

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 641(2018)

-----ooOoo-----

RELATING TO:

HOME FARM
ELLEL GRANGE
MAIN ROAD
GALGATE
LANCASHIRE
LA2 0HN

PO BOX 4
TOWN HALL
LANCASTER
LA1 1QR

TOWN AND COUNTRY PLANNING ACT 1990

**LANCASTER CITY COUNCIL
TREE PRESERVATION ORDER NO. 641(2018)**

The City Council of Lancaster, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 hereby make the following Order:

Citation

1. This Order may be cited as Tree Preservation Order No. 641(2018), Home Farm, Ellel Grange, Main Road, Galgate, Lancashire LA2 0HN, 16th January 2018.

Interpretation

2. (1) In this Order "the authority" means the Lancaster City Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2011.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 16th day of January 2018

Signed on behalf of the Lancaster City Council:



**Andrew Dobson DipEP MRTPI PDDMS
CHIEF OFFICER (REGENERATION AND PLANNING)**
Authorised by the Council to sign in that behalf

SCHEDULE

Specification of Trees

TREE PRESERVATION ORDER NO. 641(2018)

Relating to trees at Home Farm, Ellel Grange, Main Road, Galgate, Lancashire LA2 0HN.

TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

TREES SPECIFIED BY REFERENCE TO AN AREA

(Shown within a dotted black line on map)

Reference on Map	Description	Situation
A1	Whatever species present.	Centred on grid ref: (E) (N) 453995

GROUP OF TREES

(Shown within a broken black line on map)

WOODLAND

(Shown within a solid black line on map)

Tree Preservation Order 641(2018)

Relating to trees surrounding Home Farm Ellet Grange Galgate



A. Doba.



Site: Home Farm, Ellet Grange, Main Road, Galgate, LA2 0HN
Proposal: New Tree Preservation Order

Assessment:

Generally, site trees and hedges are in good overall condition and as such have long periods of useful remaining life potential.

There are no conservation area constraints or tree preservation orders currently affecting trees within the site identified.

Trees, hedging and areas of woodland within the site have the potential to provide habitat and foraging opportunities for wildlife, including protected species (Wildlife & Countryside Act 1981, as amended).

Existing Trees/Hedges/Woodland

The existing trees and woodlands areas can be seen from a number of locations within the wider public domain. They make an important contribution to the character and appearance of the site. Any future development of the land must seek to retain and protect suitable trees into the overall scheme to avoid any adverse impact upon the amenity and wildlife benefit.

Recommendation:

In the interest of amenity and wildlife benefit it is the Council's intention to protect the existing trees and woodland with Tree Preservation Order no.641 (2018).

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

Date: 05.01.18

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 641(2018)

---0000---

RELATING TO:

HOME FARM
ELLEL GRANGE
MAIN ROAD
GALGATE
LANCASHIRE
LA2 0HN

PO BOX 4
TOWN HALL
LANCASTER
LA1 1QR

TOWN AND COUNTRY PLANNING ACT 1990

**LANCASTER CITY COUNCIL
TREE PRESERVATION ORDER NO. 641(2018)**

The City Council of Lancaster, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990, hereby make the following Order:

Citation

1. This Order may be cited as Tree Preservation Order No. 641(2018), Home Farm, Ellet Grange, Main Road, Galgate, Lancashire LA2 0HN, 16th January 2018.

Interpretation

2. (1) In this Order "the authority" means the Lancaster City Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2011.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 16th day of January 2018

Signed on behalf of the Lancaster City Council:



**Andrew Dobson DipEP MRTPI PDDMS
CHIEF OFFICER (REGENERATION AND PLANNING)**
Authorised by the Council to sign in that behalf

SCHEDULE

Specification of Trees

TREE PRESERVATION ORDER NO. 641(2018)

Relating to trees at Home Farm, Ellel Grange, Main Road, Galgate, Lancashire LA2 0HN.

TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

TREES SPECIFIED BY REFERENCE TO AN AREA

(Shown within a dotted black line on map)

Reference on Map	Description	Situation
A1	Whatever species present.	Centred on grid ref: (E) (N) 453995

GROUP OF TREES

(Shown within a broken black line on map)

WOODLAND

(Shown within a solid black line on map)

Tree Preservation Order 641(2018)

Trees surrounding Home Farm Ellel Grange Galgate



GIS by ESRI (UK)



Legend

Mark Cassidy
PLANNING MANAGER (REGENERATION AND PLANNING)



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	10 May 2018
SLA Number	Not Set

OGLETHORPE
STURTON &
GILLIBRAND

Lancaster City Council
Legal Department
DX 63531
Lancaster

Our Ref: DEP/SLM/L12837-6

Your Ref: TPO641 (2018)

Date: 13 February 2018

Email: david.park@osg.co.uk

DocRef: 2156223993

Service by email not accepted

By email also to developmentcontrol@lancaster.gov.uk

Dear Sirs

Our client: Mrs S Charles, [REDACTED]

Your letter under the Tree Preservation Order 641 (2018) relating to trees at Home Farm, Ellel Grange

We act for Mrs Charles who is the owner of most of the land incorporated within the above TPO.

We have been instructed to reply on Mrs Charles' behalf as follows:

1. The making of a TPO over such a large area and without prior consultation has taken her by surprise. The areas outlined include large areas of rural working farm and woodland and it is extremely cumbersome to have a blanket Tree Preservation Order over such large areas of woodland. It would be impractical to have to request permission for lopping and managing the woodland on every occasion.
2. We understand that the guidance for making TPO's recommend the authority should inspect and survey the trees. Please could the Council explain what surveys and access it has had to the woodland to justify these trees as having amenity value as opposed to any other area of rural woodland. Our client is not aware of any visits by the officer on to the land to survey the woodlands. It seems that it has been a reaction to the talks about the proposed artisan village. We look forward to receiving the surveys and reasoning behind the granting of the TPO as a matter of urgency.

Oglethorpe Sturton & Gillibrand LLP

Legal Services

16 Castle Park, Lancaster, LA1 1YG

T 01524 846846 F 01524 382247 DX 63500 Lancaster E office@osg.co.uk W www.osg.co.uk

A list of members is available at the above address

Authorised and regulated by the Solicitors Regulation Authority.

Registered Office: 16 Castle Park, Lancaster, LA1 1YG

Registered No: 0C343759

3. The purpose of TPO's is to preserve and protect woodland and trees of particular value, not to large areas of land in rural areas.
4. Our client is willing to work with the Council in a co-operative manner in relation to particular trees or areas but given the blanket nature of the TPO, which would make the proper management of the woodland extremely difficult, our client objects to the TPO as a whole.

Yours faithfully



Oglethorpe Sturton & Gillibrand LLP

cc 

Contact: Maxine Knagg
Telephone: (01524) 582384
Fax: (01524) 582323
E-mail: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk

Oglethorpe, Sturton & Gillibrand
16, Castle Park
Lancaster
LA1 1YG

Regeneration & Planning Service
Development Management
PO Box 4
Town Hall
Lancaster
LA1 1QR

Date: 5th April 2018

Dear Sirs,

Re: Tree Preservation Order no.641 (2018) – Home Farm, Eifel Grange, Lancaster

Further to your letter dated 13th February 2018, written on behalf of your client.

The letter contains a number of bullet points which I will seek to address.

We accept your letter as a formal objection to the above tree preservation order (TPO).

TPO no.641 (2018) was designated as an "Area", where all trees established within that area are protected in law, on a provisional basis. The provisional order expires after a period of 6 months, unless the order is confirmed within that time frame.

This type of order is usually served in an emergency, often where the Council is alerted to concerns that trees may potentially be under threat from removal. This type of situation can arise where future development of land is a possibility. Without a tree preservation order, trees and woodlands can be felled prior to the submission of a formal planning application. Up to 5 cubic metres of timber can be felled without the requirement of a Felling Licence (Forestry Commission).

The local authority has a duty to protect trees and woodlands where they may be threatened from development.

In such instances, an "Area" designated order can be served immediately without the requirement for a survey of the trees in question. The trees can be assessed at a later date once they are protected and the initial threat from removal/damage is alleviated. The "Area" designation is a short term means of protection trees in an emergency, it is not for the protection of land. A TPO does not prevent or obstruct development, it does however ensure trees and woodlands remain a material consideration should formal planning proposals be submitted.

We recognise your client's wishes to work alongside the Council. We anticipate reviewing the area designation shortly.

Yours sincerely,

Maxine Knagg

**Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer
Regeneration Service
Development Management
Lancaster City Council**