1 The condition, form and work required to each tree has been assessed and detailed in accord with *BS5837: 2005 Trees In Relation To Construction*, applying best arboricultural practice and taking into consideration the requirements of (any proposed development) as appropriate. The assessment also includes the likely impact of the proposed works on trees and any mitigating measures to reduce this impact.

3.2 The 'code' given to each surveyed tree is the classification of the tree's suitability for retention, in accordance with *BS5837: 2005 Trees in Relation to Construction*. The key to this classification system is as follows: -

- Category R - Trees for removal
- Category A - Those trees of high quality and value
- Category B - Those trees of moderate quality and value
- Category C - Those trees of low quality and value

The justification for the particular classification of each tree surveyed should be able to make a substantial contribution (minimum of 40 years)

PLANNING PERMISSION

4. Visual site inspection

4.1 Visual Analysis

The tree is growing adjacent to the gable end wall of the property and is about 1 meter from the wall of part of the property.

4.2 Detailed Tree survey

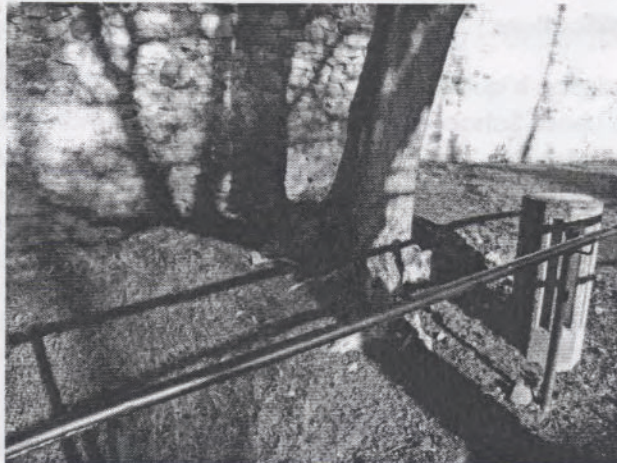
1. Tree data recorded; Number relating to position on the plan
2. Tree species Acer Campestre
3. Common name: Field Maple
4. Age: MA = Middle age 20-60
5. Estimated height of tree: 12metres
6. Girth Diameter (mm) of trunk @ 1.5m above ground: 450mm
7. Crown spread maximum radius in meters: 4.5 meters
8. Crown shade low, medium or dominant: dominant
9. Condition: good
10. Defects: root exposure at base of tree
11. Work needed: N/A
12. Estimated life: 60-100 years
13. BS5837 class: A
14. Root protection area 17m²
15. Notes:

It may be possible that the tree could cause damage to the property from either, roots causing direct damage to the foundation or water take up by the roots causing soil shrinkage. I am, however, not in a position as a Landscape Architect to advise about any structural issues resulting from the tree and would recommend engaging a structural engineer to report on this.

5. Photographic survey



Picture showing size of tree



Picture showing proximity of the tree to the house

6.0 Tree protection

Tree retention and protection is often a condition of planning approvals. The most vulnerable part of a tree during site construction is the one hidden below the ground - the root system. This is far more extensive than the more visible tree canopy, and needs water and oxygen to function. The chief threats to this underground environment are compaction from heavy loading, root severance through site stripping, utility trench excavations, and chemical pollutants such as fuel oils and cement and additives runoff. British Standard "Trees in relation to Construction - Recommendation " (B.S. 5837 2005) requires a fenced tree protection area and, in special circumstances, superimposed ground protection to be implemented prior to commencement of works.

All features to be protected should be fenced along a line 1m beyond the vegetation or tree crown spread. Materials must not be stored within any fenced area and the ground levels within these areas should not be altered, or any excavation made.

Method of calculation of root protection area

Root protection area = (Trunk diameter* (in mm) x 12) divided by
1000 X 3.142

(see Tree survey form 1)

Where the need for ground protection is identified ground protection measures should be installed. For pedestrian access, ground protection with scaffold boards should be laid butt jointed on a 50mm cushioning layer of bark or single size gravel, spread on top of a porous geotextile membrane. For access haul roads or close construction involving heavy loading, a reinforced concrete slab or a proprietary cellular confinement system, should be laid on a geotextile membrane over existing ground levels, and be designed by a civil/structural engineer for the specific purpose. Both the above are to be removed and surface decompaction and rootzone enhancement measures undertaken such as spiking, aeration and / or injection of rhizobium inoculants.

7.0 Qualifications

Chris Hodgson is qualified in Landscape Architecture with a post graduate degree from the Leeds School of Architecture, and a BA(hons) degree in Landscape Management. He is currently a Licentiate Member of the Landscape Institute. He also has a National diploma in Landscape Practice.

