



Committee: APPEALS COMMITTEE
Date: THURSDAY, 30 APRIL 2015
Venue: LANCASTER TOWN HALL
Time: 11.30 A.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of the meeting held on 19 December 2014 (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 have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

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

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

MATTER FOR DECISION

5. **Tree Preservation Order No. 544 (2015) relating to an area of trees and woodland established within the Ridgeway Park Estate, Lindeth Road, Silverdale (Pages 1 - 104)**

Report of Chief Officer (Governance)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Helen Helme (Chairman), Chris Coates (Vice-Chairman), Tony Anderson, Kathleen Graham, Andrew Kay, Karen Leytham and Terrie Metcalfe

(ii) Substitute Membership

Councillors June Ashworth, Eileen Blamire, Mike Greenall, Billy Hill, Caroline Jackson, Vikki Singleton 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 Monday, 20 April 2015.

APPEALS COMMITTEE

Tree Preservation Order No. 544 (2015) Relating to an area of trees and woodland established within the Ridgeway Park Estate, Lindeth Road, Silverdale 30 April 2015

Report of Chief Officer (Governance)

PURPOSE OF REPORT

To enable Members to consider the objections received to Tree Preservation Order No. 544 (2015) relating to an area of trees and woodland established within the Ridgeway Park Estate, Lindeth Road, Silverdale, and thereafter whether or not to confirm the Order.

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

RECOMMENDATIONS

That Members consider the objections to Tree Preservation Order No. 544 (2015) relating to an area of trees and woodland established within the Ridgeway Park Estate, Lindeth Road, Silverdale and 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. 544 (2015), which has been made in relation to an area of trees and woodland established within the Ridgeway Park Estate, Lindeth Road, Silverdale.
- 1.3 In accordance with the Regulations, it is necessary to consider the objections, and in order for the objections to be considered objectively, the matter is referred to the Appeals Committee.
- 1.4 The report of the City Council's Tree Protection Officer is attached (pages 4 to 10).

Appended to the report are:

- **Appendix 1** – *Copy of the original Tree Preservation Order No. 544 (2015) (pages 11 to 14);*
- **Appendix 2** – *Tree Protection Officer's initial report (pages 15 to 16);*
- **Appendix 3** – *Aerial photograph detailing the composition and extent of trees within the site and wider locality (page 17);*
- **Appendix 4** - *Tree Evaluation Method for Preservation Orders (TEMPO) (page 18)*
- **Appendix 5** – *Letter of objection dated 3 March 2015 received from Mr. and Mrs. Stubbs, Ridgeway Hall (pages 19 to 46);*
- **Appendix 6** – *Letter of objection dated 9 March 2015 received from Mr. and Mrs. Stubbs, Ridgeway Hall (pages 47 to 51);*
- **Appendix 7** – *Lancaster City Council's response to Mr. and Mrs. Stubbs' letters of objection dated 9 April 2015 (pages 52 to 55);*
- **Appendix 8** – *Letter of objection dated 6 March 2015 received from Roger Aitken and Alison McCleod, The Sun House (pages 56 to 73);*
- **Appendix 9** – *Lancaster City Council's response to Roger Aitken and Alison McCleod's letter of objection dated 9 April 2015 (pages 74 to 76);*
- **Appendix 10** – *Letter of objection dated 11 March 2015 received from Mr. Smith, Mawson Garden and summerhouse (pages 77 to 92);*
- **Appendix 11** - *Lancaster City Council's response to Mr. Smith's letter of objection dated 9 April 2015 (pages 93 to 95);*
- **Appendix 12** – *Plan showing suggested modification and reclassification of designation of protected trees from an 'Area' to 'Woodland' (W1) (page 96).*
- **Appendix 13** – *Letter dated 15 April 2015 from Mr. and Mrs. Stubbs submitting further evidence and information in support of their objections to TPO No. 544 (2015) (pages 97 to 100).*
- **Appendix 14** – *Letter dated 16 April 2015 from Mr. and Mrs. Stubbs in response to Lancaster City Council's letter dated 9 April 2015 (pages 101 to 103).*

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. 544 (2015).

