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## Appeals Committee (TPO)

Trees subject of the Appeals Committee – A woodland, comprised of mixed broadleaf species trees, established to the south of the Crook O Lune Caravan Park, Crook O Lune, Lancaster, subject of **Tree Preservation Order no. 512 (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 objection received in relation to Tree Preservation Order no.512 (2013).

### 2.0 Background

2.1 Tree Preservation Order no. 512 (2013) relates to a Queen's Well Wood, which is comprised of mixed, broadleaf species, age range from semi-mature to mature trees. The woodland is established on land to the south of the Crook O Lune Caravan Park.

2.2 The trees and land in question are in part under the control of the owners of the caravan park; however the woodland is extensive and extends beyond the curtilage of this site. The site is in a rural location established immediately adjacent to the public highway, A683. The River Lune lies immediately beyond the highway to the north-east.

2.3 The River Lune is recognised for its importance and is designated a Biological Heritage Site. Trees are an integral component of this biological heritage. Trees within Queen's Well Wood have clear links with the riverside trees, generating a continuous canopy of tree cover and important corridor for wildlife (**Aerial View - Appendix 1**).

## 2.4 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”.

2.5 Lancaster City Council became aware that x7 trees had been felled within the woodland and concerns were expressed from the public that further felling may continue (**Photographs - Appendices 4, 5 and 6**).

2.6 Planning Application no. 13/00081/FUL was submitted to the council, a short time after the trees were felled. The application detailed a proposal to install new sewage tanks and an associated control kiosk within the woodland, close to the public highway.

2.7 This application was ‘Withdrawn’ by the applicant prior to refusal, following objections to the scheme, including the adverse impact on existing woodland trees.

2.8 A new planning application no. 13/00434/FUL has since been submitted to the local planning authority, and is at yet ‘Undetermined’. There remain significant concerns at the loss of additional trees and the unacceptable threat to trees proposed for retention.

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.

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 Trees within the 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 2 & 3**. The use of a Tree Preservation Order is described as ‘definitely merits’ with a total score of 20.

3.2 The woodland identified as **W1** is a significant landscape feature. The presence of the woodland is 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 east.

- 3.3 The age and condition of the existing trees are such that they have significant remaining life potential beyond the next 50+ years. With good woodland management it has the potential to remain for many more decades beyond the next 50 years.

#### 4.0 Wildlife Value

- 4.1 The woodland 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. 512 (2013) was made on 15<sup>th</sup> March 2013 (**Appendix 7**) following local concerns which were expressed following the felling of x7 trees from within the woodland. A planning application was submitted to the Council shortly after (13/00081/FUL).
- 5.2 Lancaster City Council considered it to be expedient in the interests of amenity to make TPO no.512 (2013) because of the loss of x7 woodland trees and the threat of further tree felling operations. 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.512 (2013)

- 6.1 Lancaster City Council received a single formal, written objection to Tree Preservation Order no.512 (2013).
- 6.2 A letter of objection was received from Mr Peter Black, of Blacktowers Town Planning, agent acting on behalf of the applicant in relation to planning application nos.13/00081/FUL (Withdrawn) and 13/00434/FUL (Undetermined); a full copy of the appellant's letter of objection is available at **Appendix 8**.
- 6.3 The main points for objection are as detailed as follows.

## 7.0 Objection Letter – Main Points

### 7.1 Objection Letter - Appendix 8

- No potential threat to woodland trees once planning application no. 13/00081/FUL is determined
- TEMPO system is over scored
- No significant wildlife value of woodland
- Most of the trees are hidden from public view
- Area of woodland covered by TPO is far too big
- Confirmation of TPO would make woodland management unnecessarily bureaucratic

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

## 8.0 Decision to Serve TPO no. 512 (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.  
Woodland (**W1**):

- 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
- potential threat from removal and inappropriate management

The trees in question have sufficient amenity value and importance within the landscape to justify their existing and future protection with TPO no.512 (2013).

There remains an ongoing threat to woodland trees from existing development proposals. The existing TPO not only safeguards existing woodland trees, but it also ensures that there is an enforceable legal requirement to make new replacement plantings where trees are agreed for removal.

The trees have important links to trees established along the River Lune, a designated Biological Heritage site.

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 woodland in question remains under threat from further tree removal and inappropriate management resulting in additional future tree losses and that TPO no.512 (2013) must be confirmed without modification to ensure its long term protection and future management, in the interest of public amenity and wildlife value.

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On behalf of Lancaster City Council