

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 595 (2017)

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RELATING TO:
Tree Preservation Order No. 595 (2017) - 51 Meadow Park, Galgate

PO BOX 4
TOWN HALL
LANCASTER
LA1 1QR

TOWN AND COUNTRY PLANNING ACT 1990
LANCASTER CITY COUNCIL
TREE PRESERVATION ORDER NO. 595 (2017)

The City Council of Lancaster, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 hereby make the following Order:

Citation

1. This Order may be cited as Tree Preservation Order No. 595 (2017) at 51 Meadow Park, Galgate", 7th February 2017.

Interpretation

2. (1) In this Order "the authority" means the Lancaster City Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2011.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 7 February 2017

Signed on behalf of the Lancaster City Council:



Andrew Dobson DipEP MRTPI PDDMS
CHIEF OFFICER (REGENERATION AND PLANNING)
Authorised by the Council to sign in that behalf

SCHEDULE

Specification of Trees

TREE PRESERVATION ORDER NO. 595(2017)

Tree Preservation Order No. 595 (2017) at 51 Meadow Park, Galgate, Lancaster

TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

Reference on Map	Description	Situation
T1	Beech	Centred on (E) 347695 (N) 455683 grid ref:

TREES SPECIFIED BY REFERENCE TO AN AREA

(Shown within a dotted black line on map)

GROUP OF TREES

(Shown within a broken black line on map)

WOODLAND

(Shown within a solid black line on map)

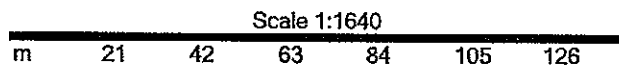
TPO595 (2017)

51 Meadow Park, Galgate



Legend

ASD



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	07 February 2017
SLA Number	Not Set

Site: 51 Meadow Park, Galgate, LA2 0NH
Proposed Tree Preservation Order (TPO): no.595 (2017)

Assessment:

I have assessed a large, mature beech tree established within the curtilage of the above property.

Trees

The tree is established to the rear of the above property, close to Lancaster Canal. The canal is designated a Biological Heritage Site (BHS). Trees are an important element of the BHS, contributing to the development and maintenance of green corridors along the canal and the creation of important opportunities for wildlife.

The beech tree in question has the potential to provide habitat and foraging opportunities for protected species, such as nesting birds and bats, both groups are protected under the Wildlife & Countryside Act 1981 (as amended (2010)).

The tree is highly visible from the wider public domain, notably the foot and tow path along the canal. The tree has grown to attain large proportions, such that it is now a dominant landscape feature.

The new tree preservation order is a precautionary step to ensure the safe retention and protection of this important tree long into the future, subject to its continued good health, vitality and stability.

The trees in question have been assessed using a TEMPO system, and has attained a score of 14, TPO defensible.

Recommendation:

If Lancaster City Council's intention to serve T1, Beech with Tree Preservation Order no.595 (2017), in the interest of amenity and wildlife value.

Title	Tree Preservation Order no.595(2017)
Grounds	In the interests of amenity and wildlife benefit, as a precaution
Designation	T1
Site	51 Meadow Park, Galgate, LA2 0NH

Maxine Knagg BSc Arboriculture
Tree Protection Officer
Regeneration & Planning Service

Date: 07.02.17

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 02.02.17	Surveyor: M Knagg
Tree details TPO Ref: 595 (2017) Tree/Group No: T1, Beech	

Part 1: Amenity assessment

a) Condition & suitability for TPO:
 Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

Score & Notes 5 – Long periods of useful remaining life potential, if under good arboriculture control
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b) Remaining longevity (in years) & suitability for TPO:
 Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes 2 – 20-40+ years, if under good arboriculture control

c) Relative public visibility & suitability for TPO:
 Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

Score & Notes 5 – Clearly visible from public footpath along canal and waterway

d) Other factors
 Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Score & Notes 1 – Precaution
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Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total: 14

Decision: TPO Defensible

35 Leachfield Road
Galgate
Lancaster
LA20NX

2.3.17

Your Ref: 595(2017)

Dear Mr Dobson

Re: Tree Preservation Order 595(2017) – 51 Meadow Park, Galgate

Thank you for your letter of 7.2.17.