3.0 Details of Consultation

- 3.1 Tree Preservation Order No. 544 (2015) was made and advertised in the usual way, and two objections were received.

4.0 Options

- (1) To confirm Tree Preservation Order No. 544 (2015) -
 - (a) Without modification;
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 544 (2015).

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. 544 (2015).

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. 544 (2015)	Contact Officer: Jane Glenton Telephone: (01524) 582068 Email: jglenton@lancaster.gov.uk Ref: JEG

Contact: Maxine Knagg
Telephone: 01524 582381
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Website: www.lancaster.gov.uk
Our Ref: TPO470/2010/MK

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

Date: 13th April 2015

Appeals Committee (TPO)

Trees subject of the Appeals Committee – An area of trees and woodland established within the Ridgeway Park Estate, Lindeth Road, Silverdale, subject of **Tree Preservation Order no. 544 (2015)**.

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 trees and woodland established within the Ridgeway Park estate, and three objections received with respect to the above order. The Appeals Committee are to consider whether the TPO should be confirmed without modification, confirmed with modifications or not confirmed. A copy of Tree Preservation Order no.544 (2015) is available at **appendix 1**.

2.0 Background

2.1 The land and trees in question are established within an important and biologically sensitive locality. They lie within Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) and are also encompassed within Heald Brow Biological Heritage Site (BHS). The trees in question make an important contribution to a much larger area of woodland that extends beyond the curtilage of the wider Ridgeway Park site. As such, they are important for their contribution to this significant arboriculture and landscape feature.

2.2 Limestone pavements are present across the estate, important geological features that are strongly associated with the Silverdale and Arnside area. Their importance is recognised and they are protected under the terms of a Limestone Pavement Order.

- 2.3 The main dwelling, now known as Ridgeway Hall, was built circa 1925, later becoming a school. The whole estate was sold to its current owners in 2014. The wider estate, though not listed, has important historic interest and includes a historic garden designed by the late Thomas Mawson and Sons. The estate is currently comprised of Ridgeway Hall the largest of the properties; a cottage, known as The Sun House; and the Mawson Garden and summerhouse.
- 2.4 Trees across the site are important for their cohesion and contribution in forming a significant arboriculture and landscape feature. The site encompasses a range of constraints protecting biological heritage, important local geology and the character and appearance of the wider AONB. There are however, no constraints that specifically protect trees. In reality, trees and woodlands could be removed without notification to the local authority with the potential to adversely impact upon the visual appearance and character of the wider locality and public amenity.
- 2.5 Where trees are proposed for removal resulting in 5 or more cubic metres of timber being felled, a Felling Licence must be obtained from the Forestry Commission. There is a requirement set by the Forestry Commission that such an application must be submitted with an agreed short term, woodland management plan, spanning a minimum of 5 years. This plan does not have to be produced by a professional, though appropriate advice would be expected to be sought.
- 2.6 Work granted through a Felling Licence overrides the controls of a TPO. As such, a TPO does not obstruct the implementation of an agreed licence. However, where trees are proposed to be felled below the 5 cubic metre threshold, as such not requiring application to the Forestry Commission, a TPO provides protection and prevents the fragmentation and erosion of important woodland areas.
- 2.7 The Forestry Commission (FC) actively encourages the development of long term woodland management plans, spanning a minimum of 10 years. So much so, that they offer a grant for £1000.00 to landowners where woodland is equivalent to 3 hectares or greater. They recognise the value of a long term woodland management plans for owners of smaller areas of woodland. So much so, the FC actively encourage adjacent land owners to consider their respective pieces of land as a combined 'unit' for the purpose of accessing such important opportunities. There is a requirement that the plan is developed by a suitably experienced professional, spanning a minimum period of 10 years; the plan must be fully implemented. The land owners in question could avail themselves of such a grant.

3.0 Threat to Trees & Woodland

- 3.1 In the view of the Secretary of State, a TPO should be used to protect selected trees and woodland if their removal would have a significant impact on the local environment and its enjoyment by the public. LPAs should be able to show that a reasonable degree of public benefit would accrue before the TPOs are made or confirmed. The trees or at least part of them should therefore normally be visible from a public place, such as a road or footpath, although the inclusion of other trees may be justified. The benefit may be present or future: trees may be worthy of preservation for their intrinsic beauty

or for their contribution to the landscape or because they serve to screen an eyesore, or future development: the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland maybe collective only. Other factors, such as importance as a wildlife habitat, may be taken into account which alone would not be sufficient to warrant a TPO. A tree that is dead or in a dangerous condition is exempt from a TPO.

