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Mr Peter Black
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Regeneration & Planning Service
Development Management
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Date: 17th May 2013

Dear Mr Black

Re: Objection to Tree Preservation Order no.512 (2013) Crook O Lune Caravan Park

Further to your recent letter dated 26th March 2013.

I apologise for the delay in responding to your letter, I have had two periods of leave since your letter arrived with the Council.

Tree Preservation Order no.512 (2013) was served following the felling of early-mature and mature woodland trees during apparent ground investigation works, in relation to a proposed development to install an underground sewage treatment plant and associated kiosk (planning application no. 13/00081/FUL).

I understand from the planning case officer, at Lancaster City Council that planning application no. 13/00081/FUL was due to be 'refused' on the grounds of the unresolved threat to existing trees. In light of this, the applicant chose to withdraw the application. As such, there is no existing permission to undertake the above works within the site.

You raised a number of issues in your objection to TPO no.512 (2013); I will seek to address your main issues.

I am unable to agree with your statement (para. 2) that a 'light touch' approach has been proposed to the management of the woodland by the owners. Significant woodland trees have been removed without justification and you have been unable to demonstrate the ability to provide adequate protection to other large, mature woodland trees within the context of the proposed development

and in compliance with British Standard 5837 (2010) *Trees in relation to design, demolition and construction*.

In your letter you accept that it would be appropriate to make and serve Tree Preservation Order no.512 (2013) (para. 3) given the threat from the proposed development. As such, it would seem that your objection does not relate directly to the order being served, moreover to its confirmation once planning application no.13/00081/FUL is determined.

You have cited the following reasons for your objection to the order being confirmed following determination of planning application no. 13/00081/FUL:

1. *There will be no potential threat to trees in the woodland at all, over any other woodland in the area once application 13/00081/FUL is determined. Guidance suggests that although trees merit protection of amenity grounds it may not be expedient to make them subject of a TPO.*

Local Planning Authorities have powers to make a TPO if it appears to them to be 'expedient in the interest of amenity to make provision for the preservation of trees or woodlands in their area'. Whilst the T&CP Act (1990) does not define 'amenity' nor the circumstances in which it is in the interest of amenity to make a TPO. It is the view of the Secretary of State's that TPOs should be used to protect selective trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

Although a tree or woodland may have sufficient merit for a TPO on amenity grounds, it may not be expedient to do so. However, in the case in question early-mature and mature woodland trees have been removed and large, mature trees are threatened by the proposed development. All of these trees are important, integral component of the existing woodland. The impact of the tree losses and ongoing threat from development has not been adequately addressed with failure to identify measures to ensure the protection and sustainability of woodland trees.

Planning application no.13/00081/FUL has been withdrawn prior to refusal. The woodland remains under threat and it remains expedient in the interest of amenity to confirm TPO no.512 (2013).

2. *The TEMPO assessment is deficient and has been over-scored – as if the wood was a free standing group of trees in a parkland setting. If the assessment was accurate, then every established woodland in reasonable condition near a road in the Lancaster area would merit a TPO, and this is clearly not the intention of either the legislation or the TEMPO process. For instance 'Other Factors' is scored as 4 (Members of groups of trees,*

perhaps in an historic parkland, not a clough woodland largely hidden from view.

The woodland in question has been accurately and appropriately assessed. The score reached is based on the location, composition, age, condition, remaining life potential, and any other relevant factors as judged appropriate, in addition to the threat to the woodland.

Whilst other woodlands across the district may have sufficient value in terms of amenity, in the absence of a threat of damage/removal, there would as suggested be no requirement to make them subject of a TPO. There are many woodlands across the district that are not under threat and as such are not the subject of a TPO. This however, is not the case in question and the threat to woodland trees is significant. This threat will not be removed with the determination of planning application no.13/00081/FUL. Future applications maybe submitted and if the TPO was not confirmed there would be no protection for the woodland and trees could be removed to the detriment of public amenity.