After careful consideration and discussions with Maxine Knagg, Tree Protection Officer, Steve Edwards, Countryside Officer, Lancashire County Council and Andrew Lee, Bowland Tree Services, I would like to make an objection to the proposed tree preservation order number 595(2017).

The grounds for this objection are that the tree in question has branches that extend a considerable distance over my property, these branches cut out the light therefore nothing grows underneath them. If a tree preservation were to be granted we would have no control over the tree and consequently of this section of our garden. (The tree is closer to my property than 51 Meadow Park.)

Regards amenity value, the tree does not stand in an area of woodland it is within a residential area and as it is on private land no one other than the householders have access to it. Admittedly it is visible to canal users but it is not outstanding in the landscape, rather than be an amenity, over the years its low hanging branches have caused hazard to canal boat users.

I have lived next door to the tree for 33 years, and am a keen birdwatcher, whilst birds do rest in the tree during this time I have never witnessed any birds nesting there, nor has the owl box placed in it ever attracted any owls.

I hope you will take these observations into consideration when making your decision.

Yours sincerely


Mr A J Hargreaves

Mr A Dobson
Lancaster City Council Development Management
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LA1 1QR

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Regeneration & Planning Service
Development Management
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Date: 9th March 2017

Dear Mr Hargreaves,

Re: Objection to Tree Preservation Order no.595 (2017) – 51 Meadow Park, Galgate

Further to your letter dated 2nd March 2017, in objection to the above tree preservation order (TPO).

The principle reasoning for your objection to the above tree preservation order (TPO), relates to your perception that you have 'no control' over the tree or your garden. You have commented that branches from the tree overhang into your garden and the resulting shade prevents anything from growing beneath. You do not consider the tree to be an outstanding landscape tree, though you concede it can be seen from the canal. The canal is designated a Biological Heritage Site (BHS), trees are an important component feature of the BHS. You state the tree is growing on private land and therefore not accessible to the public.

Inevitably, trees that are established close to a shared boundary line, will have branches that encroach beyond the boundary into the neighbouring property. In the absence of a TPO, a third party neighbour would have the power to exercise their Common Law Right, to prune back overhanging branches back to the boundary line, offering the cut branches back to the owner. A TPO overrides your Common Law Right, you are no longer legally entitled to do this.

In exercising a Common Law Right, many trees can be pruned to such an extent that it has an adverse impact on the character and appearance of the tree, its health, vitality and long term sustainability, many trees will become unbalanced. Unnatural asymmetry in the canopy can lead to an increased failure potential in windy conditions. Furthermore inappropriate management can adversely impact upon the amenity and wildlife benefit of an affected tree. For this reason the beech tree was made subject of the above TPO.

Beech trees in particular, are intolerant to heavy or repeated pruning events. This intolerance increases with age. Resistance to pest and disease can also be reduced and structural problems can stack up for the future.

Please be advised a TPO does not prevent a tree from being pruned. It does however, mean that any party wishing to have works considered must obtain written authorisation from the local authority, with the exception of removing dead branches which do not require authorisation.

It remains the view of Lancaster City Council that the beech tree in question makes sufficient contribution to the character and appearance of the wider public domain and the adjacent Biological Heritage Site – Lancaster Canal, coupled with the potential threat from what may be deemed inappropriate management to justify its inclusion and continued protection with TPO no.595 (2017).

I would be grateful if you would confirm whether you wish to maintain your objection to the order or whether on consideration you wish to withdraw your objection.

In the event that you wish to maintain your opposition to the order, a TPO Appeal Hearing will be arranged and you will be advised of a date in due course.

I look forward to hearing from you in due course.

Yours sincerely,

Maxine Knagg

**Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer**

**Regeneration Service
Development Management
Lancaster City Council**