- 3.2 With this in mind, LPAs are advised to develop ways of assessing the 'amenity value' of trees in a structured and consistent way, taking into account the visibility of trees or woodland from a public vantage point: the individual impact of a tree or the collective impact of a group or woodland: in addition to the wider impact of trees, their significance to their local surroundings taking into account their suitability to their particular setting, as well as the presence of other trees in the vicinity.
- 3.3 Expediency must also be assessed. The Secretary of State considers that it may be expedient to make a TPO, if the LPA believe there is a risk of the tree or woodland being cut down or pruned in ways which would have a significant impact on the amenity of the area. Importantly, it is not necessary for the risk to be immediate. In some cases the LPA may believe that certain trees are at risk from development pressures. The LPA may have some other reason to believe that trees are at risk: changes in property ownership are widely recognised as potential threats to trees and woodlands, particularly as intentions to fell trees are not always known in advance, and so the protection of selected trees by a precautionary TPO might be considered expedient.
- 3.4 The change in land ownership is recognised by the Secretary of State as a threat to trees and woodlands. Different regimes of management, the absence of a long term, all-encompassing woodland management plan, and potential threat of future development pressure from a change of use of land and changes in ownership, all represent threats to existing trees and woodlands. Any one of these factors has the potential to result in a fragmentation and gradual erosion of this very important area of woodland: trees and woodland that are important in their own right, but significantly are also important for their cohesion and contribution to a much larger woodland area that extends beyond the curtilage of three properties identified. Collectively the trees in question make a significant contribution to the character and appearance of the wider locality, and AONB. Trees and woodland within the site that are seen and enjoyed from the wider public domain, including the public highway, and public footpaths within the SSSI site, 'Jack Scout'.
- 3.5 Following a site visit, concerns were raised by a council officer with regard to potential threats to trees within the Ridgeway Park site. This visit was undertaken in relation to a planning application. The application proposed the removal of three planning conditions affecting an earlier planning consent which restricted the use of two dwellings to that of holiday lets. Removal of the conditions would in effect have created "three open market permanent dwellings". This application was later withdrawn, after the TPO had been served.
- 3.6 In addition, the visiting officer noted that a relatively large number of trees had been recently felled from within the wider Ridgeway Park estate. The reason for their removal was unclear at that time.

- 3.7 There is no current long term management plan for trees and woodland across the wider Ridgeway Park estate.

4.0 Assessment

- 4.1 A copy of my initial report is available at **appendix 2**.
- 4.2 An aerial photograph detailing the composition and extent of trees within the site and wider locality has been included at **appendix 3**.
- 4.3 An initial assessment included a desk top study, aerial photographs and assessment of the amenity value of the woodland trees upon the wider AONB and public domain. Lancaster City Council considered it expedient in the interest of amenity to make trees and woodland within the Ridgeway Park estate the subject of Provisional TPO No. 544 (2015), in effect preventing the lopping, topping, felling, uprooting and otherwise damaging of trees and woodland within this biologically sensitive and historically important site without written authorisation of the local authority. A provisional order has a maximum term of 6 months from the date it is made.
- 4.4 A copy of the Tree Evaluation Method for Preservation Orders (TEMPO) is available at **appendix 4**. A cumulative score of 22 was achieved, indicating that at the time of the initial assessment the trees in question “Definitely Merit” protection within a TPO.
- 4.5 Lancaster City Council uses a Tree Evaluation Method for Preservation Orders (TEMPO) to demonstrate a structured and consistent approach to the assessment of trees and woodlands in relation to their suitability for inclusion within a TPO. This system, when used by an individual suitably trained and experienced in the assessment of trees, can be a useful tool to demonstrate key elements of the decision making process, resulting in a final total score and outcome indicator.
- 4.6 In addition to their amenity value, the woodland trees are an important resource for wildlife providing essential habitat and foraging opportunities, including significant potential to provide important resources for protected species, such as nesting birds and bats, both of which are protected under the Wildlife & Countryside Act 1981.
- 4.7 Since the original TEMPO assessment was completed, Lancaster City Council has been able to confirm that trees felled within the wider Ridgeway Park estate, namely that of The Sun House, were removed as part of a Felling Licence granted by the Forestry Commission, earlier in 2014. Lancaster City Council is a statutory consultee on such matters, and was advised of the application to fell trees: no objection was raised by the Council to the application, given that the work had been planned and detailed within an acceptable, though short term, woodland management plan, agreed by the FC. However a period of 5 years is too short a period for the effective long term management of important woodland areas, such as those in question. The plan was limited to a relatively small area of land associated with The Sun House, and excluded woodland within Ridgeway Hall and the Mawson Garden and summerhouse. The FC actively encourage landowners to develop and implement long term, woodland management plans for their woodland areas through the provision of grants, and actively support smaller

