

Application: 17/0050/TCA

Site: The Coach House, Sunnyside Lane, Lancaster, LA1 5ED

Proposed Work: Fell x2 mature pine trees

Assessment:

The site is established within the local conservation area (CA), as such all trees that have attained a stem diameter of 75mm or greater when measured at 1.5m above ground level are protected in law. Anyone intending to carry out works to trees within a CA must first make a written notification to the local authority providing a minimum period of 6 weeks' notice prior to undertaking the intended work.

Lancaster City Council has received a section 211 notification to fell two mature pine trees established within the above property. The trees have attained mature proportions and are highly visible from the public domain. The age, size and location is such that collectively they have become a dominant landscape feature.

Both trees have the potential to offer foraging and habitat opportunities for a range of wildlife, including protected species.

In England all species of bat and their breeding or resting places (roosts) are fully protected under the Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to deliberately, intentionally or recklessly: Kill, injure or capture a bat; Obstruct access to any structure or place used for shelter or protection by bat; Disturb a bat while it is occupying a structure or place which it uses for that purpose; Disturb bats in such a way it would affect the ability of any significant group of bat to survive, breed, rear or nurture or affect a local distribution or abundance; Damage or destroy a breeding or resting place of a bat.

In England all birds, their nests and eggs are afforded protection under the Wildlife and Countryside Act 1981 (as amended) making it an offence to: Intentionally kill, injure or take any wild bird; Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built; Intentionally take or destroy the egg of any wild bird. Certain birds are subject to further protection under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), making it an offence to intentionally, or recklessly, disturb any wild bird listed on this Schedule while it is nest building, or is at, or near, a nest with eggs or young, or disturb the dependent young of such a bird.

Trees must be assessed for the presence of protected species prior to undertaking agreed. Where there is evidence that bats, birds or other protected species are present, the statutory nature conservation organisation must be consulted prior to commencement of any tree work operations.

Trees

For the purpose of this report these trees in question have been identified as T1, & T2, both pine.

Generally, both trees appear to be in a good state of health and vitality. There is evidence in the canopies of both trees of past pruning events, particularly where branches encroach towards neighbouring structures.

The current owner would like to fell both trees because they are considered to have grown too big for their location. Branches overhang the public footpath, public highway and alleyway and a neighbouring property. The applicant has included two photographs with the notification showing branches that have been shed from one or other of the trees in question. The owner would like to fell both trees in the interest of health & safety and their nuisance to the owners of the neighbouring property.

The applicant has submitted a copy of a letter from their neighbor who has expressed a view in support of the removal of both trees.

It would be the tree owners' intention to fell both trees and replace them with two downy birch trees. It is noted that the owner has not submitted any additional information or report from a suitably trained or experienced individual commenting on the structural condition of the trees in question.

Lancaster City Council considers that the loss of both trees would have significant potential to adversely impact upon the character and appearance of the wider public domain and local conservation area. Trees of this age and maturity cannot be mitigated with new replacement planting.

Trees of this age and size have considerable capacity for carbon storage; carbon that can be re-released to the environment once they are felled. There is no evidence of significant pest or disease present. There is no additional arboriculture information or report submitted to support the removal of both trees in the interests of health & safety.

Anyone that has the responsibility for the management of trees, should have them regularly inspected by an individual suitably trained and experienced any recommendations for maintenance such as the removal of dead, damaged or diseased tree structures should be undertaken, subject of course to the required authorisation/notification process. We are unaware of any such assessment undertaken on behalf of the applicant.

A Tree Evaluation Method for Tree Preservation Orders (TEMPO) has been undertaken. A score of 17 was achieved, in support of a tree preservation order (TPO).

Lancaster City Council considers the two trees in question (T1 & T2) to have sufficient public amenity value to be made subject of Tree Preservation Order no. 607 (2017). This is in the absence of any overriding arboriculture reason that would otherwise justify their removal. The Council considers both trees to make a significant contribution to the public amenity and wildlife benefit and have a positive impact on the character and appearance of the wider conservation area.

T1 & T2 will be protected with TPO no.607 (2017), on a provisional basis.

The owners may wish to seek further advice from a suitably trained and experienced individual. The Council would be happy to receive and consider any additional information the applicant may wish to submit, if they intend to formally object to the order.

Decision:

1. Lancaster City Council **objects** to the following tree work:

i) T1, & T2, Pine – Fell to ground level.

Reason: In the interest of public amenity value and wildlife benefit.

***Maxine Knagg BSc Arboriculture
Tree Protection Officer
Regeneration & Planning Service***

Date: 16.05.17