8.0 Appendix

1. Tree Survey Plan A2

Appendix 2

Tree Preservation Order
No. 526 (2013)

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 526(2013)

----ooOoo----

RELATING TO:

THE COUNTY LIBRARY
MAIN ROAD
BOLTON LE SANDS
CARNFORTH

PO BOX 4
TOWN HALL
LANCASTER
LA1 1QR

TOWN AND COUNTRY PLANNING ACT 1990

**LANCASTER CITY COUNCIL
TREE PRESERVATION ORDER NO. 526(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. 526(2013), relating to a tree at The County Library, Main Road, 4th October 2013.

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 4th day of October 2013

Signed on behalf of the Lancaster City Council:



**Andrew Dobson DipEP MRTPI PDDMS
CHIEF OFFICER (REGENERATION AND PLANNING)**

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of Trees

TREE PRESERVATION ORDER NO. 526(2013)

Relating to a tree at The County Library, Main Road, Bolton Le Sands

TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

Reference on Map	Description	Situation
T1	Field Maple	Centred on (E) 348397 (N) 467845 grid ref:

TREES SPECIFIED BY REFERENCE TO AN AREA

(Shown within a dotted black line on map)

GROUP OF TREES

(Shown within a broken black line on map)

WOODLAND

(Shown within a solid black line on map)



Scale : 1:625

Lancaster City Council	
Department	Regeneration and Planning
Comments	
Date	04 October 2013

Appendix 3

Tree Evaluation Method for Preservation Orders (TEMPO)

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 26.09.13	Surveyor: M Knagg
----------------	-------------------

Tree details			
TPO Ref: 526 (2013)	Tree/Group No: T1	Species: Field Maple	

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

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

<p>Score & Notes 3 – Vulnerable to ongoing construction works, ground compaction needs addressing</p>
--

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

Refer to ‘Species Guide’ section in Guidance Note

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

<p>Score & Notes 4 -40+ years potential with good management</p>

c) Relative public visibility & suitability for TPO:

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

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

<p>Score & Notes 4 – Clearly visible from the public domain</p>
--

d) Other factors

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

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

<p>Score & Notes 1</p>

Part 2: Expediency assessment

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

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

<p>Score & Notes 3 – Section 211 notice, inappropriate crown management would adversely impact amenity</p>

Part 3: Decision guide

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

<p>Add Scores for Total: 15</p>
--

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

Appendix 4

Tree Protection Officer's
Initial Report

Proposed New Tree Preservation Order No: 526(2013)

Site: Land adjacent to Darwen House, 52 Main Road, Bolton le Sands

Location of Trees: A total of x1 individual tree established within the curtilage of Bolton le Sands Library

Assessment:

I have assessed a single, mature tree established within the curtilage of the Library, Main Road, Bolton le Sands, immediately adjacent to Darwen House, 52, Main Road, BLS, in relation to its suitability and the appropriateness of serving it with a Tree Preservation Order.

The site is owned by Lancashire County Council. The immediately adjacent property, Darwen House is under going construction works to the rear of the property.

Lancaster City Council received a section 211 notice (13/0108/TCA) to undertake works to the canopy of the tree to alleviate existing conflicts between branches and the rear of the property which is under re:construction. The tree work identified was judged to be inappropriate and would otherwise result in a significant and adverse impact on the visual amenity, vitality, health and long term sustainability of the tree in question. Lancaster City Council formerly object to the intended tree works, in the interest of amenity.

For the purpose of this report the tree in question has been identified as **T1**.

The tree is established on land under the control of Lancashire County Council, immediately adjacent to a busy public highway. **T1** is clearly visible from the public domain and as such makes a positive contribution to amenity in this locality. It is generally in a good overall condition, state of health and vitality and has the potential for many decades of useful remaining life potential, with good management.

It was noted during the site visit that the ground around the main stem and within the root protection area was severely compacted resulting from repeated foot traffic during the construction works; tree rots were exposed and had become damaged. Ground protection measures are required to be agreed with Lancaster City Council and action taken immediately to "make good" the immediate growing conditions for this tree – this remains the responsibility of the owner of the adjacent property, no.52, Main Road, BLS.

The amenity value of **T1** has been assessed using a Tree Evaluation Method for Preservation Orders (TEMPO). TEMPO Assessment Score: 15 – Merits a TPO.

Decision: To serve Tree Preservation Order no. 526 (2013) under sections 198 and 203 of the Town & Country Planning Act 1990, in the interests of public amenity; affecting x1 individual tree.

The tree in question has important amenity value and has become an important landscape feature. It makes an important contribution to the amenity and character of the immediate vicinity and wider locality.

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.

Title	Library, Main Road, Bolton le Sands
Grounds	In the interest of amenity

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

(04.10.13)

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Appendix 7

**Tree Works Application No.
13/0108/TPO in relation to TPO
No. 526 (2013)**



Promoting City, Coast & Countryside

Planning Services - Development Control Team
 PO Box 4
 Town Hall
 Dalton Square
 Lancaster
 LA1 1QR
 Tel: 01524 582381
 Fax: 01524 582323
 Email: developmentcontrol@lancaster.gov.uk

Application Number:	
Date Received:	
Fee: £	Receipt No:

Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.