land owners in making joint applications, in order to access otherwise inaccessible grants.

- 4.8 A revised TEMPO assessment to account for the work undertaken in compliance with the Felling Licence, i.e. reduced level of threat from 'Known' to 'Precautionary,' results in a cumulative score of 18, and no change in the outcome of the assessment, with the final score remaining within the category of "Definitely Merits" a TPO.
- 4.9 The outcome of the TEMPO assessment remains unchanged, because of the overriding high amenity value of the trees and woodland within the site, which includes their condition, remaining useful life potential, and visual impact upon the wider locality and public domain, along with clearly recognised factors have the potential to threaten trees now and or in the future. In the absence of a TPO, trees and woodland could be removed without advanced notice.

5.0 Tree Preservation Order no.544 (2015)

- 5.1 Tree Preservation Order no. 544 (2015) was made on 2nd February 2015 following concerns with regard to the threat to existing trees and woodland that make a significant contribution to the amenity of the immediate and wider locality.
- 5.2 An administration error was identified within the original document. This was rectified and an amended order was re-issued to all parties, dated 25th February 2015.
- 5.3 Trees and woodland were identified in the order with an 'Area' designation. This designation is generally used to encompass all trees within any given site, identified in this instance as an area marked 'A1', detailed on the TPO plan. It is the Secretary of State's view that an 'Area' designation is used in an emergency and then only as a temporary measure until the trees in the 'Area' can be assessed properly and reclassified.
- 5.4 It is now appropriate, in line with Government advice, to reclassify the designation of the trees subject of TPO 544 (2015). A woodland designation is appropriate and would affect the majority of trees within the wider site. In effect, a woodland designation protects existing trees and importantly, also subsequent generations, which are essential to the long term sustainability of woodland areas such as this.
- 5.5 Trees that are established within the formal area of the Mawson Garden could reasonably be excluded from this woodland designation, given that their management requirement is significantly different from that of the overall management of the wider woodland. This is however, a matter for the committee to consider accordingly. Exclusion from the woodland designation in this way would, in effect, remove the existing requirement of the land owner to seek authorisation from the local authority for the management of the formal elements of the Mawson Garden only. This area would, however, benefit from the development and implementation of a long term, formalised management plan.

