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Appeals Committee (TPO)

Trees subject of the Appeals Committee – A woodland area known as Long Plantation, established within Ashton Hall Estate off Ashton Road, Lancaster, Tree Preservation Order no. 567 (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 a woodland established within Ashton Hall Estate, off Ashton Road, Lancaster 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.567 (2015) is available at **appendix 1**.

2.0 Background

2.1 The site is a mixed species woodland formed within the wider Ashton Hall Estate and immediately to the south of Ashton Hall Golf Club. The site lies appropriately 500m to the east of the River Lune; an important landscape feature and wildlife resource designated a Biological Heritage Site (BHS). Trees along the river bank and within the wider landscape form an important backdrop to this biologically sensitive landscape feature.

2.2 In addition, Meldham Wood lies approximately 200m to the west and north-west of Long Plantation. This woodland has been identified as Ancient Woodland, and as such is designated a BHS. Ancient woodland is a descriptive term for the group of native woodland habitats. These special areas have remained as woodland for many centuries and their soils are relatively undisturbed by people. Each ancient wood is unique with its own

local soil, environment, wildlife and cultural history. For this reason ancient woodland is irreplaceable.

- 2.3 Trees within the woodland are generally in good overall condition with long periods of useful remaining life potential. The presence of the woodland is clearly apparent from the wider public domain, including the public highway A588 located to the east and south-east of the woodland and the public footpath along the River Lune, to the west of the woodland. There is also another woodland further to the west, in effect equidistant between Long Plantation and the River Lune, helping to form essential green corridors for wildlife and further cementing the important presence of woodlands within the wider landscape and public domain.
- 2.4 Lancaster City Council received a complaint from a member of the public in October 2015, expressing concerns that trees were being felled within Long Plantation, Ashton Hall Estate.
- 2.5 Lancaster City Council visited the site and found that an informal access track had been created into the woodland, Long Plantation and a circular area had been clear felled and was devoid of trees at that time. Works had also been carried to remove the felled tree stumps.
- 2.6 The land owner, Mr Clark presented a Felling Licence which he had been issued by the Forestry Commission. The licence detailed the size, species and quantity of trees authorised to be felled as part of thinning operations granted under a Forestry Commission Felling Licence, reference no.010/220/10-11 (issued January 2011).The work listed included the felling of x30 sycamore, up to 15 cubic metres of timber. The Licence expired on 16th January 2016.
- 2.7 Anyone who wishes to fell more than 5 cubic metres of timber during any calendar quarter is required by law to obtain a Felling License from the Forestry Commission. If a licence is granted it stipulates the time period for which the licence is valid, and the volume, quantity, species, location and nature of the works agreed. Less than 5 cubic meters of timber can be felled from within any given woodland each and every calendar quarter without the requirement of a felling licence. Trees not protected by virtue of a conservation area or tree preservation order could be legitimately removed without consultation or the requirement of authorisation from either the local authority or Forestry Commission. Important woodland areas may be vulnerable to gradual erosion over time, or areas of woodland felled prior to the submission of a planning application for development.
- 2.8 The Forestry Commission confirmed in due course that the works that had been undertaken was compliant with the existing Felling Licence at that time.
- 2.9 The Forestry Commission encourage land owners to commission the develop Management Plan for their woodlands, spanning a minimum of a 5 year period. Whilst Mr Clark, has stated he is currently in the process of doing so, the local authority has not received a copy of a long term Management Plan for Long Plantation, it is now over 5 years since the Felling Licence was granted.
- 2.10 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 woodland 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.
- 3.4 The creation of the clearing to the northern aspect of Long Plantation following the removal of trees and their associated tree stumps remains unclear to the local authority.
- 3.5 Given the creation of an informal access route, clearing or trees and removal of all associated tree stumps, within the northern aspect of Long Plantation through the execution of the authorised Felling Licence no.010/220/10-11. It would be entirely justifiable to maintain the protection of the woodland under the terms of TPO 567 (2015), as a precaution, given that just under 20 cubic metres of timber could be removed annually over four quarterly periods without the requirement of authorisation. Particularly, in the event that there may be some future consideration of development in relation to the woodland or the wider Ashton Hall Site or the associated business interests of either Stodday Land Ltd or Ripway Properties Ltd, with the potential to affect trees within Long Plantation.

4.0 Assessment

- 4.1 A copy of my initial report is available at **appendix 2**.
- 4.2 An aerial photograph detailing the composition and extent of trees that form Long Plantation, their relationship to other woodland areas, the River Lune and wider public domain has been included at **appendix 3**. This plan shows a number of locations within the public domain in which parts of the woodland can be seen. This includes the A588 to the east and south-east and the public footpath along the River Lune to the west. Importantly, the aerial photograph does not show any open areas within the woodland canopy to the northern aspect.
- 4.3 A copy of the Tree Evaluation Method for Preservation Orders (TEMPO) is available at **appendix 4**. A cumulative score of 21+ was achieved, indicating that at the time of the initial assessment the trees in question “Definitely Merit” protection within a TPO. Even if the level of threat was reduced to one of ‘Precautionary’ the TEMPO score would still support the protection of Long Plantation with TPO 567 (2015), as ‘Defensible’.
- 4.4 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.
- 4.5 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 north potentially increases the wildlife potential of the site trees and hedgerows, particularly for birds and bats.

5.0 Tree Preservation Order no.567 (2015)

- 5.1 Tree Preservation Order no. 567(2015) was made on 29th October 2015 following an assessment of trees and potential threats. Trees within the site were unprotected.
- 5.2 Works have been completed in relation to felling Licence no 010/20/10-11, issued by the Forestry Commission, January 2011. Trees had been removed to create a clearing within the woodland and all associated tree stumps dug out and removed. An informal access track had been created into the woodland to the northern aspect. Any future intentions for the site are unclear.
- 5.3 Lancaster City Council is unaware of a Management Plan for the long term management of the woodland, an action encouraged by the Forestry Commission and local authority.

- 5.4 Trees within Long Plantation identified within TPO 567 (2015) are designated as woodland 'W1'. This designation protects the trees present at the time the order was made and importantly also protects all future natural regeneration of the woodland.

Objections to TPO no.567 (2015)

- 6.1 Lancaster City Council has received an objection to Tree Preservation Order no.567 (2015) from Mr Clark, Stodday Land Limited, and Sarah Clark, Ripway Properties Ltd. A copy of their respective letters of objection (dated 22.01.16) can be read in full at **appendix 5** and **6** respectively.
- 6.2 A copy of Lancaster City Council's letters of response, dated 24.02.16, can be read in full at **appendix 7** and **appendix 8**, respectively.

6.0 Decision to Serve TPO no.567 (2015)

- 7.1 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of trees identified as **W1** under sections 198, 201 and 203 of the Town & Country Planning Act 1990. It is recommended that the TPO is confirmed without modifications.

Lancaster City Council cite the following reasons.

- important visual amenity shared from the public domain
- significant contribution to the character and appearance of the site and wider locality, also within 200m and 500m of two biologically important sites (BHS)
- significant potential to provide important habitat and resources for a range of protected and unprotected wildlife communities
- potential threat from removal or inappropriate management in the future which may relate to the wider development of Ashton Hall Estate, associated with the business interests of either Stodday Land Limited or Ripway properties Limited.

The trees in question have sufficient amenity value and importance within the landscape and are under potential threat from removal or inappropriate management to justify their protection with TPO no.567 (2015).

- 7.2 As such, Lancaster City Council recommends that TPO no.567 (2015) be confirmed without modification as a precaution.

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On behalf of Lancaster City Council