

Appendix No. 5

**Correspondence and objections in relation to
Tree Preservation Order No. 422 (2007)**

Contact: Planning Services
Telephone: 01524 582381
FAX: 01524 582323
Email: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk

~~Green Field Way~~
The Vicarage
St John's Grove
Silverdale
Carnforth
LA5 0RH

Planning Services

**Maxine Knagg
Tree Protection Officer
Palatine Hall
Dalton Square
LANCASTER LA1 1PW**

Date: 10th January 2008

Dear ~~Green Field Way~~

Re: Written objection to TPO no.422 (2007)

Thank you for your letter dated 8th January 2008.

We accept your formal, written objection against the Council's decision to serve Tree Preservation Order no.422 (2007). The written objection is in compliance with the regulation 3 notice and as such a copy will be forwarded to Democratic Services and a date for a formal Appeal Hearing will be arranged in due course. You will receive formal notification and an invitation to make a representation at the hearing should you wish to do so.

In the meantime, we are happy for you to contact Maxine Knagg – Tree Protection Officer directly to make suitable arrangements for a site meeting, when she will be happy to discuss the issues that you have raised in your letter of objection.

Please contact **Maxine Knagg – Tree Protection Officer Tel: 01524 582384** to make arrangements for a site visit on a mutually convenient date and time.

We look forward to hearing from you in the near future.

Yours sincerely

**Maxine Knagg
Tree Protection Officer
Tel: 01524 582384**

~~Canon Paul M. Warren~~

Telephone: 01524 701268

The Vicarage
St. John's Grove
Silverdale
Carnforth
Lancashire
LA5 0RH

8th January 2008

Dear Ms. Knagg,

Tree Preservation Order No. 422 (2007)

I write to acknowledge your letter dated 18th December 2007 sent to me as the occupier of St. John's Vicarage, Silverdale, giving details of the Tree Preservation Order covering the grounds of both St. John's Church and the Vicarage.

As I explained in my telephone conversation with you this morning, the Parochial Church Council meets tomorrow evening and will doubtless agree a response, probably an objection, which will be sent to you.

I write this letter, as the occupant of the Vicarage, to lodge a formal objection to the imposition of the Order in the area marked G2 on the plan. The Vicarage is surrounded on two sides by quite dense woodland, including saplings, undergrowth, and a

St. John's Church, Silverdale

Priest-in-Charge: ~~Canon Paul Warren MA~~

Tel: 01524 701268

NSM Curate: ~~Rev. Mr. Norman MA~~

Tel: 01524 381046

The Vicarage
St John's Grove
Silverdale
Lancs LA5 0RH

Andrew Dobson
Head of Planning and Building Control
Lancaster City Council
Palatine Hall
Dalton Square
Lancaster
LA1 1PW

11th Jan 08

Dear Mr Dobson,

In response to your letter of 18th Dec re: TPO 422 (2007) we, the Parochial Church Council of St John's Church, Silverdale, wish to register our OBJECTION to the above tree preservation order.

Firstly, please send all future correspondence addressed to Canon Paul Warren, at the address given above. Letters addressed to the Lychgate are unlikely to find a recipient.

Secondly you should be aware that the church grounds and the Vicarage garden are two entirely separate pieces of land, albeit commonly owned by the Diocese of Blackburn. This is not indicated on your plan.

We consider that making a blanket TPO on the entire church grounds is an understandable but wholly inappropriate response to concerns raised by one local resident.

You will have seen during your inspection that the wooded areas of the site have not seen active maintenance for many years. Your letter states that:

"the trees make a significant importance to the amenity of the area" (sic)

We challenge the idea that areas of self-seeded overgrowth where trees are growing into each other, and in some cases have outgrown their context, enhances the amenity of the site. We would welcome a robust explanation of the statement, within the context of a significant public building and place of worship.

St John's church is in a welcome period of growth and regeneration, and one element of this is the formulation of plans for the renovation of the church grounds. The provisional plan has been in the public domain for some months, and clearly states our intention to retain not only the three trees individually listed on the TPO, but also to encourage the other trees on the site by clearing overgrowth and generally following good woodland management. The PCC sub-committee which is dealing with these matters has already made approaches to the National Trust, the AONB and others with expertise in these matters for advice. The development of our management plan is an ongoing process, and public involvement in decision making has been actively sought. The imposition of the TPO suggests that significant trees on the site are in danger, but this is simply not the case.