6.0 Objections to TPO No. 544 (2015)

- 6.1 Lancaster City Council has received letters of objection to Tree Preservation Order no.544 (2015) from three respective land owners.
- 6.2 Two letters of objection were received from Mr and Mrs Stubbs, Ridgeway Hall, dated 3rd March 2015 and 9th March 2015 (**appendices 5 & 6** respectively). A copy of Lancaster City Council's response to this objection, dated 9th April 2015, is available at **appendix 7**.
- 6.3 A letter of objection was received from Roger Aitken and Alison McCleod, The Sun House, dated 6th March 2015. A copy of this letter and the Council's response dated 9th April 2015 are available at **appendices 8 & 9** respectively.
- 6.4 A letter of objection was received from Mr Smith, Mawson Garden and summerhouse, dated 11th March 2015. A copy of this letter and the Council's response dated 9th April 2015 are available at **appendices 10 & 11** respectively.
- 6.5 Objections received relate to concerns that a TPO could hinder or obstruct work to restore the historic garden, or prevent or obstruct management of the existing woodland; that there is no existing threat to trees and woodland within the site and that the amenity value of the trees and woodland are overstated by the LPA.
- 6.6 Trees that are dead or dead wood contained within the canopies of protected trees are exempt from the controls of a TPO. As such, authorisation is not required from the local authority to fell dead trees or to remove dead branches from protected trees.
- 6.7 There is no cost associated with making an application to undertake works to a protected tree. However, any work granted would be required to be undertaken by a 'competent' individual, to current standards of best practice in the interest of 'good arboriculture practice'. This is not necessarily a requirement for the work to be carried out by a professional person.
- 6.8 The requirement to make repeated applications for works to protected trees or for their long term management can be significantly diminished through agreement with the local authority and, where required, also the Forestry Commission. This is particularly relevant to trees managed in specific ways, such as 'pollarded trees', 'coppiced trees', or for the management of non-commercial fruit trees. Agreement of a long term management plan is particularly useful with this regard. This reduces any perceived burden to tree owners/managers.
- 6.9 Whilst a short term, 5 year management plan is useful, it is limited and cannot set or achieve long term goals effectively. A long term management plan, spanning a minimum of 10 years is advisable in terms of managing woodland trees and important historic gardens, such as those in question. In the absence of any such plan and agreement, a TPO ensures the long term protection of important trees and woodlands that may otherwise be at risk of fragmentation and gradual erosion.
- 6.10 The Forestry Commission support a planned approach to the management of woodlands. They offer a contribution of £1000.00 to landowners to develop a

professional management plan for woodland trees under their control for sites which are of 3 hectares or greater. Whilst two of the three properties within the wider Ridgeway Park site are, on their own, too small to benefit directly from this scheme, a combination of land for the purpose of an application would mean that all three landowners could benefit from a grant to develop a professional 10 year, management plan for the whole site. This would include individual elements relating to the specific needs of each area.

7.0 Decision to Serve TPO No. 544 (2015)

7.1 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of woodland trees identified as **(A1)** under sections 198, 201 and 203 of the Town & Country Planning Act 1990.

Lancaster City Council cite the following reasons.

- important visual amenity shared from the public domain;
- significant contribution to the character and appearance of the immediate locality and wider Area of Outstanding Natural Beauty;
- significant potential to provide important habitat and resources for a range of protected and unprotected wildlife communities;
- potential threat from removal or inappropriate management particularly in the absence of an agreed long term management approach.

The trees in question have sufficient amenity value and importance within the landscape to justify their protection with TPO No.544 (2015).

7.2 It would be appropriate to reclassify the designation of protected trees from an 'Area' to 'Woodland' (W1), excluding specimen trees, and groups of trees established within the formal areas of the Mawson Garden. A suggested modification has been shown on the plan detailed at **appendix 12**.

7.3 As such, Lancaster City Council recommends that TPO No. 544 (2015) be confirmed with modification to reclassify A1 as W1 and exclude the formal areas of the Mawson Garden.

NB: 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. Trees that are dead or dead branches within the canopy are exempt from protection within the terms of a tree preservation order.

Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer, Regeneration & Planning Service
On behalf of Lancaster City Council

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 544(2015)

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RELATING TO:

Tree Preservation Order no.544 (2015), Ridgeway Park, Lindeth Road, Silverdale

PO BOX 4
TOWN HALL
LANCASTER
LA1 1QR

TOWN AND COUNTRY PLANNING ACT 1990

**LANCASTER CITY COUNCIL
TREE PRESERVATION ORDER NO. 544(2015)**

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. 544(2015), "Tree Preservation Order no.544 (2015), Ridgeway Park, Lindeth Road, Silverdale

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 25th day of February 2015

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. 544(2015)

Tree Preservation Order no.544 (2015), Ridgeway Park, Lindeth Road, Silverdale

TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

TREES SPECIFIED BY REFERENCE TO AN AREA

(Shown within a dotted black line on map)

Reference on Map	Description	Situation		
A1	Various	Centred on grid ref:	(E) 346145	(N) 473761

