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Our Ref: TPO607/2017/MK

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Date: 6th June 2018

Appeals Committee (TPO)

Trees subject of the Appeal Committee – x20 woodland compartments of trees, x13 individual trees and x3 groups of trees established on land at Home Farm, Main Road, Galgate, subject to **Tree Preservation Order no. 641 (2018)**.

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

1.0 Purpose of Report

1.1 The Appeals Committee are to consider whether the trees in question, identified as A1 within the TPO, should be confirmed without modification, confirmed with modifications or not confirmed. A copy of Tree Preservation Order no. 641 (2018) is available at **appendix 1**.

2.0 Background

2.1 The land in question is privately owned by the appellant. It is a site that the Council is aware of, in so much as it may come forward for possible future development. I understand from colleagues in Forward Planning that the site has, as yet, not been assessed with regard to its potential for future development.

2.2 Lancaster City Council received concerns from a member of the public that the trees within the site may be removed or inappropriately managed prior to the submission of a future planning application for development of the site. Trees at that time were not protected in law and, as such, could have been removed without the requirement for prior consultation with the Council.

2.3 Trees within the site made subject of TPO no. 641 (2018) were protected immediately on a Provisional basis, in the interest of public amenity value and wildlife benefit. The trees subject of the order were designated as a single

“Area”. In effect, an “emergency order” protecting every tree and area of woodland established within the boundary line of the area designation.

- 2.4 An aerial photograph of the site (2013), **appendix 2**, serves to illustrate the extent of the tree cover across the site. A range of individual trees, and a multitude of woodland compartments and small clusters of mature trees can be clearly seen.

3.0 Assessment

- 3.1 A copy of my initial report, dated 05.01.18, is available at **appendix 3**.
- 3.2 I visited the site on 1st June 2018 to assess the trees with a view to re-defining the original “Area” designation. A total of x20 woodland compartments, x13 individual trees and x3 groups of trees across the site were identified. Species were predominantly broadleaf trees, including a number of large, mature and veteran oak trees, lime, and beech. There were also ash, sycamore and a number of coniferous species.
- 3.3 Trees and woodlands within the site make an important contribution to the character and appearance of this rural site and that of the wider locality. Many of the trees can be seen as important landscape features from the public domain and from Lancaster Canal, which lies to the north.

Lancaster Canal is designated a Biological Heritage Site (BHS). Trees within the site make a positive contribution to this important green corridor for wildlife. Trees within the site offer a multitude of opportunities for habitat and foraging for a range of wildlife, including protected species, such as nesting birds and bats. Both of these groups are protected in law under the Wildlife & Countryside Act 1981 (as amended 2010).

- 3.4 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.

Lancaster City Council considers the individual trees, groups and woodland compartments identified, to have important public amenity value. The potential for future development of the site is sufficient to justify the protection of trees with TPO no. 641 (2018).

4.0 Tree Preservation Order no. 641 (2018)

- 4.1 Tree Preservation Order no. 641 (2018) was made on 16th January 2018, in the interest of public amenity value and wildlife benefit.
- 4.2 The TEMPO scores for the individual trees, groups and woodlands within the site range from 14-15+, supporting their protection with a preservation order.

5.0 Objection to TPO no. 641 (2018)

- 5.1 Lancaster City Council received a letter from the owners/occupants of Cragg Hill Farm and Ellet Grange requesting removal of their land from the area order. This request was met and the boundary of the original order was amended to exclude the areas of land and trees not directly implicated by the potential future development of the wider Home Farm site. A copy of the amended plan (dated 10.05.18) can be seen at **appendix 4**. The related objection was withdrawn.
- 5.2 A letter of objection was received, written on behalf of the current landowner Mrs S Charles, dated 13.02.18. A copy of this letter can be seen at **appendix 5**. The Council's response to this letter can be seen at **appendix 6**, dated 05.04.18.
- 5.3 It should be noted that a TPO is not intended to prevent or obstruct development of land where consent is granted. It does however ensure that trees are a material consideration within any future planning application. A TPO prevents their unauthorised removal. Anyone who lops, tops, uproots, or damages a tree(s) subject of a TPO and is found guilty of an offence in a Magistrates' Court is liable to a maximum fine of £20,000.
- 5.4 Works to protected trees is subject of an application process. Lancaster City Council will grant consent for works to protected trees where it considers the work to be reasonable and appropriate and in line with current standard of best practice set out within BS 3998 (2010) Tree Work – Recommendations. There is no charge associated with the submission of a tree works application.

6.0 Decision to Serve TPO no. 641 (2018)

- 6.1 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of trees and woodlands identified within the original Area (A1) designation, of whatever species are present under sections 198, 201 and 203 of the Town & Country Planning Act 1990.

However, following an assessment of the site, it is recommended that TPO no. 641 (2018) is confirmed with a modification to change the current designation from Area (A1) to that of individual trees T1-T13, groups G1-G3 and woodland compartments W1, W2, W3, W3A and W4-W19. A draft version of the proposed modification to the Schedule is available at **appendix 7**. A draft version of the associated modified plan is available at **appendix 8**.

The Area designation was initially used in an “emergency” scenario, to provide immediate protection pending further consideration. This designation is no longer appropriate.

Lancaster City Council cites the following reasons for the continued protection of trees on the land in question.

- The trees in question make a significant contribution to the character and appearance of the site, the rural setting and the wider public domain.

- The site may be brought forward for development in the future, threatening existing trees and woodlands.
- Trees and woodlands within the site offer important habitat and foraging opportunities for a range of wildlife including protected species.

The x13 individual trees, x3 groups and x20 woodland compartments identified have sufficient amenity value and importance within the landscape and remain under threat from possible future development of the site to justify their continued protection with TPO no. 641 (2018).

- 6.2 As such, Lancaster City Council recommends that TPO no. 641 (2018) be confirmed with a modification to change the designation from the temporary emergency Area (A1) designation to that of individual trees T1 – T13, groups G1-G3 and woodland compartments W1, W2, W3, W3A, W4-W19, in the interest of public amenity benefit and wildlife value.

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On behalf of Lancaster City Council