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Date: 20th February 2014

Appeals Committee (TPO)

Trees subject of the Appeals Committee – An area of woodland, comprised of mixed broadleaf species trees, established on land to the east of Midland Terrace, Mill Head, Carnforth, subject of **Tree Preservation Order no. 530 (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 an area of woodland trees, subject to Tree Preservation Order no. 530 (2013).

2.0 Background

2.1 The land in question is established to the east of Midland Terrace, Mill Head, Carnforth. The trees in question are by and large mixed species, broadleaf, deciduous trees; ages range from young to mature trees.

2.2 The land is established to the west of the main market town of Carnforth and to the east of residential properties known as Midland Terrace. There is a water course immediately to the north which combined with existing trees provides an extremely important habitat for a range of wildlife communities, including protected species such as nesting birds and bats.

2.3 The wildlife value and biological importance of the site has been recognised and designated, a Biological Heritage Site (BHS). This designation relates to the southern aspect of the land in question.

- 2.4** The site is also established within Arnside and Silverdale Area of Outstanding natural Beauty (AONB). Trees are an important component feature of the AONB, making a significant contribution to the visual appearance, character and wildlife value of the AONB.
- 2.5** Lancaster City Council became aware that a large volume of trees had been felled from within the site. Concerns had been expressed to the Council that this work had been carried out over a weekend period and resulted in devastation of the landscape. As such, when the Council visited, a huge volume of early mature and mature trees had already been felled, utterly devastating the site in question. **Appendix 1** shows the site and extent of tree cover prior to large scale felling works. Trees within the site were integral components of the natural landscape in this location. Providing important greening, screening and wildlife conservation. Also important in control of soil erosion, in relation to the rise and fall of the water course to the north and uptake of ground water.
- 2.6** Whilst the trees were not protected at that time, there is a legal requirement to obtain a licence from the Forestry Commission prior to undertaking large scale felling operations; where the volume of timber is expected to be 5 cubic metres or greater in any quarter period. The landowner failed to make any such application and we understand from the Forestry Commission that the large scale loss of unauthorised timber, in excess of 13 tonnes covering an area of .89 hectares is currently being investigated.
- 2.7** The Council received no indication from the landowners that the large scale loss of trees was to occur. The Council has since been advised by the agent acting on behalf of the landowner that an application is likely to be submitted for development of the land in question, at a future time.
- 2.8** Photographs included within **Appendix 2** help to demonstrate the scale of tree losses and devastation from within the site.
- 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. TPO 530 (2013) will ensure that those trees that remain will become a material consideration should a planning application be submitted in the future.
- 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** Remaining trees within the site 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 3 & 4**. The use of a Tree Preservation Order is described as 'definitely merits' with a score of 15+.

3.2 The area identified as **A1** is a significant landscape feature. The remaining woodland trees are 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 west. The wider landscape has been adversely impacted with the recent devastating loss of so many large scale, early-mature and mature trees, from within the site.

3.3 The age and condition of the existing trees is such that they have significant remaining life potential beyond the next 50+ years. With good management they have the potential to remain beyond the next 50-100 years.

4.0 Wildlife Value

4.1 The site 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. 530 (2013) was made on 16^h December 2013 (**Appendix 5**) following local concerns being expressed to the council following a devastating and large scale loss of trees.

5.2 Lancaster City Council considered it to be expedient in the interests of amenity to make TPO no.530 (2013) because of the devastating loss of trees and in order to protect those that remained. 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.530 (2013)

6.1 Lancaster City Council received a single formal, written objection to Tree Preservation Order no. 530 (2013).

6.2 A letter of objection was received from Cassidy & Ashton, agents acting on behalf of the land owners, Ocean Wave Estates Ltd. (**Appendix 6**).

6.3 The main points for objection are as detailed as follows.

7.0 Objection Letter – Main Points

7.1 Objection Letter - Appendix 6

- The boundary of the area identified as **A1** within TPO document 530 (2013) should be amended to exclude the area of land to the far west of the site.
- The land owner does not consider that there are any trees within this area that are now worthy of protection within the order.

7.2 In response it remains the view of Lancaster City Council that there are trees within the area to the far west of the site that are worthy of protection with TPO 530 (2013); not all of the existing trees were felled; there remain young, and semi-mature trees in this area.

7.3 Lancaster City Council's full response to the letter of objection is available at **Appendix 7.**

8.0 Decision to Serve TPO no. 530 (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.

Area 1 (**A1**):

- 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, includes a designated Biological Heritage Site
- on going threat from removal of trees and development of the land in the future

The trees in question have sufficient amenity value and importance within the landscape to justify their existing and future protection with TPO no.530 (2013).

There remains an ongoing threat to trees from the potential future development of the site. A TPO ensures that all existing trees become a material consideration in relation to the development of land.

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 area of woodland trees in question remains under significant threat from further tree removals and inappropriate

management. The site is likely to become the subject of a planning application in the future. TPO no. 530 (2013) must be confirmed without modification to ensure important trees and wildlife habitat are protected in the interest of public amenity and wildlife value.

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On behalf of Lancaster City Council