

## APPEALS COMMITTEE

1.00 P.M.

17TH MARCH 2016

**PRESENT:** Councillors Claire Cozler (Chairman), Joan Jackson, Terrie Metcalfe (substitute for Janice Hanson), Margaret Pattison (substitute for Karen Leytham), Roger Sherlock and Peter Yates (substitute for Helen Helme)

Apologies for Absence:

Councillors Jon Barry, Janice Hanson, Helen Helme and Karen Leytham

Officers in Attendance:

Maxine Knagg	Tree Protection Officer
Angela Parkinson	Senior Solicitor
Jane Glenton	Democratic Support Officer

### 8 **SITE VISITS: TREE PRESERVATION ORDERS NO. 565 (2015) AND NO. 567 (2015)**

Prior to commencement of the meeting, site visits were undertaken in response to objections received to two Tree Preservation Orders.

The following Members were present on the site visits:

Councillors Claire Cozler (Chairman), Joan Jackson, Terrie Metcalfe, Margaret Pattison, Roger Sherlock and Peter Yates.

Officers in Attendance:

Maxine Knagg	-	Tree Protection Officer
Jane Glenton	-	Democratic Support Officer

### 9 **MINUTES**

The minutes of the meeting held on 18<sup>th</sup> February 2016 were signed by the Chairman as a correct record.

### 10 **ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN**

There were no items of urgent business.

### 11 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### 12 **TREE PRESERVATION ORDER NO. 565 (2015) - LAND OFF ASHTON ROAD, LANCASTER**

The Committee received the report of the Chief Executive to enable Members to consider the objection received to Tree Preservation Order No. 565 (2015) relating to an

area of trees established on land adjacent to Ashton Road, Lancaster, and thereafter whether or not to confirm the Order.

It was reported that the Council had made Tree Preservation Order No. 565 (2015) on 20<sup>th</sup> October 2015, following land adjacent to Ashton Road, Lancaster being identified for potential development by Story Homes. The trees within the site had been unprotected and, in the opinion of the Tree Protection Officer, were threatened by potential development. The trees included a group of ash (G1) and two woodland compartments comprising a range of tree species identified as W1 and W2.

One letter of objection had been received to Tree Preservation Order No. 565 (2015) from Barton Willmore, Planning Consultants, acting on behalf of the Appellant, Story Homes.

In determining whether or not to confirm the Tree Preservation Order, Members heard representations from Joshua Corbett of Urban Green, who had prepared an Arboricultural Impact Assessment for Story Homes, and a response from the Tree Protection Officer.

#### Appellant's Representative

The Appellant's representative presented the case on behalf of Story Homes and advised Members that an assessment of the quantity and quality of existing trees located on and near to the application site had been carried out by Urban Green through the Arboricultural Impact Assessment. Groups of trees had been identified according to their character, quality or role in defining the site and its features.

It was reported that Story Homes' objection to Tree Preservation Order No. 565 (2015) was that the submitted planning application would not result in the loss of any trees of quality or value in or around the site. Not all of the area identified within the Tree Preservation Order was necessary for inclusion to safeguard the existing tree belt along Lancaster Canal for reasons of amenity, wildlife or quality, as outlined by the Local Planning Authority in the Tree Preservation Order. Story Homes believed that if a Tree Preservation Order was necessary (to which they disagreed), the areas defined as G56, T43 and G44 within the Arboricultural Impact Assessment should be omitted.

The Appellant's representative advised that the proposed development would not have a detrimental effect on existing trees on or near to the site. An adequate buffer would be provided between the proposed development and trees, and root protection areas would be identified for those trees which defined the character of the site and its surroundings. An Arboricultural Method Statement had been submitted as part of the outline application, and any works would be carried out in compliance with this.

The area defined as G56 was a group of early mature hawthorn trees, which were situated in a raised bund and acted as a buffer between the larger trees adjacent to the Canal. G56 had been identified as being distinctly different and of slightly less value to the remainder of the woodland located between the application site and Lancaster Canal. The loss of this group would have little impact on the character of the area, as the larger and more significant trees behind would be retained. Their loss would not be visible from the Canal towpath and would not significantly change the character of the area observable from the public right-of-way running along Carr Lane to the south. G56 was not visible from the windows of properties in nearby Pinewood Close.

T43 and G44 had also been assessed separately and defined as Category C trees in the Arboricultural Impact Assessment. Both were semi-mature ash and causing damage to the adjacent pathway.

Story Homes' landscape strategy would result in additional trees, which would provide valuable amenity.

