

APPEALS COMMITTEE

Tree Preservation Order No. 646 (2018) Two Areas of Trees Established on Land at Capernwray Diving Centre, Jackdaw Quarry, Capernwray Road, Capernwray 28 June 2018

Report of Interim Head of Legal and Governance Services

PURPOSE OF REPORT

To enable Members to consider an objection received to Tree Preservation Order No. 646 (2018) relating to two areas of trees established on land at Capernwray Diving Centre, Jackdaw Quarry, Capernwray Road, Capernwray, and thereafter whether or not to confirm the Order.

This matter will be dealt with in accordance with the adopted procedure for considering matters relating to individual applications, that is, the relevant matters for consideration by the Committee will be presented in the public part of the meeting, and the decision will be made after the exclusion of the press and public, on the basis that, in making its decision, the Committee will receive exempt information in the form of legal advice on possible legal proceedings arising from the decision (Paragraph 5A of Schedule 12A of the Local Government Act 1972) as amended by the Local Government (Access to Information) (Variation) Order 2006.

RECOMMENDATIONS

That Members consider an objection to Tree Preservation Order No. 646 (2018) relating to two areas of trees established on land at Capernwray Diving Centre, Jackdaw Quarry, Capernwray Road, Capernwray, and decide whether or not to confirm the Order.

1.0 Introduction

- 1.1 Under Section 198 of the Town and Country Planning Act 1990, the Local Planning Authority may make an Order in respect of a tree or group of trees if it appears that it is expedient in the interests of amenity to make provision for the protection of trees in their area.
- 1.2 In accordance with the Town and Country Planning (Tree Preservation Order) Regulations 2012, an objection has been received to Tree Preservation Order No. 646 (2018), which has been made in relation to two areas of trees established on land at Capernwray Diving Centre, Jackdaw Quarry, Capernwray Road, Capernwray
- 1.3 In accordance with the Regulations, it is necessary to consider the objection, and in order for the objection to be considered objectively, the matter is referred to the Appeals Committee.

1.4 The report of the City Council's Tree Protection Officer is attached (pages 34 to 37).

Appended to the report are:

- **Appendix 1** – *A copy of the original Tree Preservation Order No. 646 (2018) (pages 38 to 41);*
- **Appendix 2** – *An aerial photograph of the site (2013) (page 42);*
- **Appendix 3** – *A copy of the Tree Protection Officer's initial report dated 9 March 2018 (pages 43 to 46);*
- **Appendices 3A, 3B, 3C and 3D** – *Photographs showing evidence of the removal of trees (pages 47, 48, 49 and 50);*
- **Appendices 4 and 4A** – *Details of the amendments Tree Preservation Order plan Order (pages 51 to 54 and 55 to 58);*
- **Appendix 5** – *A copy of the letter of objection from Alistair Skelton of Steve Abbott Associates, written on behalf of Mrs. Hack and dated 3 April 2018 (pages 59 to 66);*
- **Appendix 6** – *Copy of Lancaster City Council's letter of response dated 30 April 2018 (pages 67 to 69);*
- **Appendix 7** – *The recommendations of the Tree Protection Officer as detailed on the plan (page 70).*

2.0 Proposal Details

2.1 The purpose of the report is to provide Members with details to enable them to decide whether or not to confirm Tree Preservation Order No. 646 (2018).

3.0 Details of Consultation

3.1 Tree Preservation Order No. 646 (2018) was made and advertised in the usual way, and three objections were received, which resulted in minor changes being made to the boundary of the Tree Preservation Order. Following amendment of the Tree Preservation Order plan, all the original objections were resolved and subsequently withdrawn. The remaining objection is the subject of this hearing.

4.0 Options

- (1) To confirm Tree Preservation Order No. 646 (2018) -
 - (a) Without modification;
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 646 (2018).

5.0 Conclusion

5.1 In the light of information contained within the report and its appendices, together with legal advice given at Committee and a site visit, Members are requested to determine whether or not to confirm Tree Preservation Order No. 646 (2018).

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Not applicable.

LEGAL IMPLICATIONS

A Legal Officer will be present at the meeting to advise the Committee

FINANCIAL IMPLICATIONS

Not applicable.

BACKGROUND PAPERS

Tree Preservation Order No. 646 (2018)

Contact Officer: Jane Glenton

Telephone: (01524) 582068

Email: jglenton@lancaster.gov.uk

Ref: JEG