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Date: 20th February 2014

Appeals Committee (TPO)

Trees subject of the Appeals Committee – An area of trees established on land adjacent to the railway, and to the rear of nos.25-47 Hazelmount Drive, Warton, subject of **Tree Preservation Order no. 523 (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 (**A1**) of trees established on land under the control of Network Rail, subject to Tree Preservation Order no.523 (2013).

2.0 Background

2.1 The land in question is established to the rear of residential properties identified as nos.25-47 Hazelmount Drive, Warton, x12 properties in total.

2.2 Tree species are comprised of mainly broadleaf deciduous species, including ages ranging from young to mature. They are clearly visible from a range of public vantage points and the railway and provide valuable greening and screening between the railway site and the public domain. Land adjacent to railway lines provide important public amenity and wildlife habitat (**Appendix 1**).

2.3 There is a similar belt of trees further to the east also established on Network Rail land, which are subject to TPO no.407 (2007). Collectively both groups of trees maintain canopy cover along the railway network to the rear of properties along Hazelmount Drive, Warton.

- 2.4 The trees have significant potential to support a range of wildlife communities including habitat and foraging opportunities for protected species including nesting birds and bats.
- 2.5 Carnforth Ironworks site is immediately to the east, this site is designated a Biological Heritage Site (BHS); TPO 407 (2007) is contained within this BHS.
- 2.6 Lancaster City Council became aware of damage and the felling of trees from within the site following a complaint from a member of the public. Concerns were expressed that further damage may occur.

3.0 Amenity Value of Trees

- 3.1 Trees within the site 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 'defensible' with a score of 14.
- 3.2 The area identified as **A1** is a significant landscape feature. The trees are clearly visible from a range of public vantage points including the railway network to the west. They form part of a much larger belt of trees and significant landscape feature along the railway. The trees have significant potential provide important amenity value for many decades.
- 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, in a site with a relative low level of disturbance. There is significant 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. 523 (2013) was made on 4th October 2013 (**Appendix 4**) following concerns being expressed to the council following damage and removal of a number of trees.
- 5.2 Lancaster City Council considered it to be expedient in the interests of amenity to make TPO no.523 (2013) to ensure the protection and sustainability of an important belt of trees and green infrastructure.

5.3 The loss of trees in this location has potential to adversely impact upon public amenity, and the character and appearance of the wider locality.

6.0 Objections to TPO no.523 (2013)

6.1 Land owners of the site and trees in question did not object to TPO 523 (2013). Lancaster City Council received a letter of objection dated 13th October 2013, and signed by residents at nos. 27, 29, 31, 35, 37, 39, 41, 43 and 45 Hazelmount Drive, Warton.

6.2 The owner/occupiers at no.25, and 43 Hazelmount Drive, have made additional submissions, objecting to TPO 523 (2013).

6.3 The owner/occupiers of 33 and 31 have submitted additional “comments” that do not constitute formal objections.

6.4 All letters received (x5) are available at **Appendix 5**.

6.4 Lancaster City Council has issued a response letter to the collective formal objection (**Appendix 6**). All of the objections and comments will be addressed at the committee hearing.

7.0 Objection Letter – Main Points

7.1 Objection Letter 1, dated 13.10.13

- Condition of trees is poor, no amenity value
- Trees are a nuisance and have outgrown their location
- A TPO reduces enjoyment of residents properties
- Limited life span as previously cut down and growth of ivy affecting trees
- Collectively residents believe that the trees should be managed by themselves/professional/landowners

7.2 Objection Letter 2, dated 17th October 2013

- Invasion of ivy into adjacent garden from trees on Network Rail land
- Trees are dying, and haven't been managed by Network rail
- Large ash tree is a nuisance and sheds branches

7.3 Objection Letter 3, dated 28th October 2014

- TPO would make the arrangements to have work carried out on tree as time-consuming and inconvenient.
- Growth of trees may affect the saleability of their property
- Trees are mainly deciduous and offer no screening in autumn and winter

- Trees offer no protection to wildlife after leaf fall and neighbours undertake activities to encourage wildlife in own gardens
- Questions the amenity of the tree
- TPO affects the regular maintenance of the trees in question by the land owner
- Hawthorn is considered as a shrub
- Confirmation of the order would result in unnecessary and avoidable problems.

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, immediately adjacent a Biological heritage Site and other off site trees subject to a TPO
- significant potential to provide important habitat and resources for a range of protected and unprotected wildlife communities
- on going threat from inappropriate management of trees

The site lies just outside Arnside & Silverdale Area of Outstanding Natural Beauty (AONB) of which trees are important components. There are visual links between the site in question and the AONB.

The trees in question have sufficient amenity value and importance within the landscape to justify their existing and future protection with TPO no.523 (2013). Erosion of this belt of trees through inappropriate management and felling would destroy the integrity of the wider belt of trees that extends through the Biological heritage Site to the east, continuing behind the residential properties of Hazelmount Drive, and further west into the AONB.

Trees within **A1** can be seen from the public domain and offer important habitat for a range of wildlife. “Dead” and “dangerous” trees are exempt from the order and only those trees in sufficient condition are included.

Ivy and “other” non-woody vegetation are excluded from all TPOs.

A TPO does not relinquish the land owner from their responsibility to undertake regular maintenance of their land and trees. Consent is of course required from the local authority prior to carrying out work to protected trees. This process is simple, and streamline and should not be an undue burden to any land owner.

It should be noted that a tree preservation order does not prevent works from 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.

A TPO overrides Common Law Rights to prune back overhanging branches; that is not to say that consent would not be granted by the local authority for such work, if it was deemed reasonable and appropriate, in line with current standards of arboriculture best practice.

It remains my professional opinion that the belt of trees offers sufficient amenity value to warrant and justify continued protection with TPO no.523 (2013), and as such the order should be confirmed without modification.

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On behalf of Lancaster City Council