The Appellant's representative advised that, should a Tree Preservation Order be deemed necessary (which was disputed by Story Homes), G56, T43 and G44 should be omitted from the Order.

Following presentation of the Appellant's representative's case, Members asked questions of the Appellant's representative.

#### Lancaster City Council's Tree Protection Officer

The Tree Protection Officer presented the case on behalf of Lancaster City Council, and reported that under Section 198 of the Town & Country Planning Act 1990, a Local Planning Authority had powers to make a Tree Preservation Order in the interests of amenity if it appeared that it was expedient to do so for the purpose of protecting trees.

It was reported that the trees in question included two large belts of trees and one group comprising 3 individual trees. The land was currently the subject of an outline planning application (reference no. 15/01342/OUT) for the development of new housing.

The purpose of the Appeals hearing was to consider the amenity value of the trees and whether it was expedient in the interests of amenity to continue the protection of the trees, the subject of Tree Preservation Order No. 565 (2015), and not to consider the merits of the proposed development.

Development of land had significant potential to threaten trees, resulting in their direct loss to accommodate the overall design but, importantly, also by a range of indirect means that may result from operations and practices associated with the construction phase of development, and also indirect pressures as a result of a change in land use.

It may be expedient for the Local Planning Authority to make a Tree Preservation Order if it was believed there was a risk of a tree being cut down or pruned in ways which would have an adverse impact on the amenity of the area. Once new housing units were sold and occupied, pressures increased on trees, which could lead to trees being inappropriately managed or felled in the absence of protection. For the purposes of a Tree Preservation Order, it was not necessary for the threat to be immediate.

In the view of the Secretary of State, a threat may be in the present or in the future. It was important to note that a Tree Preservation Order did not obstruct or prevent development. It did, however, ensure that trees were a material consideration within any existing or future planning application.

A Tree Preservation Order prohibited the cutting down, uprooting, lopping, topping, wilful damage, or wilful destruction of trees without the Local Planning Authority's consent. Anyone found guilty of an offence in a Magistrates' Court was liable to a maximum fine of £20,000.

Where full planning permission was granted, the powers of a Tree Preservation Order were overridden where tree removal or pruning works were required to implement that full permission. All other trees remained protected, and written authorisation from the Local Planning Authority would have to be obtained prior to carrying out works to any additional tree.

Trees, the subject of Tree Preservation Order No. 565 (2015), included two woodland compartments, W1 and W2, and a group of three ash trees, G1. All were clearly visible from the public domain. W1 and W2 were established on a raised embankment immediately adjacent to Lancaster Canal. The canal was recognised for its biological importance through its designation as a Biological Heritage Site. Trees were recognised for their contribution to this biologically important location. Existing trees also made an important contribution to local wildlife communities, including the potential to provide habitat and foraging opportunities for species protected under the Wildlife and Countryside Act 1981 (as amended 2010), such as nesting birds and bats.

Trees within W1 and W2 were essential to the continuity of the wildlife corridor along the canal. Hawthorn trees, identified by the Appellant as G56 within the submitted Arboricultural Impact Assessment, were integral to the woodland compartment. They provided an important under-storey element to the woodland. Furthermore, they were identified within the Appellant's report as Category B+, being trees of moderate quality and with a life expectancy of 40+ years. Further description within the report included, "Group of predominantly hawthorn acting as a buffer between the larger trees adjacent to the Canal. Roots from neighbouring trees may be affected if removal occurs in this area."

In the view of Lancaster City Council, this group of trees was an integral component of the woodland compartment. Exclusion of trees identified as G56 from the Tree Preservation Order would have the potential to result in erosion of this important woodland compartment and buffer zone. In effect, this would bring any future development of the site closer to the much larger landscape trees established adjacent to the Canal, increasing the future pressure to inappropriately manage, prune or remove these important trees, as lung spaces and outdoor amenity spaces encroached ever nearer.

The trees, the subject of Tree Preservation Order No. 565 (2015), were generally in good overall condition, with long periods of useful remaining life potential. For younger trees in G1, their amenity value would only increase with continued maturity and growth.

Outline planning application no. 15/013421/OUT had not, as yet, been determined. It was understood from the Planning Case Officer that it was likely to go to the Planning and Highways Regulatory Committee in April 2016 for due consideration and determination.

It was the view of Lancaster City Council that woodland areas W1, W2 and Group G1 had important amenity value and were under sufficient threat from proposed development, now and in the future, to justify their protection through Tree Preservation Order No. 565 (2015), in the interests of public amenity value and wildlife benefit.