Town and Country Planning Act 1990

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.

You must use this form if you are applying for work to trees protected by a tree preservation order (TPO). (You may also use it to give notice of works to trees in a conservation area).

It is important that you read the accompanying guidance notes before filling in the form. Without the correct information, your application notice cannot proceed.

1. Applicant Name and Address

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

2. Agent Name and Address

Title: MR First name: RICHARD

Last name: WOOD

Company (optional): LANCASTHIRE COUNT COUNCIL

Room Unit: E19 House number: House suffix:

House name: CORPORATE PROPERTY GROUP

Address 1: LANCASTHIRE COUNTY COUNCIL

Address 2: COUNTY HALL

Address 3:

Town: PRESTON

County: LANCASTHIRE

Country:

Postcode: PR1 8RJ

RECEIVED
 28 OCT 2013
 Lancaster City Council

3. Trees Location

If all trees stand at the address shown in Question 1, go to Question 4. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

Unit: House number: House suffix:

House name: THE COUNTY LIBRARY.

Address 1: MAIN ROAD.

Address 2:

Address 3:

Town: BOLTON LE SANDS.

County: LANCASHIRE

Postcode (if known):

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

5. What Are You Applying For?

Are you seeking consent for works to tree(s) subject to a TPO? Yes No

Are you wishing to carry out works to tree(s) in a conservation area? Yes No

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below: tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

T1. - MAPE - CUT BACK BRANCHES OVERHANGING PROPERTY THAT ARE WITHIN 3 FEET OF THE BUILDING. ~~BE~~ NOT ~~CUTTING~~ ANY BRANCHES BIGGER THAN 5 CM. TO KEEP THE TREES OVERALL SHAPE - REASON F.A. SOME ARE ALMOST TOUCHING THE BUILDING.

4. Trees Ownership

Is the applicant the owner of the tree(s): Yes No
If 'No' please provide the address of the owner (if known and if different from the trees location)

Title: First name:

Last name:

Company (optional): LANCASHIRE COUNTY COUNCIL

Unit: House number: House suffix:

House name: COUNTY HALL

Address 1: PO BOX 61

Address 2:

Address 3:

Town: PRESTON

County: LANCASHIRE

Country:

Postcode: PRI 8 RJ

Telephone numbers

Country code: National number: Extension number:

01772 537689.

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

6. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number below.

TPO 526 (2013)

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

Sketch Plan

- A sketch plan showing the location of all trees (see Question 8)

For all trees

(see Question 7)

- Clear identification of the trees concerned
- A full and clear specification of the works to be carried out

For works to trees protected by a TPO

(see Question 8)

Have you:

- stated reasons for the proposed works?
- provided evidence in support of the stated reasons? in particular:
 - if your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert
 - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist.
 - in respect of other structural damage - written technical evidence
- included all other information listed in Question 8?

10. Declaration - Trees

/we hereby apply for consent/give notice for tree work as described in this form and the accompanying plans and additional information.

Signed - Applicant:

Or signed - Agent:

[Signature]

[Signature]

Date (DD/MM/YYYY):

28/10/13

(This date must not be before the date of sending or hand-delivery of the form)

11. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

12. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

Electronic communication - If you submit this form by fax or e-mail the LPA may communicate with you in the same manner.

Please see guidance notes)

3. Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

For all trees

A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. Condition of the tree(s) - e.g. it is diseased or you have fears that it might break or fall: Yes No
If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. Alleged damage to property - e.g. subsidence or damage to drains or drives. Yes No
If YES, you are required to provide for:

Subsidence

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)

