

APPENDIX 9

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Date: 7th September 2012

Dear Mr Alexander

Re: Objection to TPO no.504 (2012)

Thank you for your letter dated 28th August 2012.

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

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

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

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

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

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

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

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

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

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

I look forward to hearing from you again.

Yours sincerely,

Maxine Knagg
Tree Protection Officer
On behalf of Lancaster City Council