

New Tree Preservation Order: 621 (2017)

Site: Land South of Bank Well, The Row, Silverdale

Assessment:

Lancaster City Council received a local complaint that woodland trees have been recently removed from the above site, creating an open clearing in what was once a densely covered woodland area.

The land in question is not affected by any historic tree preservation order, nor does it lie within a conservation area.

The site does however, lie within Arnside and Silverdale Area of Outstanding Natural Beauty (AONB). Tree and woodlands are important component features in a range of locations across the district, not least within the land in question. In addition, the land lies within Burton Well Limestone Pavement Biological Heritage Site (BHS) and Woodland; a site of important biological heritage and interest.

Woodland within the site has important potential to provide habitat and foraging opportunities for 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 is used 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.

Site Visit

During the site visit there was clear evidence that a large number of woodland trees have been removed since aerial photographs were taken in 2013. The aerial photograph shows a dense area of woodland cover on the land, a continuum of Burton Well BHS and Woodland.

The visual appearance of the various tree stumps across the site indicate that trees have been removed over an extended period of time. There is evidence that up to x5 trees have been removed within recent days, others are more likely to have been removed earlier this year and some stumps suggest that they were removed pre-2017. The culmination of the felling work has resulted in a decimation of the eastern aspect of the woodland within the land in question. There is no evidence of new planting. The work is not compliant with any acceptable form of woodland management.

Where woodland trees are unprotected, a person can fell up to 5 cubic meters of timber per calendar quarter. Beyond this volume an individual is required to apply for a Felling License from the Forestry Commission. The Forestry Commission has been advised of the tree removals.

Further to a telephone conversation received from the land owner (after the TPO was served), we now understand that the site may be subject of a planning application for development in the future.

Trees

There is a range of early-mature and mature trees within the site, which are now confined to the extremities of the site, as a result of the gradual erosion of the woodland cover over the last 4 years or so.

The remaining trees are highly visible from the public domain. They form the eastern aspect of Burton Well Biological Heritage Site and Woodland. Generally, the remaining onsite woodland trees are in good overall condition, state of health and vitality with long periods of useful remaining life potential. Species include ash, silver birch and yew.

A Tree Evaluation Method for Preservation Orders (TEMPO) has been undertaken, a score of 15+ was achieved meriting protection of the trees with a tree preservation order. As such, the woodland trees are now protected in law. It is an offence to lop, top, fell, uproot, prune or otherwise damage any such tree without first obtaining written authorisation from the local planning authority. Anyone found guilty of an offence in a Magistrates Court is liable to a maximum fine of £20,000.

Anyone wishing to have works to protected trees considered by the local authority, they are required by law to obtain written authorisation prior to undertaking the work. Further information and the required application form is available online at www.lancaster.gov.uk

It is the Council's intention to protect woodland trees on land to the south of Bank Well, The Row, Silverdale as an Area designation (A1). This includes all trees of whatever species present within the area marked on the associated plan as (A1), in the interest of public amenity and wildlife benefit.

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