The Council had received one letter of objection to Tree Preservation Order No. 565 (2015) from Mr. Craig Barnes, representing the developer, Story Homes.

There were two main points for objection detailed in the letter:

- (i) The submitted planning application would not result in the loss of any trees of any value or quality in or around the site, and therefore a Tree Preservation Order was not required;
- (ii) Not all of the area identified within the Tree Preservation Order was considered necessary for inclusion to safeguard the existing tree belt along Lancaster Canal for reasons of amenity, wildlife or quality. The Appellant, Story Homes, was of the view that if the Tree Preservation Order was deemed to be necessary (to which they disagreed), the area defined as G56, as well as T43 and G44, should be omitted.

In summary, Lancaster City Council's response to the Appellant's objection was:

- (i) Whilst an outline application had been received by the Local Authority, it had not been determined. There was no current permission to develop the land in question. As such, there was no formal written agreement to retain and protect existing trees and woodland, other than through the controls of a Tree Preservation Order. Trees would be vulnerable to loss.
- (ii) Lancaster City Council had a duty to protect trees where development was proposed. The Local Authority would be failing in its duty if a Tree Preservation Order was not made and confirmed, particularly given the significance of the trees in question and the biologically sensitive nature of the wider area and proposed development.
- (iii) The trees in question formed a highly visible landscape feature, clearly seen from the public domain. The trees were also an important resource for a potential range of wildlife, including protected species.
- (iv) A Tree Preservation Order ensured that existing trees were a material consideration within a planning application and, importantly, continued their protection through the post-development phase and future use of the site.
- (v) The Appellant's Arboricultural Impact Assessment identified trees G56 as valued trees, and, as such, the Appellant proposed their removal.
- (vi) Trees were threatened by the potential development of the site and by the future change of use of the wider landscape, should planning consent be granted. This only served to support the need to maintain the existing protection status of the trees, in line with Tree Preservation Order No. 565 (2015). Trees identified as G56, T43 and G44 should remain the subject of Tree Preservation Order No. 565 (2015) to ensure their full consideration within the existing and any future planning application. These trees made an important contribution to the amenity and wildlife.
- (vii) Full planning permission overrides the powers of a Tree Preservation Order where trees would be required to be removed or pruned in order to implement a planning consent. As such, the existence of the Tree Preservation Order would not prevent or obstruct development, should full planning consent be granted at some point. It would safeguard important existing trees, now and in the future.

Lancaster City Council considered it expedient in the interests of public amenity value and wildlife benefit to make provision for the preservation of trees identified as G1, W1 and W2 under Section 198 of the Town & Country Planning Act 1990.

As such, it was recommended that Tree Preservation Order No. 565 (2015) be confirmed without modification.

Following presentation of the Tree Protection Officer's case, Members asked questions of the Tree Protection Officer.

The Appellant's representative then had the opportunity to reply.

***(The Tree Protection Officer and the Appellant's representative left the meeting room whilst the Committee made its decision in private.)***

Members considered the options before them:

- (1) To confirm Tree Preservation Order No. 565 (2015)
  - (a) Without modification;
  - (b) Subject to such modification as was considered expedient.
- (2) Not to confirm Tree Preservation Order No. 565 (2015).

It was proposed by Councillor Metcalfe and seconded by Councillor Pattison:

"That Tree Preservation Order No. 565 (2015) be confirmed without modification."

Upon being put to the vote, 5 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

***(The Tree Protection Officer and the Appellant's representative returned to the meeting room for the decision to be announced.)***

***Resolved:***

That Tree Preservation Order No. 565 (2015) be confirmed without modification.

**13 TREE PRESERVATION ORDER NO. 567 (2015) - LONG PLANTATION, ASHTON HALL ESTATE, ASHTON ROAD, LANCASTER**

The Committee received the report of the Chief Executive to enable Members to consider the objections received to Tree Preservation Order No. 567 (2015) relating to a woodland area known as Long Plantation, established within Ashton Hall Estate, Off Ashton Road, Lancaster, and thereafter whether or not to confirm the Order.

It was reported that the Council had made Tree Preservation Order No. 565 (2015) on 29<sup>th</sup> October 2015, following an assessment of trees and potential threats. Trees within the site were unprotected. Works had been completed in relation to Felling Licence No. 010/20/10-11, issued by the Forestry Commission in January 2011. Trees had been removed to create a clearing within the woodland, and all associated tree stumps dug out and removed. An informal access track had been created into the woodland to the northern aspect. Any future intentions for the site were unclear.