GROUP OF TREES

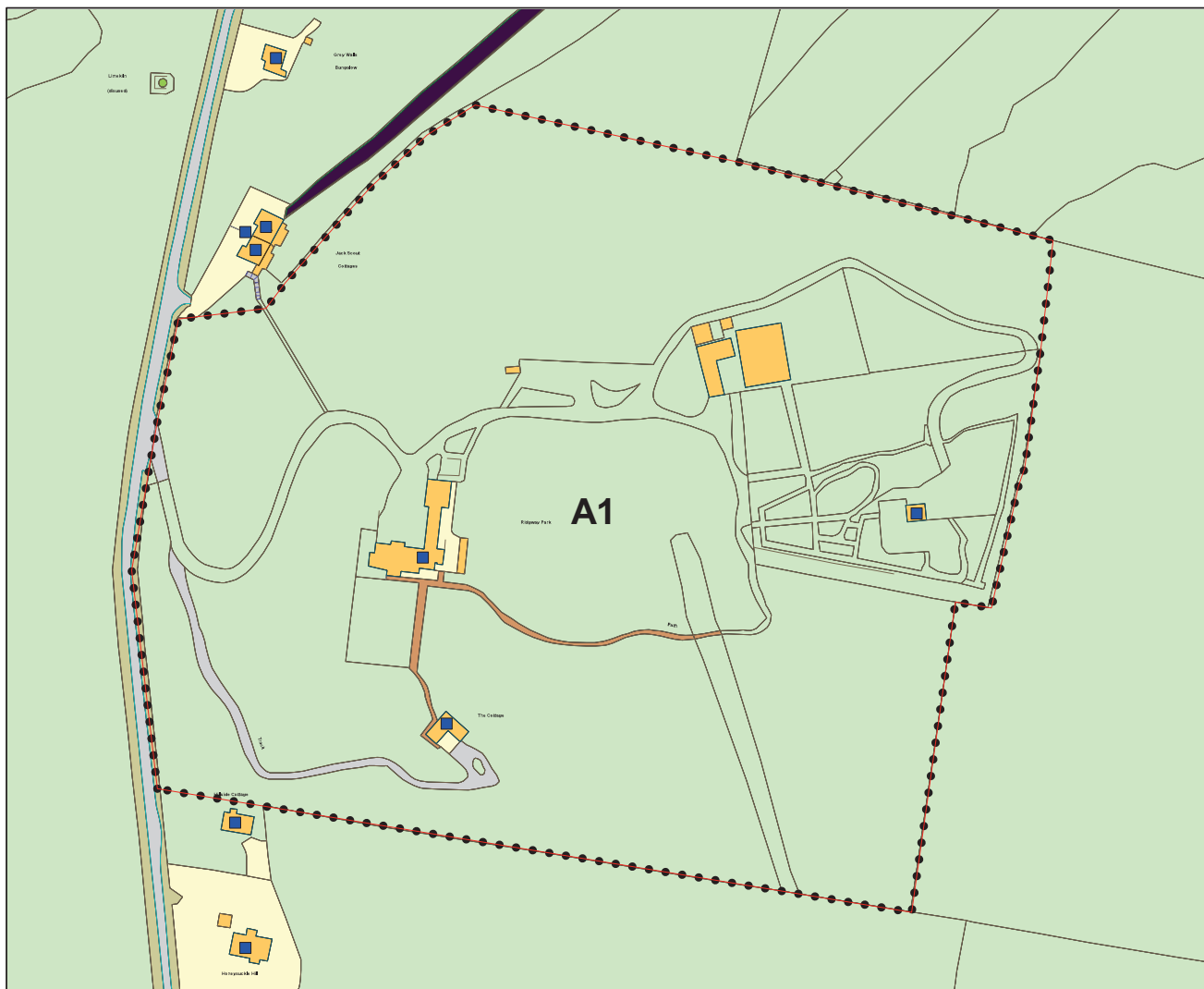
(Shown within a broken black line on map)

WOODLAND

(Shown within a solid black line on map)

TPO No. 544 (2015)

Ridgeway Park, Lindeth Road, Silverdale Carnforth, Lancashire, LA5 0QA



Legend



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

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	02 February 2015
SLA Number	Not Set

Proposed New Tree Preservation Order No: 544 (2015)

Site: Trees at Ridgeway Park, Lindeth Road, Silverdale

Location of Trees: An area of woodland trees established within the curtilage and immediately neighbouring properties at Ridgeway Park, Lindeth Road, Silverdale

Assessment:

Further to a visit by a local authority officer, it has come to the attention of Lancaster City Council, that a large number of trees have been felled from woodland within the curtilage of the above property; an estimated number in excess of some x20 trees have been recently felled.