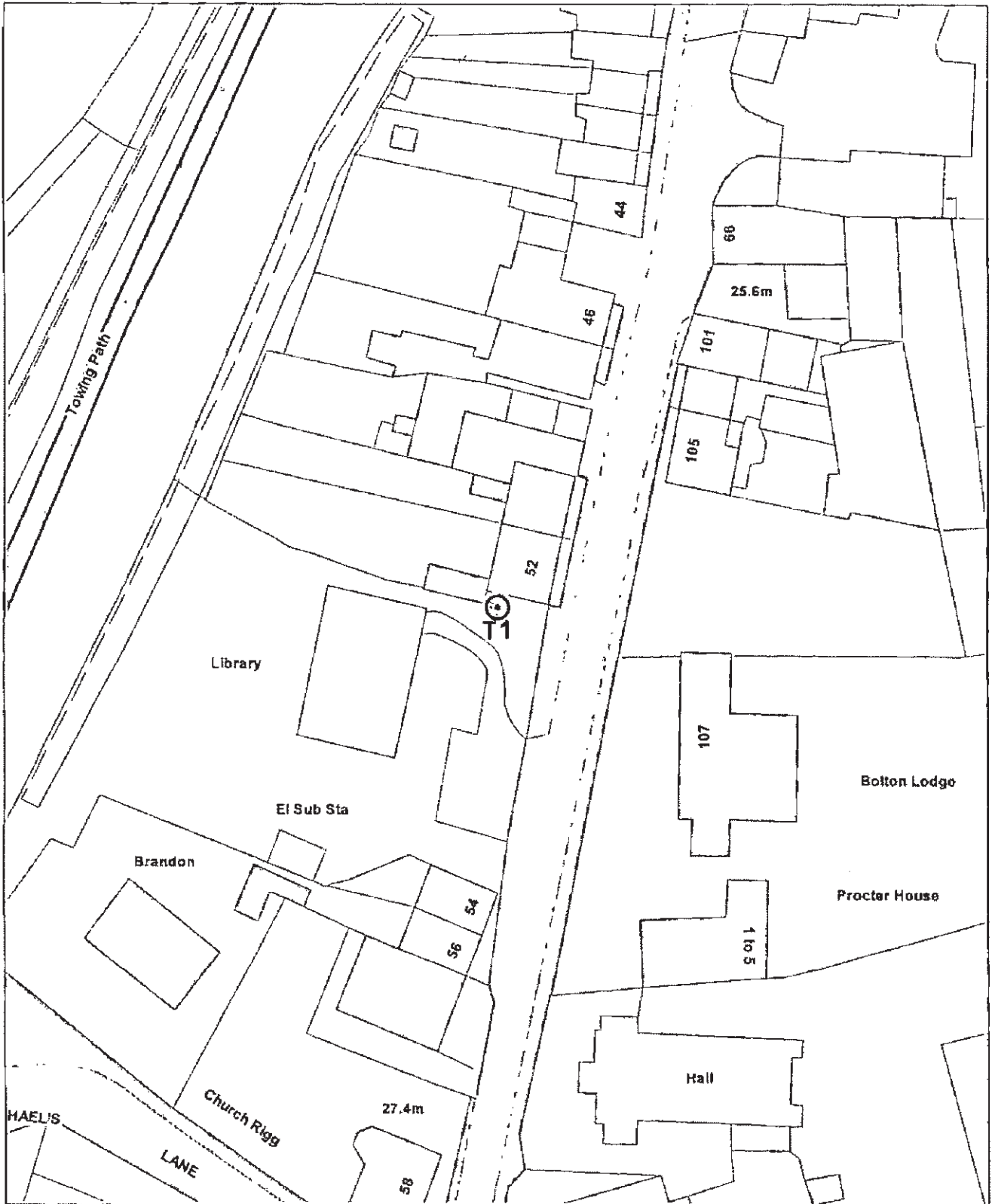
Are you providing separate information (e.g. an additional schedule of work for Question 7)? Yes No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application. If they are being provided separately from this form, please detail how they are being submitted.

Empty rectangular box for providing reference numbers and submission details.

TPO 526(2013)

The County Library Main Road Bolton le Sands



Scale : 1:625

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Lancaster City Council	
Department	Regeneration and Planning
Comments	
Date	04 October 2013

SCHEDULE

Specification of Trees

TREE PRESERVATION ORDER NO. 526(2013)

Relating to a tree at The County Library, Main Road, Bolton Le Sands

TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

Reference on Map	Description	Situation
T1	Field Maple	Centred on (E) 348397 (N) 467845 grid ref:

TREES SPECIFIED BY REFERENCE TO AN AREA

(Shown within a dotted black line on map)

GROUP OF TREES

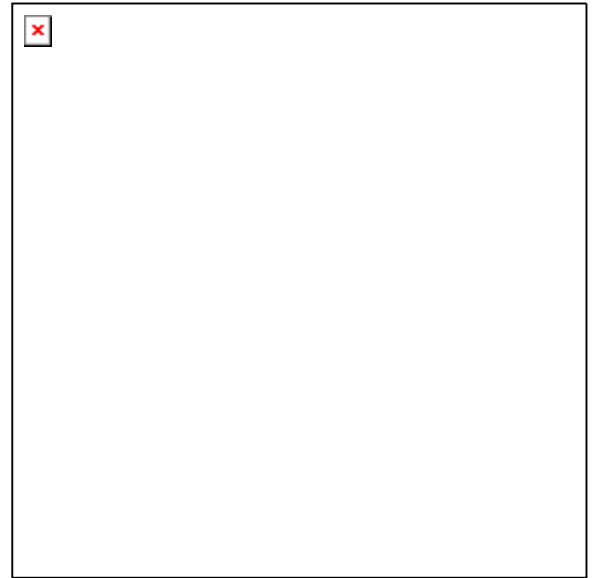
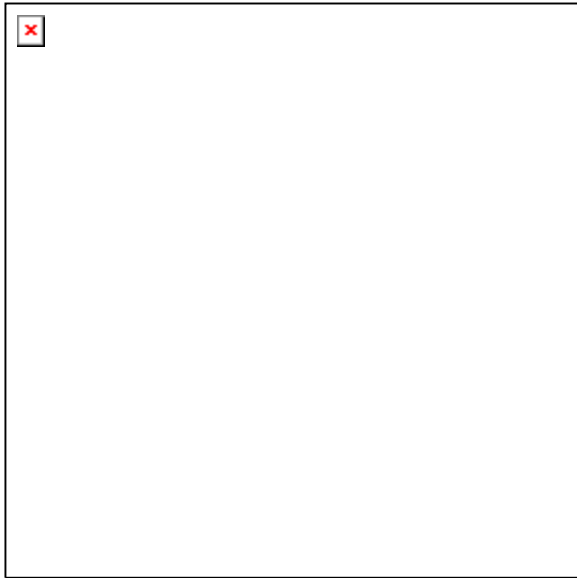
(Shown within a broken black line on map)

