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Regeneration & Planning
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Date: 23.02.14

Dear

Re: Objection to Tree Preservation Order no.523 (2013) Land to rear of 25-47 Hazelmount Drive, Warton

Further to the submitted collective, formal objection to the above Tree Preservation Order to which you signed.

The local authority has the powers to make a Tree Preservation Order where it is considered expedient in the interests of amenity, to do so. Lancaster City Council made the above order following damage to existing trees on land under the control and ownership of Network Rail.

A Tree Preservation Order does not prevent or obstruct good arboriculture practice and management of trees, as set out within current arboriculture standards of best practice (BS 3998 2010). Furthermore, the application process to undertake works to protected trees is streamlined and there are no charges associated with making any such application.

A TPO excludes shrubs and “other” vegetation that may be associated with some trees, i.e. ivy and brambles; they are not protected by a TPO.

Within the letter (dated 13.10.13) a number of grounds for the collective objection have been identified. Each will be addressed in turn, following the original order.

1. The general condition of trees is sufficient to be incorporated within a TPO, any tree that is “dead” or in a “dangerous” condition (in arboriculture terms) is exempt from a TPO. The trees are visible from a number of public vantage points in the wider landscape. Public access to protected trees is not a requirement of a TPO.

2. A TPO does not prevent or obstruct reasonable and appropriate management of protected trees; management of this nature remains the responsibility of the landowner (Network Rail). A TPO does override Common Law Rights to prune back overhanging branches; that is not to say that consent could not be sought from the local authority for such work to be carried out, in line current standards of best arboriculture practice.
3. Ivy does not kill trees; it is however, an important plant in ecological terms. Providing year round habitat and shelter for a range of wildlife species, and offers one of the last winter feeding resources for bees. Ivy is not protected by a TPO.

The land owner has responsibility for the management of the trees and land in question. The management of this land should be discussed with the owners; of course written authorisation is required prior to undertaking work affecting protected trees only.

A TPO appeal hearing will be arranged and you will receive details from Lancaster City Council, shortly, should you wish to make a representation or attend the committee hearing.

Yours sincerely,

Maxine Knagg
Tree Protection Officer
On behalf of Lancaster City Council