The site is established within Arnside & Silverdale Area of Outstanding Natural Beauty (AONB). Whilst the AONB does not afford specific protection for affected trees, trees are recognised as key component features within the AONB. The site is also designated a Biological Heritage Site (BHS) and is also subject to Limestone Pavement Protection Order.

The site is also currently subject of planning application no. 15/00049/RCN. The application proposes the removal of x3 existing conditions relating to the use of two of the three properties. The conditions are proposed for removal, in order to remove the current restrictions preventing the use of two of the dwellings as residential dwellings.

Mature and early-mature trees have been removed recently. The removal of trees were not previously detailed in any of the earlier planning applications affecting the site.

Lancaster City Council considers existing woodland to be at potential risk of damage or further removal works. This threat may be increased with the proposed removal of planning conditions to allow for unrestricted residential use of the three dwellings, should consent be granted.

Forestry Commission

A Felling License is required, if 5 cubic meters of timber is to be felled within any given quarterly period, authorisation must be sought from the Forestry Commission (FC) prior to undertaking any such work. It is unclear at this time, if the land owner has sought any such authorisation. The FC have been asked to confirm if a felling License has been granted in relation to the above property.

Trees

For the purposes of this report the trees have been identified as a single Area (**A1**). Species include ash, yew and sycamore.

Collectively the woodland trees form a significant landscape feature. Clearly visible as a woodland from the public domain. The woodland is an integral feature of the landscape. It makes an important contribution to the character and appearance of the immediate locality and significantly, also that of the wider Biological Heritage Site and Area of Outstanding Natural Beauty.

The woodland is an important resource for a range of wildlife. It has the potential to provide habitat and foraging opportunities for a range of wildlife, including nesting birds and bats;

both of which are protected under the Wildlife & Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

The amenity value of the trees has been assessed using a Tree Evaluation Method for Preservation Orders (TEMPO). TEMPO Assessment Score: 21 – Definitely Merits a TPO.

Decision: To serve Tree Preservation Order no.544 (2015) under sections 198 and 203 of the Town & Country Planning Act 1990, in the interests of public amenity; affecting x1 Area of woodland trees, **A1**.

The trees in question have important amenity value and are a significant landscape feature, in a biologically rich and sensitive area. The trees are important for their cohesive qualities and the arboriculture feature that they collectively form. They make an important contribution to the visual appearance and character of their immediate vicinity and wider locality. They are an important resource for wildlife.

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

Title	Tree Preservation Order no.544 (2015), Ridgeway Park, Lindeth Road, Silverdale
Grounds	In the interest of public amenity and wildlife value
Designation	A1

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Tree Protection Officer
Regeneration & Planning Service

02.02.15

Ridgeway Park Estate
Silverdale



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):**SURVEY DATA SHEET & DECISION GUIDE**

Date: 02.02.15

Surveyor: M Knagg

Tree details

TPO Ref: 544 (2015)

Tree/Group No: Area

Species: All species present

includes ash, yew, sycamore, oak, spruce, pine etc

Part 1: Amenity assessment**a) Condition & suitability for TPO:**

Refer to Guidance Note for definitions

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

Score & Notes

5 – Good quality trees, suited to their locality

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 – Many of the trees have the potential to remain for 40+ years, some species notably oak and yew have the potential to remain for multiple centuries under appropriate management

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 – Some of the trees are highly visible from the public domain.

d) Other factors

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

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

Score & Notes

4 – The trees in question form part of a significant woodland area which extends beyond the boundaries of the wider Ridgeway Park site.

Part 2: Expediency assessment

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

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

Score & Notes

5 – A large number of trees have been removed.