Two letters of objection had been received to Tree Preservation Order No. 567 (2015) from Mr. Roger Clark of Stodday Land Limited, and Mrs. Sarah Clark of Ripway

Properties Ltd.

In determining whether or not to confirm the Tree Preservation Order, Members heard representations from Mr. Roger Clark and Mrs. Sarah Clark, the Appellants, and a response from the Tree Protection Officer.

### The Appellants

#### Mr. Clark

Mr. Clark advised that he was a director of Stodday Land Ltd, and reported that he had a document published by the Department for Communities and Local Government entitled *Tree Preservation Orders: A Guide to the Law and Good Practice*, which, at paragraph 2.3, advised that a Tree Preservation Order may only be used to protect trees and could not be applied to bushes or shrubs. Mr. Clark advised that he had been responsible for lopping and topping holly bushes and hedgerows as part of the housekeeping at the Ashton Hall Estate.

With reference to paragraph 3.2 of the said document, Mr. Clark reported that it was the Secretary of State's view that it would be inappropriate to make a Tree Preservation Order in respect of a tree that was dead, dying or dangerous. Mr. Clark advised that most of the felling, which he had undertaken, had fallen within this category.

Mr. Clark referred to paragraph 6.41 of the official document at which the Secretary of State promoted ongoing beneficial Woodland Management Plans. Mr. Clark advised that he had consulted with the Forestry Commission in 2007 regarding setting up a Woodland Management Plan, so that a method of organising the management of the woods could be established for the benefit of the Estate.

The Tree Protection Officer had visited the Estate in October 2015 as a result of complaints received. The Felling Licence, which was up-to-date, had been produced at that time. Later, in November 2015, an officer from the Forestry Commission had visited, at which time no further felling had been carried out, only the cutting and clearing of the pruned and felled trees. The Forestry Commission Officer had been advised of the situation and had examined Long Plantation and the Seafield Plantation. The Forestry Commission Officer had agreed that Mr. Clark had been working strictly in accordance with his Felling Licence, and had also advised regarding the removal of further dead trees and stumps that did not come under the remit of the Tree Protection Order or the Felling Licence. The Forestry Commission Officer had said he would contact the Tree Protection Officer to confirm the same.

Mr. Clark advised Members that he was working with a Trees and Woodland Consultant who, in conjunction with the Forestry Commission, was helping him to prepare a Woodland Management Plan for the Long Plantation and Seafield Plantation.

Mr. Clark produced copies of documents and correspondence between himself and the Tree Protection Officer, which he advised would outline to Members the background to the Tree Preservation Order being issued.

The Appellant reported that he objected to the Tree Preservation Order, as it was too stringent an imposition considering the work he had done and the work that still needed to be carried out under his Felling Licence and the planned Woodland Management

Scheme. Mr. Clark advised that the Tree Preservation Order would leave him vulnerable to harassment from neighbours, and outlined in detail the events that had occurred previously on the Estate.

Following presentation of the Appellant's case, Members asked questions of Mr. Clark.

Mrs. Clark

Mrs. Clark advised that she was a director of Ripway Properties Limited and the Ashton Hall Estate, and referred to the plan annexed to the Tree Preservation Order, which identified Long Plantation. Mrs. Clark advised that the plan had not been prepared to sufficient a scale to give a clear indication of the position of Long Plantation and the extent to which the Tree Preservation Order related.

The Appellant referred to the serving of the Tree Preservation Order and Regulation 3 Notice, and advised that her records showed that Ripway Properties Limited had not been served at its registered office.

The Appellant informed Members that her grounds for objection to the Tree Preservation Order were as follows.

There would be an increase in the administrative and operational costs associated with following the constraints of the Tree Protection Order, and these would be borne by residents, who were liable to pay towards the cost of trimming back branches overhanging the roadway belonging to Ripway Properties Ltd.

Long Plantation was situated in the heart of a private estate and a distance away from the public highway. Long Plantation was not visible from a range of locations frequented by the public and, depending on the height of the hedge running alongside the A588 and the time of the year, the trees within Long Plantation were hardly visible from a public road at all.

The trees within Long Plantation were not under threat of removal. The management of Long Plantation had been carried out properly through a Felling Licence with professional guidance under Lancashire Rural Futures.

No relevant photographs had been produced in connection with the allegations regarding burning of timber and tree stumps, nor had the Tree Protection Officer shown the whereabouts of the said burning in Long Plantation.

