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Date: 8th February 2016

Appeals Committee (TPO)

Trees subject of the Appeals Committee – An area of trees within the curtilage of Riverside Caravan Park, Lancaster Road, Heaton with Oxcliffe, LA3 3ER, subject of **Tree Preservation Order no. 559 (2015)**.

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 trees established within the Riverside Caravan Park, Lancaster Road, Heaton with Oxcliffe with respect to the above tree preservation order. The Appeals Committee are to consider whether the TPO should be confirmed without modification, confirmed with modifications or not confirmed. A copy of Tree Preservation Order no. 559 (2015) is available at **appendix 1**.

2.0 Background

- 2.1** The site is currently in use for the purposes of a caravan park and benefits from extensive areas of hedgerow trees, many of which are clearly visible from the public domain. Trees within the site make a significant impact upon the character and appearance of the site in question and importantly that of the wider public domain.
- 2.3** The site lies approximately 100m to the north of the River Lune; an important landscape feature and wildlife resource designated a Biological Heritage Site. Trees to the southern aspect of the site form a visual backdrop to the River Lune when viewed from its southern banks and public footpaths.

- 2.4 The caravan park has recently been subject to a change of use planning application no. 15/00626/FUL, for the siting of static caravans for holiday occupation for 12 months of the year, large swathes of trees were proposed to be felled to accommodate the proposed development. This application was refused by Lancaster City Council, dated, 20.11.15. Two reasons were given for refusal, both related to the adverse impact of the proposed trees losses on the wider public domain, and inadequate mitigation measures.
- 2.5 Development has significant potential to adversely impact upon existing trees by a number of means, through direct tree removals, in order to accommodate the proposed design; and indirect means, as a result of construction works and practices or where tree protection measures are either not fully implemented or not maintained correctly throughout the course of any given construction phase until completion.
- 2.6 Trees across the site are important for their cohesion and contribution in forming a significant arboriculture and landscape features. Tall, mature hedgerow trees feature around the boundaries of the site and also dissect the existing caravan park, creating significant greening, screening and green infrastructure in and around the site.
- 2.7 Trees within the site including trees and hedgerows within the middle of the site can be clearly seen from a number of locations to the south, including the public footpaths leading to and formed along the southern bank of the River Lune, popular with walkers (**appendix 2 (a) & (b)**).
- 2.8 Trees can also be clearly seen from the northern aspect when travelling along Lancaster Road, in both easterly and westerly directions.
- 2.8 Trees within the site create important green corridors for wildlife, with the potential to support a range of wildlife communities, including protected species, such as nesting birds and bats, both groups are protected under the Wildlife & Countryside Act (as amended 2010) 1981.

3.0 Threat to Trees & Woodland

- 3.1 In the view of the Secretary of State, a TPO should be used to protect selected trees and woodland, if their removal would have a significant impact on the local environment and its enjoyment by the public. LPAs should be able to show that a reasonable degree of public benefit would accrue before the TPOs are made or confirmed. The trees or at least part of them should therefore normally be visible from a public place, such as a road or footpath, although the inclusion of other trees maybe justified. The benefit may be present or future: trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore, or future development: the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland maybe collective only. Other factors such as importance as a wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO. A tree that is dead or in a dangerous condition is exempt from a TPO.
- 3.2 With this in mind, LPAs are advised to develop ways of assessing the 'amenity value' of trees in a structured and consistent way, taking into account the visibility of trees from a public vantage point: the individual impact

of a tree or the collective impact of a group of trees: in addition to the wider impact of trees, their significance to their local surroundings taking into account their suitability to their particular setting, as well as the presence of other trees in the vicinity.

- 3.3 Expediency must also be assessed. The Secretary of State considers that it may be expedient to make a TPO, if the LPA believe there is a risk of the tree or woodland being cut down or pruned in ways which would have a significant impact on the amenity of the area. Importantly, it is not necessary for the risk to be immediate. In some cases, the LPA may believe that certain trees are at risk from development pressures. The LPA may have some other reason to believe that trees are at risk: changes in property ownership are widely recognised as potential threats to trees and woodlands, particularly as intentions to fell trees are not always known in advance and so the protection of selected trees by a precautionary TPO might be considered expedient.