Part 3: Decision guide

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

Add Scores for Total:

22

Decision:

Definitely Merits TPO

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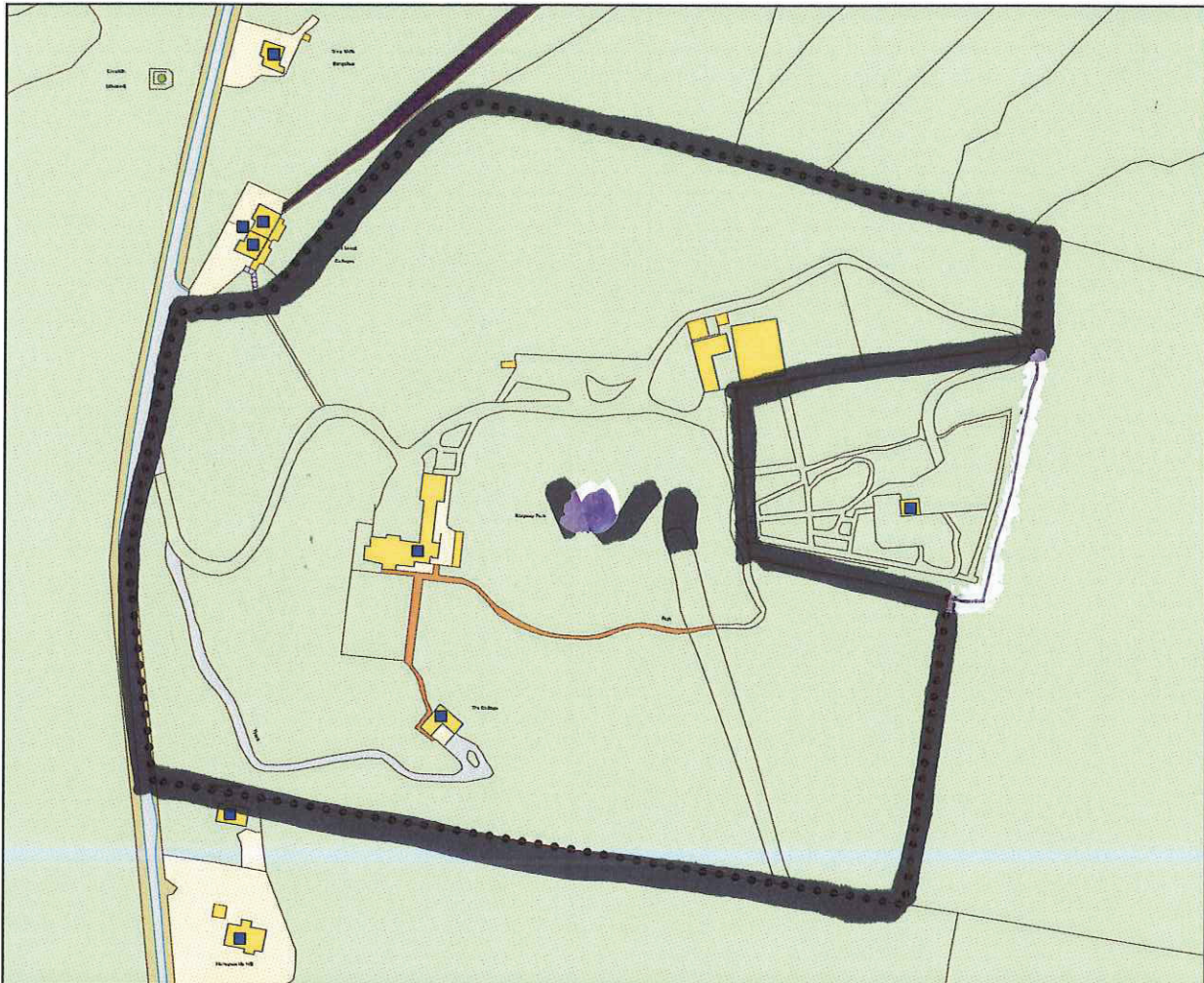
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TPO No. 544 (2015)

Ridgeway Park, Lindeth Road, Silverdale Carnforth, Lancashire, LA5 0QA



Legend



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