The Forestry Commission had said that Long Plantation was being properly managed and that the trees within Long Plantation were not under threat.

The imposition of a Tree Protection Order would result in an increase in the false allegations, which had been made over many years.

Following presentation of the Appellant's case, Members asked questions of Mrs. Clark.

Tree Protection Officer

The Tree Protection Officer presented the case on behalf of Lancaster City Council, and reported that, under Section 198 of the Town & Country Planning Act 1990, a Local



Planning Authority had the powers to make a Tree Preservation Order, in the interests of amenity if it appeared expedient to do so, for the purpose of protecting trees.

It was reported that Long Plantation was a woodland that lay approximately 500 m to the east of the River Lune. The River Lune was a biologically sensitive location. This was reflected in its designation as a Biological Heritage Site. Trees included within Long Plantation formed an important backdrop to the river in a biologically sensitive locality. In addition, Meldham Wood lay approximately 200 m to the North West of the Plantation and was recognised as an Ancient Woodland. By definition, it had been present for 400 years, or longer, creating unique biological communities and associations not found in younger woodlands.

The woodland trees in question were generally in good overall condition with long periods of useful remaining life potential. The presence of the wood was apparent when viewed from the A588 public highway to the east and south east, and also a public footpath adjacent to the River Lune to the west. The aerial photograph shown in the reports pack had been taken in 2013 and showed locations from the wider public domain where parts of the large woodland area could be seen. There was no requirement within existing legislation for all parts of a woodland or individual trees to be seen from a public domain.

The important amenity value of the woodland was supported by the Tree Evaluation Method for Preservation Orders (TEMPO). Even if the level of expediency was reduced from “foreseeable risk of partial loss” to that of “precautionary”, the total accumulative score was 21, which definitely merited a Tree Preservation Order.

In addition to important visual amenity, the woodland offered resources for wildlife and provided essential habitat and foraging opportunities, including the potential to support protected species, such as nesting birds and bats. Both groups were protected under the Wildlife & Countryside Act 1981 (as amended 2010).

It was reported that Lancaster City Council had received a complaint in October 2015 from a member of the public that trees were being felled within Long Plantation and that an access track had been created within the woodland. During a subsequent site visit by the Council, it had become apparent that trees had been felled and their tree stumps removed to create a clearing to the northern aspect of the Plantation not previously present. In addition, an informal dirt access track into the woodland had been created.

Members were advised that Mr. Clark had been on site during the visit and had presented a Felling Licence issued by the Forestry Commission, detailing 30 sycamore trees to be felled as thinning works granted under the Felling Licence, from January 2011 until mid-January 2016, when the Licence expired. An officer from the Forestry Commission had subsequently conducted a site visit and had been satisfied at that time that the Felling Licence had been complied with.

It was reported that, in the absence of a Felling Licence, an individual could fell up to 5 m<sup>3</sup> a year without the requirement of authorisation from the Forestry Commission or Local Planning Authority, which was a relatively large volume of timber. Woodland areas could, over time, be gradually eroded, particularly in the absence of an agreed formal Woodland Management Plan. In granting a Felling Licence, the Forestry Commission encouraged land owners to develop and implement a Management Plan for their woodland, in the interest of good woodland management and practice, to ensure

woodlands were managed well and could remain sustainable, long-term entities. Lancaster City Council was unaware of any such plan for Long Plantation. It was unlikely that a Tree Preservation Order would be necessary where trees and woodlands were under good arboriculture/woodland control. In this instance, a formal Woodland Management Plan, agreed in writing by the Forestry Commission and Local Planning Authority, had been implemented. Five years on from issuing the Felling Licence, there was no formal plan agreed for the management of the woodland.

The creation of the clearing to the northern aspect of Long Plantation remained unclear to the Council. The absence of a formal agreed Woodland Management Plan for the woodland underpinned the concerns of the Council.

Lancaster City Council had received a letter of objection from Mr. Clark of Stodday Land Ltd and from Mrs. Clark of Ripway Properties Ltd. The objections of both parties were addressed.

It was reported that Mr. and Mrs. Clark had expressed a range of views and comments at some length since Tree Preservation Order No. 567 (2015) had been served at the end of October last year. Only those issues relating directly to their objection to Tree Preservation Order No. 567 (2015) would be addressed.