WOODLAND

(Shown within a solid black line on map)

Appendix 8

Decision Notice



C/O Mr Richard Wood
Lancashire County Council
Corporate Property Group
Room E19
Lancashire County Council
County Hall
Preston
Lancashire
PR1 8RJ

**Regeneration and Planning
Development Management Team**

PO Box 4
Town Hall
Lancaster
LA1 1QR

**TOWN & COUNTRY PLANNING ACT 1990
THE PLANNING AND COMPENSATION ACT 1999**

DECISION NOTICE – PROPOSED WORKS TO PROTECTED TREES

Application No. : 13/0138/TPO

Site Address : The County Library Main Road Bolton Le Sands Carnforth Lancashire
LA5 8DN

Proposed Works : Pruning works to 1 Maple tree

Lancaster City Council hereby give notice that **CONSENT HAS BEEN GRANTED** under the above legislation for the works described to be carried out on tree(s) located at the above site address. The tree(s) being covered by **Tree Preservation Order No. 526(2013)**.

Lancaster City Council grants consent for the following tree works:-

T1 - Maple, crown reduce secondary branches back from the adjacent residential dwelling to provide a maximum of 2m clearance. Live branches removed must not exceed 15% of the overall live canopy mass and branches removed must not exceed 5cm in diameter.

Reason: In the interest of good arboriculture practice and amenity value.

STANDARD CONDITIONS

1. The works should be carried out within 2 years of the date of decision.
2. Any works should be in accordance with British Standard 3998:2010 Recommendations for Tree Work as modified by research that is more recent. A contractor from the local authority list – preferably one also approved by the Arboricultural Association – is best placed to carry out this work.

3. Under the Wildlife & Countryside Act 1981 it is an offence to disturb nesting birds from 1st March to 31st July (inclusive). Trees works must not be undertaken if birds are nesting in the tree or hedge in question.
4. This notice does not give authority to destroy, damage or disturb a bat roost. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats, etc.) Regulations, the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or disturb any bat roost, whether occupied or not, or harm a bat. If you are aware that bats roost in the tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300 228) or an ecological consultant before you start. **If bats are discovered during the work, you must stop immediately and contact Natural England for advice before continuing.**

Signed:



Date:

18 November 2013

Andrew Dobson Dip EP MRTPI PDDMS
CHIEF OFFICER (REGENERATION & PLANNING)

APPEALS COMMITTEE

Tree Preservation Order No. 530 (2013) 7 March 2014

Report of Chief Officer (Governance)

PURPOSE OF REPORT

To enable Members to consider the objections received to Tree Preservation Order No. 530 (2013) relating to an area of woodland, comprised of mixed broadleaf species trees, established on land to the east of Midland Terrace, Millhead, Carnforth.

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. 530 (2013) relating to an area of woodland, comprised of mixed broadleaf species trees, established on land to the east of Midland Terrace, Millhead, Carnforth, 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. 530 (2013), which has been made in relation an area of woodland, comprised of mixed broadleaf species trees, established on land to the east of Midland Terrace, Millhead, Carnforth.
- 1.3 In accordance with the Regulations, it is necessary to consider the objection(s), and in order for the objections to be considered objectively, the matter is referred to the Appeals Committee.
- 1.4 The report of the City Council's Tree Protection Officer is attached (pages 73 - 77).

Appended to the report are:

- Appendix 1 – *The site and extent of tree cover prior to large scale felling works (pages 78 - 79);*

- Appendix 2 – *Photographs to demonstrate the scale of tree losses and devastation from within the site (pages 80 - 90);*
- Appendix 3 – *Tree Evaluation Method for Preservation Orders (TEMPO) (pages 91 - 92);*
- Appendix 4 – *Tree Protection Officer’s Initial Report (pages 93 - 95);*
- Appendix 5 – *Tree Preservation Order No. 530 (2013) (pages 96 – 100);*
- Appendix 6 – *Letter of Objection from Cassidy & Ashton, Agents acting on behalf of the landowners, Oean Wave Estates Ltd (pages 101 - 102);*
- Appendix 7 – *Lancaster City Council’s Full Response to the Letter of Objection (pages 103 - 104).*

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. 530 (2013).

