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Appeals Committee (TPO)

Trees subject of the Appeals Committee – Trees established within and on land immediately adjacent to The Corner House, Woodwell Lane, Silverdale subject to **Tree Preservation Order no. 589 (2016)**.

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 single tree established within the curtilage of The Corner House, Woodwell Lane, Silverdale and woodland trees established on immediately adjacent land, understood to be under the control of the local Parish Council. 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.589 (2016) is available at **appendix 1**.

2.0 Background

2.1 Woodwell Lane and Lindeth Road lie within Arnside & Silverdale Area of Outstanding Natural Beauty (AONB). Both highways benefit from the presence of relatively large, early mature and mature trees, and vegetation. The whole area is characterised by belts and compartments of woodland trees which spill into private amenity space. Trees in this locality make a significant contribution to the character and appearance of the immediate locality and that of the wider AONB.

2.2 Lancaster City Council received a complaint from a member of the public in December 2016. The complaint centred on a concern that a large number of trees had been felled from within the curtilage of The Corner House, Woodwell Lane, Silverdale and that remaining trees were considered to be

under threat from removal or inappropriate management. There was a sense of urgency surrounding the removal of what was considered by the complainant to have been a relatively large number of trees, including the removal of a tree established on the local Parish Council land.

- 2.3 As a result an Emergency TPO was made and served to safeguard the remaining trees as a matter of urgency. The remaining trees were protected with immediate effect and designated as an Area, in effect all trees established within Area 1 (A1) of the TPO were protected.
- 2.4 Trees subject of TPO no 589 (2016), make an important contribution to the character and appearance of the immediate and wider locality. They are entirely in keeping with the wider AONB and have 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

- 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. Local Planning Authorities (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 Given the number of trees removed from The Corner House, and at least one tree was removed outside the curtilage of the property and the adverse impact that has had on the character and appearance of the wider locality and AONB. Lancaster City Council consider their action to protect existing trees with a TPO to be an entirely justifiable course of action.
- 3.5 An aerial photograph of The Corner House, dated 2013, illustrates the extent of tree cover prior to the recent removals of trees and vegetation from within and adjacent to the site. It also illustrates the importance of adjacent trees and their contribution to tree cover within the wider locality **appendix 2**.

4.0 Assessment

- 4.1 A copy of my initial report is available at **appendix 3**.
- 4.2 A copy of the Tree Evaluation Method for Preservation Orders (TEMPO) is available at **appendix 4**. A cumulative score of 17 was achieved, indicating that at the time of the initial assessment the trees in question “Definitely Merit” protection within a TPO.
- 4.3 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.
- 4.4 In addition to their amenity value. The trees in question are an important resource for wildlife providing essential habitat and foraging opportunities, for a potential range of species, including protected species, such as nesting birds and bats, both of which are protected under the Wildlife & Countryside Act 1981.

5.0 Tree Preservation Order no. 589 (2016)

- 5.1 Tree Preservation Order no. 589 (2016) was made on 5th December 2016, as an Emergency Area Order, following a complaint from a member of the public that a large number of trees had been removed from within the property and a tree removed from Parish Council land, adjacent to the property. Concerns were expressed that other Parish Council trees may also be at risk of removal without formal protection.

6.0 Objections to TPO no. 589 (2016)

- 6.1 Lancaster City Council has received a letter of objection from Mrs Adele Higham. This letter dated 1st January 2017, was accompanied by a petition supporting the objection to the order. Lancaster City Council received a letter of objection from Mr & Mrs Spenley, dated 12th January 2017. A copy of both letters and petition can be read in full at **appendix 5** and **appendix 6** respectively.

- 6.2 A copy of Lancaster City Council's letters of response to Mrs Higham and to Mr & Mrs Spenley, both dated 9th March 2017, can be read in full at **appendix 7** and **appendix 8** respectively.
- 6.3 Lancaster City Council received two letters in support of the order from Mrs Lucy Scrase, dated 1st January 2017, and from Mr G Booth and his mother, dated 17th February 2017. Both letters can be read in full at **appendix 9** and **appendix 10** respectively.

7.0 Decision to Serve TPO no.567 (2015)

- 7.1 The original order was made and designated as an 'Area', encompassing all trees within the designated area. It would now be appropriate to re designate the trees in question.
- 7.2 Lancaster City Council recommends the trees in question are designated as two individual trees, T1, Ash, T2, Holly, W1 & W2, two compartments of mixed species woodland trees, **appendices 11 – 11d**. Dominant species are ash, sycamore, cherry and elm. However, whatever species are present today and whatever species colonise the area in the future will be protected under the woodland designation.
- 7.3 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of trees identified as **T1, T2, W1** and **W2** 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 immediate locality and wider Area of Outstanding Natural Beauty
- 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 given the loss of trees in December 2016

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. 589 (2016).

- 7.4 As such, Lancaster City Council recommends that TPO no. 589 (2016) be confirmed with modifications to change the existing Area designation to that of two individual trees, **T1 & T2** and two woodland compartments **W1 & W2**, in the interest of amenity and wildlife benefit.

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On behalf of Lancaster City Council