

S P Wales
Beechcroft
12 The Row
Silverdale
LA5 0UG
7 September 2017

Lancaster City Council
Development Management
PO Box 4
Town Hall
Lancaster LA1 1QR

RE: Tree Preservation Order 621(2017) Land South Of Bank Well, The Row, Silverdale

Dear Lancaster City Council,

I am writing to object to the Tree Preservation Order made on my property on 11 August 2017.

I would like to base this objection on a number of issues, and also to make comment on what I feel are inaccuracies and omissions in the statement I received from Maxine Knagg dated 11 August 2017 concerning her site visit and my subsequent conversation with her.

My objection is based on the following grounds:

The area in question is not, as stated in the documentation and shown on the site plan, a continuum of Burton Well BHS and Woodland. It is the private garden to my house 12 The Row, and is clearly boundary fenced as such, with a drive running from the entry gate shown as Fig 1 on the enclosed site map to my house shown as Fig 2. As such, being private land, there is no public amenity to this land, and to make a blanket Tree Preservation on this land deprives me of the right to enjoy my garden in the same way that every other house on The Row enjoys - none of which have this blanket restriction on their use. This does appear to be very discriminatory, and does give me less rights over my private garden than all of my neighbors i.e. they can remove or lop/cut back any tree they wish in their garden with no restriction whilst I cannot.

This order continually refers to the area as 'Land South of Bank Well' when the correct description is the garden of 12 The Row.

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I have no objection whatsoever to a Tree Preservation Order being made on named, individual trees within my garden, and I have absolutely no objection in meeting with a Council representative on site at my garden and agreeing which trees need to be protected.

I believe that the blanket TPO is inappropriate, and that a reasoned, agreed approach on individual trees would be the best option.

My objection is to the blanket TPO, which I feel is wholly unnecessary and draconian. This will prevent me from keeping my drive clear and usable without having to constantly gain written consent to control branches hanging over the length of it, and it will also prevent me from controlling branches which hang across the Row from my garden and interfere with traffic and BT cables without again constantly gaining written consent.

If a branch does cause issues, and I have to go through the process of gaining such written consent, is Lancaster Council willing to be then liable for any damage caused to vehicles/cables during this consent process period as effectively I will be prevented by the blanket TPO from any swift rectification ?

There are also a number of inaccuracies and omissions in Ms Knagg's statement:

The statement mentions that 5 trees had been removed in recent days - during the conversation I had with her, I explained that these were felled by North West Electricity to clear the safe path their mains electricity cable which runs directly through my garden, from 2 posts within the grounds, as they were encroaching on the cable. As such, the removal of these trees in question did not need to be compliant with woodland management.

Over the last 4/5 years I have removed a number of trees from my garden, most of which were either dead or with very little evidence of new growth, or were in a poor state. However, the statement that the trees in my garden are now confined to the periphery is palpably incorrect - I have attached photographs taken today from my house (Fig 4 on the site map) toward Bank Well and you can clearly see the large number of trees still standing in my garden, and that in no way are the trees confined to the periphery. Again, this is because Ms Knagg has classified the area that she has marked on the site map as A1 as a separate tract of land to my garden - it is not, it is all one garden.

If Ms Knagg had approached me during her site visit, and rather than just posting the TPO documents on my garage door and my shed wall instead of knocking my house door and actually handing them to me, I believe we could have had a reasonable discussion on this matter.

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I also find it strange that, on her first and only site visit, she already had the documentation pre written - surely this is prejudicial as any conclusions to be made should be after the site visit and not before ?

I would also point out that in regard to any felling that I have carried out in my garden, I have checked whether any TPO existed on my property beforehand, and, as confirmed by a visit from the Forestry Commission subsequent to the this recent order, I am not in breach of volume allowances and did not require a Felling License.

I would like to re-iterate that it is the blanket TPO that I am objecting to, and that I have no objection whatsoever to a Tree Preservation Order being made on named, individual trees within my garden, and I have absolutely no objection in meeting with a Council representative on site at my garden and agreeing which trees need to be protected.

Thank you for your time and attention to this matter.

