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Date: 20th November 2012

Appeals Committee (TPO)

Trees subject of the Appeals Committee – A single group of x31 trees, established along the southern bank of the River Lune, Close to Holme Lane, Brookhouse, subject of **Tree Preservation Order no. 504 (2012)**.

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 two objections received in relation to Tree Preservation Order no.504 (2012).

2.0 Background

- 2.1** Tree Preservation Order no. 504 (2012) relates to a single group of x 31 trees comprised of x19 willow trees, x8 ash, 2x alder and x2 elm. Ages range from semi-mature to mature. The trees are established on land immediately adjacent to the River Lune, formed along the southern bank.
- 2.2** The trees and land in question are under the control of Caton Parish Council, as Trustees to the Poor's Land Charity. The site is in a rural location and is currently in use to graze livestock and let for use by a local tenant farmer.
- 2.3** The wider landscape is characterised by open agricultural fields, remnant, native hedgerows and dominant woodland areas to the west and north.
- 2.4** The group of trees in question is comprised of by and large willow and also includes alder and elm. Collectively, they form a clear, linear belt of trees along a short section of the southern bank of the River Lune.

2.5 A total of x31 trees have been identified in relation to TPO no.504 (2012). There are however, additional trees within the belt which have been excluded because of their poor overall condition. Their exclusion from the TPO does not mean that they have little or no value; on the contrary they have great importance, particularly as wildlife resources. Dead wood has great biological importance in a standing form and as fallen wood; it has the potential to provide habitat and resources for a diverse range of biological species/communities.

2.6 The River Lune has been recognised for its importance and value, and as such has been designated as a Biological Heritage Site. Trees are an integral component of this biological heritage.

2.7 Excerpts from the site description of the Biological Heritage Site:

“The Lune is one of the largest rivers in north-west England and is a Class 1 river (good/excellent water quality) for the whole of its length. As well as the course of the river itself, which can change appreciably from year to year, the site includes associated riverbanks, shingle beds, earth banks and fringing trees and shrubs because of their value for plants, mammals, birds and invertebrates..... The Lune is one of the best salmon rivers in the country and is important for otters. The river is also a valuable feeding area for bats”.

2.8 Trees provide stabilisation of the river bank; the tight network of roots bind the soil together allowing the river bank to resist the erosion effect of rainfall and importantly the flow, rise and fall of the river levels. Significant land slips and collapse of the riverbank can be seen along the river where trees are not established. Erosion of river banks result in the loss of land mass and habitat.

3.0 Amenity Value of Trees

3.1 The trees 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 1 & 2**). The use of a Tree Preservation Order is described as ‘defensible’ with a total score of 14.

3.2 Trees identified as **G1** are clearly visible landscape features, seen from a range of locations within the wider landscape, including a public footpath along the river and from Caton Green Road.

3.3 Trees that are in a poor overall condition, or that are dead have not been included within the TPO. Only those trees that in a condition to justify their inclusion with important remaining life potential have been included.

4.0 Wildlife Value

4.1 Trees have an important role in the provision of resources and habitat for a range of wildlife communities. In this location trees offer protection and habitat to aquatic and land living species, including protected species such as kingfishers, otters, nesting birds and bats. The low volume of

trees along the river in this area means that where trees are established their value becomes even greater.

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.

4.3 The value of the trees in question, the protection of habitat and control of erosion along the river bank have been supported by comments made by the County Conservation Officer for North Lancashire, her comments include:

The BHS citation is quite explicit that “ the site includes associated river banks, shingle beds, earth banks and fringing trees and shrubs because of their value for plants, mammals, birds and invertebrates.”

All the functions you list are good reason why the willows concerned should be retained. If those excluded from the TPO do require surgery/felling for safety reasons, we urge that they be pollarded/coppiced unless wholly inappropriate for landscape reasons. If they do have to be felled, the cut material should be stacked as deadwood habitat or used for erosion control purposes. Needless to say, this would have to be done outside of the bird nesting season (late Feb to end July inclusive).

