

APPEALS COMMITTEE

Tree Preservation Order No. 530 (2013) 7 March 2014

Report of Chief Officer (Governance)

PURPOSE OF REPORT

To enable Members to consider the objections received to Tree Preservation Order No. 530 (2013) relating to an area of woodland, comprised of mixed broadleaf species trees, established on land to the east of Midland Terrace, Millhead, Carnforth.

This matter will be dealt with in accordance with the adopted procedure for considering matters relating to individual applications, that is, the relevant matters for consideration by the Committee will be presented in the public part of the meeting, and the decision will be made after the exclusion of the press and public, on the basis that, in making its decision, the Committee will receive exempt information in the form of legal advice on possible legal proceedings arising from the decision (Paragraph 5A of Schedule 12A of the Local Government Act 1972) as amended by the Local Government (Access to Information) (Variation) Order 2006.

RECOMMENDATIONS

That Members consider the objections to Tree Preservation Order No. 530 (2013) relating to an area of woodland, comprised of mixed broadleaf species trees, established on land to the east of Midland Terrace, Millhead, Carnforth, and thereafter whether or not to confirm the Order.

1.0 Introduction

- 1.1 Under Section 198 of the Town and Country Planning Act 1990, the Local Planning Authority may make an Order in respect of a tree or group of trees if it appears that it is expedient in the interests of amenity to make provision for the protection of trees in their area.
- 1.2 In accordance with the Town and Country Planning (Tree Preservation Order) Regulations 1999, objections have been received to Tree Preservation Order No. 530 (2013), which has been made in relation an area of woodland, comprised of mixed broadleaf species trees, established on land to the east of Midland Terrace, Millhead, Carnforth.
- 1.3 In accordance with the Regulations, it is necessary to consider the objection(s), and in order for the objections to be considered objectively, the matter is referred to the Appeals Committee.
- 1.4 The report of the City Council's Tree Protection Officer is attached (pages 73 - 77).

Appended to the report are:

- Appendix 1 – *The site and extent of tree cover prior to large scale felling works (pages 78 - 79);*

- Appendix 2 – *Photographs to demonstrate the scale of tree losses and devastation from within the site (pages 80 - 90);*
- Appendix 3 – *Tree Evaluation Method for Preservation Orders (TEMPO) (pages 91 - 92);*
- Appendix 4 – *Tree Protection Officer's Initial Report (pages 93 - 95);*
- Appendix 5 – *Tree Preservation Order No. 530 (2013) (pages 96 – 100);*
- Appendix 6 – *Letter of Objection from Cassidy & Ashton, Agents acting on behalf of the landowners, Oean Wave Estates Ltd (pages 101 - 102);*
- Appendix 7 – *Lancaster City Council's Full Response to the Letter of Objection (pages 103 - 104).*

2.0 Proposal Details

2.1 The purpose of the report is to provide Members with details to enable them to decide whether or not to confirm Tree Preservation Order No. 530 (2013).

3.0 Details of Consultation

3.1 Tree Preservation Order No. 530 (2013) was made and advertised in the usual way, and an objection was received.

4.0 Options

- (1) To confirm Tree Preservation Order No. 530 (2013) -
 - (a) Without modification;
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 530 (2013).

5.0 Conclusion

5.1 In the light of information contained within the report and its appendices, together with legal advice given at Committee and a site visit, Members are requested to determine whether or not to confirm Tree Preservation Order No. 530 (2013).

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Not applicable.

LEGAL IMPLICATIONS

A Legal Officer will be present at the meeting to advise the Committee .

FINANCIAL IMPLICATIONS

Not applicable.

BACKGROUND PAPERS

Tree Preservation Order No. 530 (2013)

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