Lancaster City Council has a duty to protect the landscape with the imposition of TPO in the interest of amenity when it is considered expedient to do so.

The trees in question are important for their cohesion, generating a significant arboriculture feature i.e. woodland. Hence their score of '4' in the 'Other Factor' section of the TEMPO document.

- 3. A TEMPO assessment undertaken on behalf of PLG is attached – this suggests that once the development issue is resolved, the woodland does not merit a TPO.*

The TEMPO assessment is a tool to demonstrate the factors considered in relation to determining the suitability of trees and woodlands to be served with a TPO, in terms of amenity value and threat from harm. It is designed to be used by arboriculturists who are suitably trained, qualified and experienced to do so.

It would be inappropriate to try to use the process to assess the amenity value of trees in a set of circumstances that do not apply. The assessment is here and now, and the woodland is under threat given the recent history of tree removals and the likely event that the original planning application will be re-submitted.

- 4. The text of the notification letter is also misleading. It states that 'W1 is an important resource for a range of wildlife communities including protected species'. It is strange, therefore that the site has no wildlife designation*

such as SSSI, and no local designation either. It may be true that protected species (for instance bats) use the woodland, but this is true for most woodlands. Again if this is a qualification for a TPO, then every wood within Lancaster City Council area would merit a TPO.

Any woodland is a recognisable resource for a range of wildlife. These will inevitably include protected species, such as nesting birds and bats. A woodland does not have to be designated a "SSSI" to be of importance to a range of wildlife. You will of course be aware that the River Lune is less than 250m to the north-east and that the canopies of the woodland in question link directly to the woodland continuation down to the banks of the river. The river is designated a Biological Heritage Site (BHS), trees are recognised and valued as key components of this BHS.

Whilst a TPO can not be made solely in respect of wildlife it remains the view of the Secretary of State that wildlife benefits can be taken into account. The absence of any local or national designation is entirely irrelevant.

- 5. Similarly it is described as a 'highly visible landscape feature'. In fact, most of the trees are hidden in a narrow valley and not visible. Only a handful is visible from the A683.*

From your comments, I assume that you have only considered the woodland from the perspective of the public highway to the east. From this busy main road the woodland feature can be seen clearly, it is not necessary to see every tree in the woodland from a singular perspective. However, elements of the woodland can be seen from a number of public vantage points near and far. It is also the continuity of woodland cover with adjacent woodland and their collective visual impact on the wider landscape that must be recognised.

- 6. The area covered by the TPO is far too large – it includes a large area where trees are not visible to the public, regardless of size, and where there is no possible development threat.*

Whilst woodland can be considered in smaller compartments or units for management purposes, it is good arboriculture practice to consider the entire woodland as one for the purposes of protection with a tree preservation order.

- 7. Confirmation of the TPO would make normal woodland management unnecessarily bureaucratic and expensive and therefore less likely to be carried out – to the long term detriment of the health of the woodland.*

I disagree entirely. A tree preservation order does not incur additional management costs, there is no monetary charge in relation to the submission of a tree works application to the local planning authority, and no stipulation of whom must undertake the work. I fail to see why you believe the contrary. Work must of course be undertaken to current standards of best practice BS 3998 (2010), which I would expect any manager of a woodland to employ as a standard in the interest of health & safety and good arboriculture practice.

Of course, the Forestry Commission is the authority to whom a felling licence must be applied for where large volumes of timber are to be felled. I wonder if you consider this process to be unnecessarily bureaucratic and expensive, and whether a licence was applied for in relation to the recent felling works.

It remains the view of Lancaster City Council that W1 has significant amenity value and that it remains expedient in the interest of amenity to confirm TPO no.512 (2013) in the interest of amenity given the recent removal of trees, on going threat from development.

It will be our intention to confirm TPO 512 (2013).

Yours sincerely,

Maxine Knagg
Tree Protection Officer
On behalf of Lancaster City Council