Yours Sincerely,

S. P Wales

Enclosures

(1) Site Map

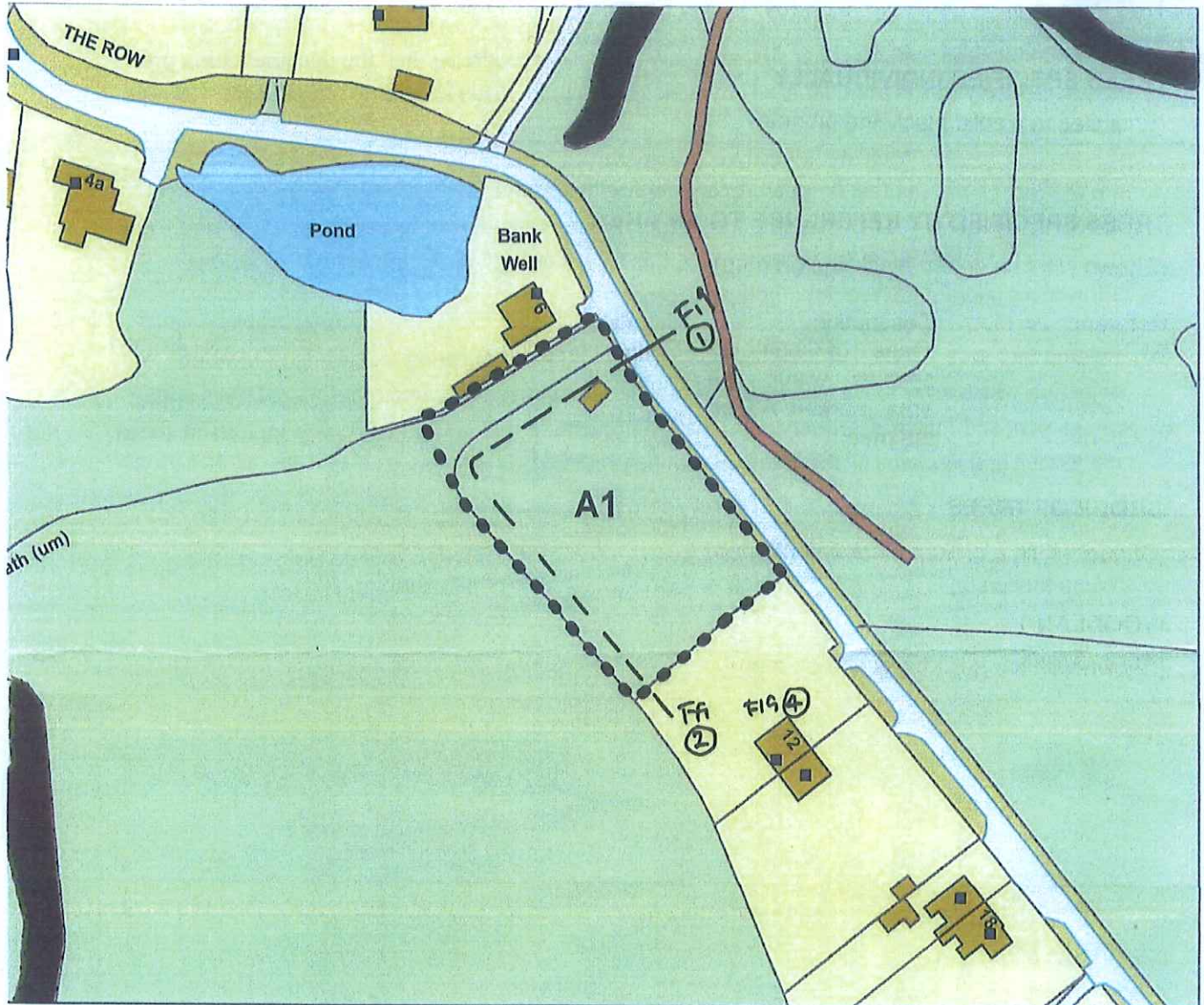
(2) Photographs

Tree Preservation Order No.621(2017)

Land South of Bank Well, The Row, Silverdale



GIS by ESRI (UK)



Legend

[Handwritten signature]

Scale 1:1265



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	11 August 2017
SLA Number	Not Set