3.0 Details of Consultation

3.1 Tree Preservation Order No. 530 (2013) was made and advertised in the usual way, and an objection was received.

4.0 Options

- (1) To confirm Tree Preservation Order No. 530 (2013) -
 - (a) Without modification;
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 530 (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. 530 (2013).

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) Not applicable.</p>	
<p>LEGAL IMPLICATIONS A Legal Officer will be present at the meeting to advise the Committee .</p>	
<p>FINANCIAL IMPLICATIONS Not applicable.</p>	
<p>BACKGROUND PAPERS Tree Preservation Order No. 530 (2013)</p>	<p>Contact Officer: Jane Glenton Telephone: (01524) 582068 Email: jglenton@lancaster.gov.uk Ref: JEG</p>

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

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

Date: 20th February 2014

Appeals Committee (TPO)

Trees subject of the Appeals Committee – An area of woodland, comprised of mixed broadleaf species trees, established on land to the east of Midland Terrace, Mill Head, Carnforth, subject of **Tree Preservation Order no. 530 (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 an area of woodland trees, subject to Tree Preservation Order no. 530 (2013).

2.0 Background

2.1 The land in question is established to the east of Midland Terrace, Mill Head, Carnforth. The trees in question are by and large mixed species, broadleaf, deciduous trees; ages range from young to mature trees.

2.2 The land is established to the west of the main market town of Carnforth and to the east of residential properties known as Midland Terrace. There is a water course immediately to the north which combined with existing trees provides an extremely important habitat for a range of wildlife communities, including protected species such as nesting birds and bats.

2.3 The wildlife value and biological importance of the site has been recognised and designated, a Biological Heritage Site (BHS). This designation relates to the southern aspect of the land in question.

- 2.4** The site is also established within Arnside and Silverdale Area of Outstanding natural Beauty (AONB). Trees are an important component feature of the AONB, making a significant contribution to the visual appearance, character and wildlife value of the AONB.
- 2.5** Lancaster City Council became aware that a large volume of trees had been felled from within the site. Concerns had been expressed to the Council that this work had been carried out over a weekend period and resulted in devastation of the landscape. As such, when the Council visited, a huge volume of early mature and mature trees had already been felled, utterly devastating the site in question. **Appendix 1** shows the site and extent of tree cover prior to large scale felling works. Trees within the site were integral components of the natural landscape in this location. Providing important greening, screening and wildlife conservation. Also important in control of soil erosion, in relation to the rise and fall of the water course to the north and uptake of ground water.
- 2.6** Whilst the trees were not protected at that time, there is a legal requirement to obtain a licence from the Forestry Commission prior to undertaking large scale felling operations; where the volume of timber is expected to be 5 cubic metres or greater in any quarter period. The landowner failed to make any such application and we understand from the Forestry Commission that the large scale loss of unauthorised timber, in excess of 13 tonnes covering an area of .89 hectares is currently being investigated.
- 2.7** The Council received no indication from the landowners that the large scale loss of trees was to occur. The Council has since been advised by the agent acting on behalf of the landowner that an application is likely to be submitted for development of the land in question, at a future time.
- 2.8** Photographs included within **Appendix 2** help to demonstrate the scale of tree losses and devastation from within the site.
- 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. TPO 530 (2013) will ensure that those trees that remain will become a material consideration should a planning application be submitted in the future.
- 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** Remaining trees within the site 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 3 & 4**. The use of a Tree Preservation Order is described as 'definitely merits' with a score of 15+.

3.2 The area identified as **A1** is a significant landscape feature. The remaining woodland trees are 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 west. The wider landscape has been adversely impacted with the recent devastating loss of so many large scale, early-mature and mature trees, from within the site.

3.3 The age and condition of the existing trees is such that they have significant remaining life potential beyond the next 50+ years. With good management they have the potential to remain beyond the next 50-100 years.

4.0 Wildlife Value

4.1 The site 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. 530 (2013) was made on 16^h December 2013 (**Appendix 5**) following local concerns being expressed to the council following a devastating and large scale loss of trees.

5.2 Lancaster City Council considered it to be expedient in the interests of amenity to make TPO no.530 (2013) because of the devastating loss of trees and in order to protect those that remained. 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.530 (2013)

6.1 Lancaster City Council received a single formal, written objection to Tree Preservation Order no. 530 (2013).

6.2 A letter of objection was received from Cassidy & Ashton, agents acting on behalf of the land owners, Ocean Wave Estates Ltd. (**Appendix 6**).

6.3 The main points for objection are as detailed as follows.

7.0 Objection Letter – Main Points

7.1 Objection Letter - Appendix 6

- The boundary of the area identified as **A1** within TPO document 530 (2013) should be amended to exclude the area of land to the far west of the site.
- The land owner does not consider that there are any trees within this area that are now worthy of protection within the order.