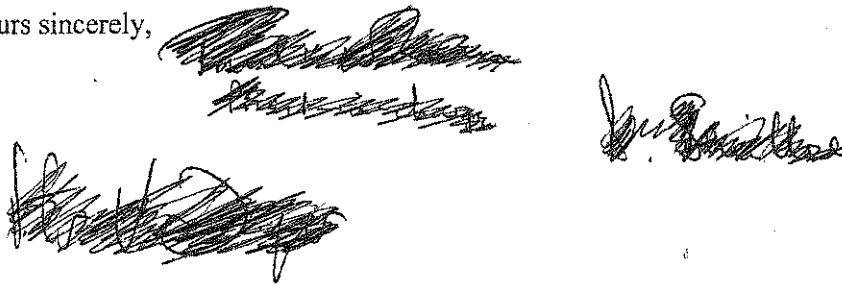
It may well be appropriate to apply TPO's to some individual trees where these genuinely provide a significant visual, functional or ecological benefit, but we believe that this will only be established by considering the site in detail, and in the context of our management plan and what is appropriate for the grounds of a parish church.

It should also be remembered that the church grounds, as well as the buildings, are subject to the planning and development restrictions imposed by the Diocese. No significant changes can be made without applying to Diocese for a Faculty, which may involve application for formal Planning consent where appropriate. We are closely governed by this legislation as we seek to restore and enhance the environs of our church for the benefit of congregation and community.

You will be aware that we currently have a Planning Application pending for the replacement of our Parish Hall. This will undoubtedly have some impact on a small number of trees near the site but these will be dealt with under the terms of that application. The proposed building development is a related but separate issue to the restoration of the grounds as a whole.

We consider that the blanket TPO is an unnecessary imposition which can only serve to inhibit the sensible development and maintenance of the church grounds. Therefore the PCC requests a site meeting at the earliest opportunity with a senior Planning Officer to openly discuss the issues involved, so that we can arrive a shared understanding of our respective positions.

Yours sincerely,



~~De Peter Piper, Churchwarden~~

~~Mrs Diane Smith, Churchwarden~~

for St John's Parochial Church Council

Formal Notice TPO'd
Sewer

Contact: Maxine Knagg
Telephone: (01524) 582384
Fax: (01524) 582323
Minicom: (01524) 582175
E-mail: ghendren@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: TPO NO. 422 (2007)
Your Ref:

Letter to:-

Lych Gate, Emesgate Lane, Silverdale
52, 54 Emesgate Lane, S/dale
2 St John's Grove, S/dale
Vicarage, St John's Church, Emesgate Lane, S/dale
LCC Highways Dept

Planning Services

Palatine Hall
Dalton Square
Lancaster
LA1 1PW
DX 63531

18 December 2007

Dear Sir/Madam

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

Tree Preservation Order: No. 422 (2007)
Lancaster City Council:- ST JOHN'S CHURCH, EMESGATE LANE, SILVERDALE

THIS IS A FORMAL NOTICE to let you know that on 13 December 2007 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, *Protected Trees: a guide to Tree Preservation Orders*, produced by the Department of the Environment, Transport and the Regions.

THE COUNCIL HAVE MADE THE ORDER BECAUSE:-

The trees make a significant importance to the amenity of the area

The Order took effect, on a provisional basis, on 14 December 2007. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever first occurs.

Continued

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing within 28 days of receiving this notice. Your comments must comply with regulations 4 of the Town and Country Planning (Trees) Regulations 1999, a copy of which is enclosed. Send your comments to Lancaster City Council, Planning and Building Control, Palatine Hall, Dalton Square, Lancaster LA1 1PW. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Maxine Knagg at Lancaster City Council, Planning and Building Control, Palatine Hall, Dalton Square, Lancaster LA1 1PW or telephone (01524) 582384.