With reference to Mr. Clark's objection, Members were advised that it would seem the main reasoning for his objection to the Tree Preservation Order was that its stringency would leave Mr. Clark vulnerable to misleading and vexatious allegations from members of the public, and that the Tree Preservation Order was inappropriate, given that Mr. Clark was actively managing the woodland. Mr. Clark stated that he was in the process of developing a management plan for the woodland he had been managing for 8 years with professional help. Whilst Mr. Clark conceded the plantation could be seen from a minority of areas around the estate, it was still very private, and he had no intention to clear, fell or decimate the area.

In response, to the representation, the Tree Protection Officer commented that, in the absence of a Tree Preservation Order, there was no other means of protecting the woodland, whether from inappropriate or ill-considered management, or any future development of the wider Ashton Hall Estate.

The Felling Licence previously issued by the Forestry Commission had expired mid-January 2016. In its absence, and in the absence of a Tree Preservation Order, up to 5 m<sup>3</sup> volume of timber/trees could be removed every 3 months, totalling 20 m<sup>3</sup> per year, without a requirement for consultation.

A Tree Preservation Order protected trees that might otherwise be removed and whose loss may adversely impact upon the woodland and wider amenity and wildlife benefit that it conveyed. Especially in the absence of a formal and agreed Woodland Management Plan.

Despite Mr. Clark having managed the woodland for 8 years, and having been issued with a Felling Licence for the last 5 of those years, the Council was unaware of an agreed and implemented Management Plan. That would suggest that a planned and systematic approach to sustainable management of the woodland was a low priority.

Whilst Mr. Clark objected to Tree Preservation Order No. 565 (2015), an assessment of

the trees and the making and serving of the Tree Preservation Order was an entirely appropriate and reasonable course of action. The Council had conducted its investigation into the original complaint and subsequent assessment of the woodland in an entirely open and transparent manner. Records and reports had been accurately detailed throughout.

With reference to Mrs. Clark's objection to Tree Preservation Order No. 567 (2015), this related to the entire woodland. For clarification, Members were advised that the Tree Preservation Order did not include any areas of private amenity space.

It was reported that a Tree Preservation Order did not mean that a landowner was subject to increased cost for the management of protected trees. There was no charge attached to the submission of a tree works application. Lancaster City Council could not be held responsible for the administrative arrangements within any given company or organisation and how it chose to distribute its charges to its clients.

The Lancaster City Council district contained almost 600 Tree Preservation Orders and 38 Conservation Areas, affecting thousands of individual households and public and private sector organisations, all of which were required to make written notifications and applications to the Local Planning Authority when works were required to protected trees. A whole array of applications was received by the Local Planning Authority each year without the financial burden Mrs. Clark had suggested.

It was likely that there would be a planning condition attached to a formal consent for work to ensure that all work undertaken met current standards of best practice. It would not state that work had to be undertaken by a professional.

Trees within Long Plantation were visible from the east along the A588 and from the west along a public footpath. There was no requirement within the Town & Country Planning Act 1990 for all trees or woodland to be seen from the public domain. The woodland was a significant landscape and arboriculture feature.

The Council had investigated a legitimate complaint, and had conducted its investigation in an open and transparent manner, and recorded its findings accurately. Whilst Mrs. Clark may choose not to accept the Council's findings and subsequent action of making and serving Tree Preservation Order No. 567 (2015), the claim of inaccuracies, untruths and malicious allegations was entirely unacceptable.

It remained the view of Lancaster City Council that Tree Preservation Order No. 567 (2015) be confirmed without modification, in the interest of amenity and wildlife value and as a precaution, given recent tree works, and in the absence of an agreed formal Woodland Management Plan for the woodland.

Following presentation of the Tree Protection Officer's case, Members asked questions of the Tree Protection Officer.

The Appellants then had the opportunity to reply.

***(The Tree Protection Officer and the Appellants left the meeting room whilst the Committee made its decision in private.)***

Members considered the options before them:

- (1) To confirm Tree Preservation Order No. 567 (2015)
  - (a) Without modification;
  - (b) Subject to such modification as was considered expedient.
- (2) Not to confirm Tree Preservation Order No. 567 (2015).

It was proposed by Councillor Jackson and seconded by Councillor Metcalfe:

“That Tree Preservation Order No. 567 (2015) be confirmed without modification.”

Upon being put to the vote, 5 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

***(The Tree Protection Officer and the Appellants returned to the meeting room for the decision to be announced.)***

***Resolved:***

That Tree Preservation Order No. 567 (2015) be confirmed without modification.

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Chairman

(The meeting ended at 3.54 p.m.)

**Any queries regarding these Minutes, please contact  
Jane Glenton, Democratic Services: telephone (01524) 582068 or email  
jglenton@lancaster.gov.uk**