4.4 Similarly, comments have been provided by Environment Agency:

I agree with the statement that willow trees on the bank of the river are important wildlife habitat and provide bank stabilisation. That area of the river Lune is highly mobile and bank repair works have been undertaken in various areas in recent years with limited success. Removing the trees could lead to further areas of the bank becoming unstable.

However, depending on the condition of the trees, it may be necessary at some point to carry out coppicing works to some of the trees which would be beneficial if done correctly.

Trees provide important cover and shade for fish and could be a base for an otter holt or birds nesting. If any works were proposed, surveys would be required to check if any protected species use of the trees.

Our local Fisheries Officer has added that access for fishing doesn't appear to be critical, as access to the river side in the area is good and the area where the trees are appears to be available for fishing from the right bank of the river. Bank side cover in this section of river is limited and this does appear to offer valuable cover for wildlife.

4.5 Photographs of the southern river bank taken at ground level and an aerial shot of the wider site are contained within **Appendices 3 & 4a, b, c.**

5.0 Tree Preservation Order

5.1 Tree Preservation Order no. 504 (2012) was made on 30th July 2012 (**Appendix 5**) following local concerns which were raised when intentions to fell trees along the river were indicated by Caton Parish Council. Tree removals were later cited by the Parish Council to enable the erection of a platform from the river bank for the purposes of fishing.

5.2 Lancaster City Council considered it to be expedient in the interests of amenity to make TPO no.504 (2012) because of the threat of removal or inappropriate management of some or all of the trees in question. The Council considers that tree losses in this location will result in an adverse impact on the character and amenity of the immediate locality and wider landscape. The loss of trees in this location has significant potential to adversely impact upon important wildlife communities, some of which are in themselves also protected in law. In addition, loss of trees has the potential to cause an increase in the rate and severity of soil erosion resulting in the loss of land mass.

6.0 Objections To TPO no.504 (2012)

6.1 Lancaster City Council received two formal, written objections to Tree Preservation Order no.504 (2012).

6.2 Objection letter no.1 was received from Mr John Harvey, who we understand rents the land for grazing live stock, (letter dated 23.08.12); a full copy of the appellant's letter of objection is available at **Appendix 6**.

6.3 Objection letter no.2 was received from the land owner, Caton Parish Council, as Trustees of the Poor Land's Charity, (letter dated 28.08.12). A full copy of the appellant's letter of objection is available at **Appendix 7**.

6.4 The main points for objection are as detailed below.

7.0 Objection letters – Main Points

7.1 Objection letter 1 – **Appendix 6**

Trees are of poor quality, some are dead and damaged; willow risk failing and falling into the river causing damage to the river bank resulting in loss of land, if trees are not managed; the trees require pruning work.

Lancaster City Council's full response to objection letter 1 is available at **Appendix 8**.

7.2 Objection letter 2 - **Appendix 7**

Consider the trees in this location to be an anomalous feature in the landscape compared to the rest of the landscape; they wish to retain the freedom to undertake work without the requirement to seek permission; disagree with the TEMPO assessment.

Lancaster City Council's full response to objection letter 2 is available at **Appendix 9**.

8.0 Supporting letter – Main Points

8.1 Lancaster City **Council** has received a letter from Lancaster and District Angling Association expressing support for TPO no.504.

8.2 Supporting letter – Appendix 10

Trees originally planted by the angling association to control erosion of the river bank, evidence suggests it has been successful, trees contribute to the aesthetic appearance and amenity value of the area. The potential for tree removals generates concerns over increased erosion of the river bank. Trees provide important shade for fish whilst resting; tree losses would be detrimental to the fishing in this area.

A full copy of the supporting letter is available at **Appendix 10**.

9.0 Decision to Serve TPO no.496 (2011)

9.1 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.

Group 1, x31 trees (G1):

- important visual amenity
- important and appropriate landscape features in keeping with the character of their locality
- significant potential to provide important habitat and resources for a range of protected and unprotected wildlife communities
- potential threat from removal or inappropriate management

The trees in question have sufficient amenity value and importance within the landscape to justify their protection with TPO no.504 (2012).

The trees are an important component of life along the River Lune which is recognised as important as a Biological Heritage Site.

The trees are important in controlling the erosion of the river bank.

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.

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On behalf of Lancaster City Council