Yours faithfully



ANDREW DOBSON
HEAD OF PLANNING AND BUILDING CONTROL

COPY OF REGULATION 4 OF THE TOWN AND COUNTRY PLANNING (TREES)
REGULATIONS 1999-12-02

Objections and representations

4(1) *Subject to paragraph (2), objections and representations*

(a) *shall be made in writing and*

- (i) *delivered to the authority not later than the date specified by them under regulation 3(2)c; or*
- (ii) *sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

(b) *shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and*

(c) *in the case of an objection, shall state the reasons for the objection.*

4(2) *The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.*

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Website: www.lancaster.gov.uk

Planning Services
Maxine Knagg
Tree Protection Officer

Palatine Hall
Dalton Square
LANCASTER LA1 1PW

Date: 7th December 2007

Re: Proposed New Tree Preservation Order – St.John's Church, Emesgate Lane, Silverdale.

1.0 Introduction

1.1 **Site:** The trees in question are established on land within the curtilage of St John's Church and vicarage, Emesgate Lane, Silverdale.

1.2 **Scope and limitation of this report:** This is an arboriculture report restricted to the trees subject to the proposed new Tree Preservation Order. The information provided within this report has been gathered by means of a preliminary visual tree assessment restricted to ground level observations and inspection at the time of the site visit. An objective appraisal of the amenity value of the trees in question has also been undertaken using a *Tree Evaluation Method for Preservation Orders (TEMPO)*. It should be noted that trees are dynamic, living organisms subject to changes in weather, climate, pest and disease, development activities and site conditions.

2.0 Site Visit

2.1 **Date:** Undertaken 6th December 2007

2.2 **Brief Site Description:** The site is within an Area of Outstanding Natural Beauty and immediately adjacent to Emesgate Lane, a main road running through Silverdale. The trees within this site are a prominent landscape feature and collectively make a considerable contribution to the amenity of the area.

2.3 **Identification and condition of the trees:** The trees in question are young to mature in age classification and are mixed species, deciduous and evergreen trees. For the purposes of the report the trees have been identified as **T1-T3, G1** and **G2**.

- 2.4 **T1** is a young horse chestnut, **T2** a young birch and **T3** an early-mature yew, all are established to the front aspect of the property, close to the western boundary of the site.
- 2.5 Development works have been recently undertaken to the front of the property close to **T2** (birch); changes in ground levels have resulted in the damage and exposure of an extensive area of tree roots. Birch are naturally a shallow rooting species of deciduous tree and development work of this nature has serious implication for such species, likely to threaten the future health and vitality of affected trees, in this instance **T2**.
- 2.6 **G1** is a large group of mixed species deciduous and evergreen trees including ash, cherry, yew, sycamore, cypress, beech and holly. This group extends around the north and eastern boundaries of the church. Age classifications range from young to mature. Trees are generally of good condition, with narrow conical form, typical of trees grown in close proximity to one and another.
- 2.7 **G2** is a large group of trees established from the eastern aspect of the site around to the west, encompassing land around the vicarage of St. John's. Species include ash, holly, sycamore, cypress, birch and beech. Similarly to trees within G1, their condition is generally good with many trees developing an upright form typical of trees grown in close proximity to one and another.
- 2.9 Trees within this site provide important amenity value locally, are a significant landscape feature and valuable wildlife resource, making a significant contribution to the tree cover in the area.

3.0 Tree Preservation Order

- 3.1 The amenity value of the trees in question has been assessed using an objective and systematic approach; the *Tree Evaluation Method for Tree Preservation Orders* (*TEMPO* system) has been used. A score of 15+ was accumulated, supporting the use of a Tree Preservation Order.
- 3.2 Lancaster City Council consider it expedient in the interests of amenity to make provision for the preservation of the trees in question **under sections 198 (201) and 203 of the Town & Country Planning Act 1990**. Lancaster City Council cite the following reasons:
- The trees are prominent landscape features and are clearly visible from the public highway, providing important public amenity.
 - Trees provide screening and visual amenity to the church and adjacent properties.
 - Important wildlife resource.
 - Threat to the health and vitality of trees from recent development works and possible future development within the site.

4.0 Recommendation

4.1 Serve a Tree Preservation Order under sections 198 (201) and 203 of the Town & Country Planning Act 1990.

**Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer
Planning Services
Lancaster City Council**