7.2 In response it remains the view of Lancaster City Council that there are trees within the area to the far west of the site that are worthy of protection with TPO 530 (2013); not all of the existing trees were felled; there remain young, and semi-mature trees in this area.

7.3 Lancaster City Council's full response to the letter of objection is available at **Appendix 7.**

8.0 Decision to Serve TPO no. 530 (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.

Area 1 (**A1**):

- 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, includes a designated Biological Heritage Site
- on going threat from removal of trees and development of the land in the future

The trees in question have sufficient amenity value and importance within the landscape to justify their existing and future protection with TPO no.530 (2013).

There remains an ongoing threat to trees from the potential future development of the site. A TPO ensures that all existing trees become a material consideration in relation to the development of land.

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 area of woodland trees in question remains under significant threat from further tree removals and inappropriate

management. The site is likely to become the subject of a planning application in the future. TPO no. 530 (2013) must be confirmed without modification to ensure important trees and wildlife habitat are protected 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


Appendix 1

**Site and extent of tree cover prior
to large scale felling works**



To see all the details that are visible on the screen, use the "Print" link next to the map.



 - A1 / TPO 530 (2013)

Appendix 2

**Photographs to demonstrate the
scale of tree losses and
devastation from within the site**





















Appendix 3

Tree Evaluation Method for Preservation Orders (TEMPO)

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 16.12.13	Surveyor: M Knagg
----------------	-------------------

Tree details	TPO Ref: 530 (2013)	Tree/Group No: A1	Species Those species present, including hawthorn, ash, birch sycamore
---------------------	---------------------	-------------------	--

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

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

<p>Score & Notes 3 – Highly visible landscape tree</p>

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

Refer to 'Species Guide' section in Guidance Note

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

<p>Score & Notes 4 – With good management, trees present have the potential to live for multiple decades.</p>
--

c) Relative public visibility & suitability for TPO:

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

- | | | |
|--|-------------------------|---|
| 5) Very large trees, or large trees that are prominent landscape features | Highly suitable | <p>Score & Notes
3 – Medium and small trees clearly visible from a range of public vantage</p> |
| 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 | |

d) Other factors

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

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

<p>Score & Notes 1</p>

Part 2: Expediency assessment

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

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

<p>Score & Notes 5 - A large number of trees have been felled; remaining trees are under threat from removal</p>

Part 3: Decision guide

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

<p>Add Scores for Total: 16</p>
--

<p>Decision: Definitely Merits TPO</p>

Appendix 4

Tree Protection Officer's Initial Report

Proposed New Tree Preservation Order No: 530 (2013)

Site: Land east of Midland Terrace, Carnforth

Location of Trees: x1 area of trees established on land east of Midland Terrace, Carnforth

Assessment:

Lancaster City Council has been made aware of the removal of a large area of trees from land to the east of Midland terrace, Carnforth. The trees in question include a variety of species including ash, sycamore, alder, willow, hawthorn and sycamore.

The site is under the ownership of Oceanwave Estates, Limited. The company has recently obtained planning consent for the development of two new dwelling houses on land to the west of the site in question.

The site lies outside the local conservation area and there are no existing tree preservation orders. The land in question is dissected by a path to the west; land to the east of this path is designated a Biological Heritage Site. The local plan designates the wider area as amenity land.

Trees established on the land in question are visible from a range of public vantage points. They are also an important resource for a range of wildlife including protected species such as nesting birds and the potential to provide habitat and foraging opportunities for bats. For the purpose of this report and the TPO, trees included within the order have been identified as **Area 1 (A1)** and include whatever species are present within the area marked **A1**.

The reasons for such extensive tree removals are unknown, however, it may relate to the consideration of the site for future development. Whilst a tree preservation order is not intended to prevent or obstruct development, it does require that affected trees become a material consideration, preventing their lawful removal prior to submission of any future planning application. 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.

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

Decision: To serve Tree Preservation Order no. 530 (2013) under sections 198 and 203 of the Town & Country Planning Act 1990, in the interests of public amenity; affecting **x1 area** of trees.

The trees in question have important amenity value and have collectively become significant landscape features, many are important for their cohesive qualities. They make an important contribution to the amenity and character of their immediate vicinity and wider locality. They are also 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.

Title	Tree Preservation Order no.530 (2013) – land east of Midland Terrace, Carnforth
Grounds	In the interests of amenity
Designation	Area 1 (A1)

Please describe Area 1 (A1) as: “Trees of whatever species within the area marked A1”, within the model order.

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

(16.12.13)

Appendix 5

Tree Preservation Order
No. 530 (2013)

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 530(2013)

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RELATING TO:
Trees on land east of Midland Terrace, Carnforth

PO BOX 4
TOWN HALL
LANCASTER
LA1 1QR

TOWN AND COUNTRY PLANNING ACT 1990

**LANCASTER CITY COUNCIL
TREE PRESERVATION ORDER NO. 530(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. 530(2013), "Trees on land east of Midland Terrace, Carnforth.