4.0 Assessment

- 4.1 A copy of my initial report is available at **appendix 3**.
- 4.2 An aerial photograph detailing the composition and extent of trees within the site and wider locality has been included at **appendix 4**. This plan shows a number of locations within the public domain in which a great many of the trees within the site can be seen from public vantage points.
- 4.3 A copy of the Tree Evaluation Method for Preservation Orders (TEMPO) is available at **appendix 5**. A cumulative score of 15+ was achieved, indicating that at the time of the initial assessment the trees in question “Definitely Merit” protection within a TPO.
- 4.5 Lancaster City Council uses a Tree Evaluation Method for Preservation Orders (TEMPO) to demonstrate a structured and consistent approach to the assessment of trees and woodlands in relation to their suitability for inclusion within a TPO. This system when used by an individual suitably trained and experienced in the assessment of trees can be a useful tool to demonstrate key elements of the decision making process, resulting in a final total score and outcome indicator. The system in itself is not a decision making process.
- 4.6 In addition to their amenity value. Trees within the site are an important resource for wildlife providing essential habitat and foraging opportunities, including significant potential to provide important resources for protected species, such as nesting birds and bats, both of which are protected under the Wildlife & Countryside Act 1981. The presence of the River Lune further to the south potentially increases the wildlife potential of the site trees and hedgerows, particularly for birds and bats.

5.0 Tree Preservation Order no.559 (2015)

- 5.1 Tree Preservation Order no. 559 (2015) was made on 18th September 2015 following the site being identified for potential development. Trees within the site were unprotected and at risk of removal prior to the submission of a planning application.

- 5.2 The site has undergone recent works to upgrade surfaces and install a number of new caravan units; it was noted last year that a section of hedgerow had been removed adjacent to the formation of a new foundation for a caravan unit. A gap remains please refer to the photograph at **appendix 6**.
- 5.3 Trees within the site were identified within TPO 559 (2015) with an 'Area' designation. This designation is generally used to encompass all trees within any given site, identified in this instance as an area marked 'A1'. It is the Secretary of State's view that an 'Area' designation is used in an emergency and then only as a temporary measure until the trees in the 'Area' can be assessed properly and reclassified.
- 5.4 It is now appropriate in line with government advice to reclassify the designation of the trees subject of TPO 559 (2015). Individual trees and groups are the most appropriate designation for trees within the site. For recommended modifications of TPO 559 (2015), subject to a final tree count, in line with a detailed designation of trees, please refer to **appendix 7**. In this instance, TPO 559 (2015) would be confirmed with modifications.

6.0 Objections to TPO no.559 (2015)

- 6.1 Lancaster City Council has received one letter of objection to Tree Preservation Order no. 559 (2015).
- 6.2 A letter of objection was received from Ms Rachel Whaley, on behalf of GVA, Leeds, planning agents acting on behalf of the land owner. A copy of the letter, dated 18.10.15 can be seen in full, at **appendix 8**. A copy of Lancaster City Council's letter of response, dated 16th November 2015, is available at **appendix 9**.
- 6.3 Principal points for objections received relate to the suitability of trees to be made subject of the 'Area' designation; the use of planning conditions as an alternative form of protection for the trees; the level of public visibility of trees within the site.

7.0 Decision to Serve TPO no.559 (2015)

- 7.1 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of trees identified as (A1) under sections 198, 201 and 203 of the Town & Country Planning Act 1990. It is recommended that the TPO is confirmed with modifications, to detail the designation of trees as individual trees and groups as appropriate.

Lancaster City Council cite the following reasons.

- important visual amenity shared from the public domain;
- 1. significant contribution to the character and appearance of the site and wider locality, also within 100mm of a biologically important site (BHS);
- significant potential to provide important habitat and resources for a range of protected and unprotected wildlife communities;

- under threat from removal or inappropriate management associated with the proposed development of the caravan park.

The trees in question have sufficient amenity value and importance within the landscape and are under threat from removal to justify their protection with TPO no.559 (2015).

- 7.2 It would be appropriate to reclassify the designation of protected trees from an 'Area' to that of individual trees (i.e. T1, T2...) and groups (G1, G2...) as deemed appropriate. Refer to **appendix 7** for recommended modifications to TPO 559 (2015), in line with current legislation and in the interest of best arboriculture practice.
- 7.3 As such, Lancaster City Council recommends that TPO no. 559 (2015) be confirmed with modification to reclassify all trees formerly protected within Area 1 (A1) to those detailed within **appendix 7**.

Maxine Knagg BSc (Hons) Arboriculture

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On behalf of Lancaster City Council