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Date: 21st November 2017

Appeals Committee (TPO)

Trees subject of the Appeals Committee – An area of woodland trees on land to the south of Bank Well, The Row, Silverdale, subject of **Tree Preservation Order no. 621 (2017)**.

This report has been prepared by Maxine Knagg (BSc Hons Arboriculture), Tree Protection Officer, Lancaster City Council.

1.0 Purpose of Report

1.1 This report relates to area of woodland trees established on land as described above. The Appeals Committee are to consider whether the trees in question, identified as A4 within the TPO, should be confirmed without modification, confirmed with modifications or not confirmed. A copy of Tree Preservation Order no. 621 (2017) is available at **appendix 1**.

2.0 Background

2.1 The land in question is privately owned by the appellant. The title of the TPO is for descriptive purposes only in no way does it link to matters of ownership. The area of land in question has little if no cover of trees to its central area, the remaining trees are focused on the southern and western aspects of the site.

2.2 The site is established within Arnside and Silverdale Area of Outstanding Natural Beauty (AONB). The site does however, lie within Arnside and Silverdale Area of Outstanding Natural Beauty (AONB). The remaining trees in question are an important component feature of Burton Well Limestone Pavement Biological Heritage Site (BHS) and Woodland; a site of important biological heritage and interest. Trees are clearly visible from the public highway to the east, known as The Row. As they are an important landscape feature in this biologically sensitive area.

- 2.3 A concern was expressed to the Council that trees had been recently removed from the land in question and considered to be the detriment of the site and wider locality.
- 2.4 Upon inspection of the land in question by the Council's Tree Protection Officer it became apparent that a small number of large mature trees had been recently felled (**appendix 2**). However, there was evidence across the site that there had been a gradual and progressive removal of woodland trees over what is estimated to have been a period of 3/4 years, resulting in an entire loss of woodland. Aerial photographs taken in 2013 (Google) (**appendix 3**) clearly show the existing woodland contained within Burton Well Limestone Pavement Biological Heritage Site (BHS) and Woodland extending down towards the public highway to the east. Evidence supporting the progressive loss of biologically important woodland from the BHS.
- 2.5 There are a relatively high number of "old" tree stumps scattered across the site. The condition and discolouration of these stumps varies indicating a period of several years over which they are likely to have been felled. A series of photographs taken on 11th August 2017 can be seen at **appendices 4a/b/c/d**.
- 2.6 There is no evidence of new tree planting within the site.
- 2.7 The woodland trees have the potential to offer opportunities for wildlife in terms of habitat and foraging which may include protected species, such as nesting birds and bats, both groups are protected under the Wildlife & Countryside Act (as amended 2010) 1981.

3.0 Assessment

- 3.1 A copy of my initial report, dated 11th August 2017 is available at **appendix 5**.
- 3.2 A copy of the Tree Evaluation Method for Preservation Orders (TEMPO) is available at **appendix 6**. 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.
- 3.3 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.
- 3.4 Lancaster City Council considers the remaining woodland trees to be under threat from removal.
- 3.5 There are limitations set by the Forestry Commission to control to rate in which woodland trees are felled. An individual can remove up to 5 cubic metres of trees in any given quarterly calendar period without the requirement of a Felling Licence having to be applied for and authorised by the Forestry Commission. However, if an individual was to fell trees below the requirement for a Felling Licence, cumulatively relatively large volumes of trees can be

felled from within a site over a number of years. The Forestry Commission concluded that a felling Licence may not have been required due to the protracted period of time in which the trees had been felled.

4.0 Tree Preservation Order no. 621 (2017)

- 4.1 Tree Preservation Order no. 621 (2017) was made on 15th August 2017, in the interest of public amenity value and wildlife benefit.
- 4.2 A TEMPO score of 15+ was attained supporting protection of the trees with a preservation order.

5.0 Objection to TPO no. 621 (2017)

- 5.1 Lancaster City Council received one letter of objection to Tree Preservation Order no. 621 (2017).
- 5.2 The letter of objection was received from the land and tree owner, Mr S P Wales, dated 25th July 2017. A copy of his letter can be seen in full, at **appendix 7**. A copy of Lancaster City Council's letter of response, dated 25th September 2017, is available at **appendix 8**.
- 5.3 Following the response from the Council dated 25th September 2017 the objector, Mr S P Wales, confirmed that he maintains his position of objection to TPO no. 621 (2017), in his letter dated 9th October 2017 (**appendix 9**).
- 5.4 Lancaster City Council received a Pre-Application Advice request from the appellant, Mr Wales, referenced as 17/01043/ONE. The request related to the erection of a detached dwelling on the land in question. The Council considered the proposal "unlikely to be acceptable" for a range of planning reasons including the potential impact upon existing trees.

6.0 Decision to Serve TPO no. 621 (2017)

- 6.1 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of trees identified as Area (A1), woodland trees of whatever species are present, under sections 198, 201 and 203 of the Town & Country Planning Act 1990. It is recommended that the TPO is confirmed with a modification to change the current designation from Area (A1) to that of Woodland (W1). The Area designation was initially used in an "emergency" scenario, to provide immediate protection pending further consideration. A woodland designation is appropriate, as it ensures that all trees present at the time the order was made are protected and importantly that all subsequent new generations of trees of whatever species are also protected. This is essential to the re-establishment and continuation of this important and biologically sensitive area of woodland, established within Arside & Silverdale Area of Outstanding Natural Beauty and Burton Well Limestone Pavement Biological Heritage Site and Woodland

Lancaster City Council cites the following reasons.

- The remaining trees are established within an Area of Outstanding Beauty and Biological Heritage Site, whilst recent tree felling works have isolated a number of trees from the larger woodland compartment protection of these trees and subsequent new generations of trees will support the re-establishment of woodland trees on this cleared area of land.
- The wider woodland area is a dominant arboriculture and landscape feature.
- Individual trees remain under threat from future removal particularly given the history of tree removals and consequent fragmentation of an important and biologically sensitive area of woodland.
- The woodland trees have the potential to provide important habitat and resources for a range of protected and unprotected wildlife communities.
- Possible future threat from development of the land in the future.

The woodland in question has sufficient amenity value and importance within the landscape and remains under threat to justify its protection with TPO no. 621 (2017).

- 6.2 As such, Lancaster City Council recommends that TPO no. 621 (2017) be confirmed with a modification to change the designation from the temporary emergency Area (A1) designation to that of a woodland designation (W1).

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On behalf of Lancaster City Council