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 16th day of December 2013

Signed on behalf of the Lancaster City Council:



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

SCHEDULE

Specification of Trees

TREE PRESERVATION ORDER NO. 530(2013)

Trees on land east of Midland Terrace, Carnforth

TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

TREES SPECIFIED BY REFERENCE TO AN AREA

(Shown within a dotted black line on map)

Reference on Map	Description	Situation
A1	Various	Land East of Midland Terrace

GROUP OF TREES

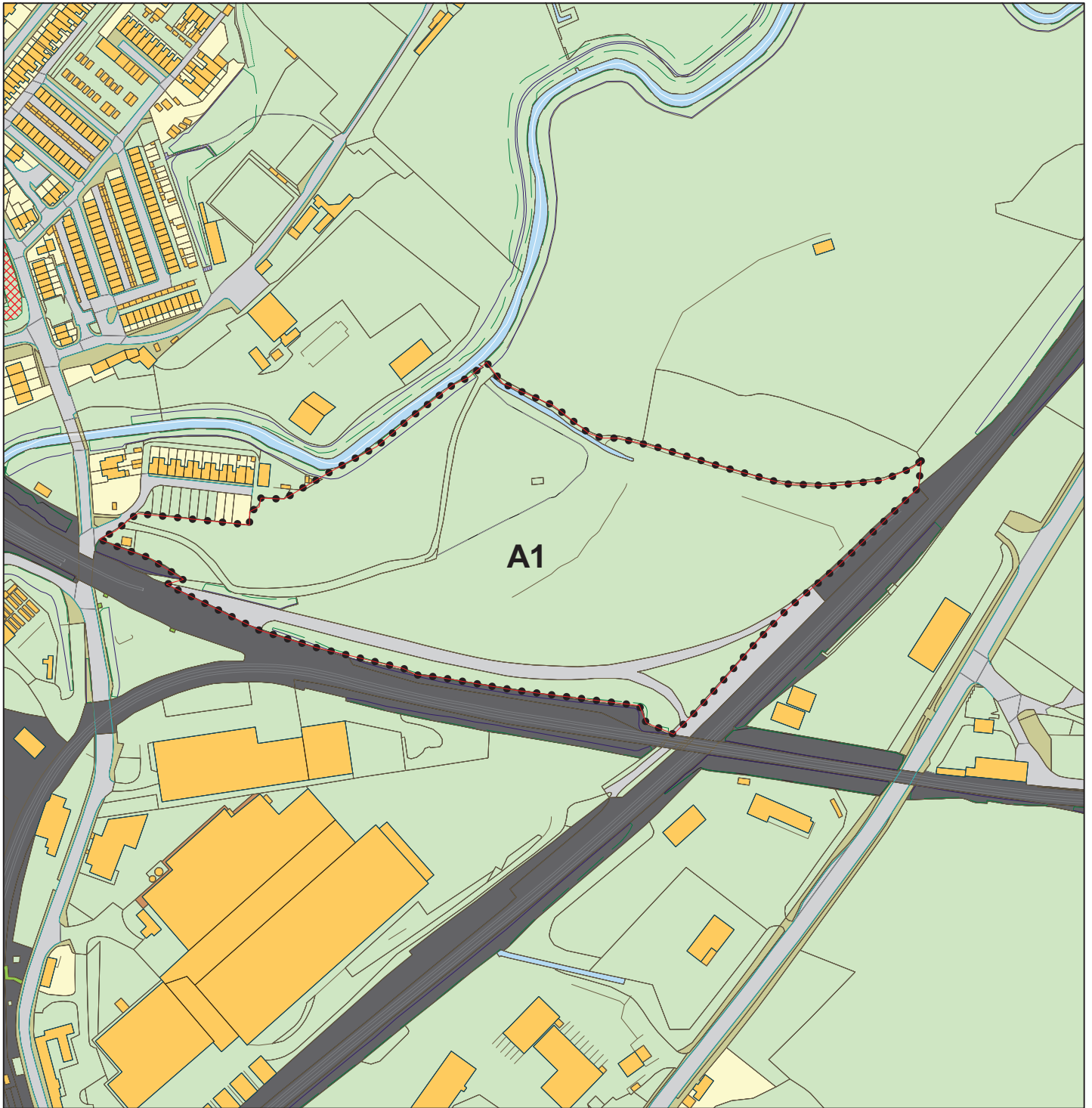
(Shown within a broken black line on map)

WOODLAND

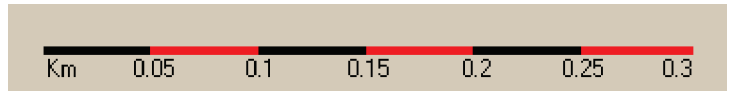

(Shown within a solid black line on map)

TPO 530 (2013)

Land East of Midland Terrace, Carnforth



Legend



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Lancaster City Council	
Department	Not Set
Comments	
Map Date	17 December 2013

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