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

Date: 25th September 2017

Dear Mr Wales,

Re: Objection to Tree Preservation Order no.621 (2017) – Land south of Bank Well, The Row, Silverdale

Further to your letter of objection dated 7th September 2017.

Within your letter you have raised a number of issues which relate to your formal objection to the above tree preservation order. I will address each point raised as it occurs.

I can confirm that the wooded area now subject of TPO no.621 (2017) is included within Burton Well Biological Heritage Site and Woodland (BHS). I have attached a copy of the Council's constraints plan. Please note that the BHS is identified in dark green. To assist further I have annotated the plan for your further assistance.

The question of public amenity value is a matter of visibility from a public domain, such as a public highway i.e. The Row. It is not a question of whether a site has designated public access. The remaining woodland area is clearly seen from a number of public vantage points, in both directions along the public highway. As such, the presence of the woodland has a significant impact upon the character and appearance of the wider locality and public domain. It forms part of Burton Well BHS and lies within Arnside & Silverdale Area of Outstanding Natural Beauty (AONB). The woodland has important biological heritage and public amenity value.

A Tree Preservation Order (TPO) does not prevent the reasonable enjoyment of any associated private amenity space. It does however, prevent further tree felling without first seeking written authorisation from the local authority in a biologically sensitive and important locality. There has been widespread tree removals from the woodland over the last 1-5 years or so.

The title of the TPO as 'South of Bank Well, The Row Silverdale', is purely for descriptive purposes it not to identify ownership or indeed link the land to any specific property. This is commonly used practice within planning.

The woodland was initially designated an Area (A1), or "emergency" blanket TPO. I can confirm that this designation will be modified to a woodland designation (W1). The woodland trees of "whatever species are present" will be protected and importantly all future new trees that generate as part of the woodland area will also be protected, not just those trees that were present at the time the order was served. The long term survival of a woodland area is dependent upon future generations of new trees.

A TPO does not prevent appropriate and reasonable maintenance works from being undertaken. All work must however be agreed in writing within the local authority prior to undertaking all pruning work or tree removals, with the exception of removing deadwood. Further information is available online at www.lancaster.gov.uk

When the site was initially assessed it was evident that five mature trees had been recently felled from within the site. This was an accurate conclusion. Of course, at the time of that assessment the reason for their removal was unknown. There was evidence of large scale tree losses across the whole site over a number of years. As a result of the loss of woodland trees a large clearing had been created which you later confirmed in a telephone conversation that it is your intention to submit a formal application to build on the now cleared area of land. In the same telephone conversation you confirmed that the most recently felled trees (x5) had been felled by North West Electricity to clear a path beneath their overhead power lines.

There are a small number of remaining woodland trees to the boundary with the public highway. Aerial photographs taken in 2013, show that the land in question was heavily covered by trees at that time. The loss of trees from within the site in question is considerable and has in my view resulted in an adverse impact on the Burton Well BHS and Woodland, the AONB in the immediate locality and on the character and appearance of the site and public realm. I have enclosed a copy of the aerial photograph for your information.

Lancaster City Council would be failing in its duty if measures were not taken to safeguard the remaining woodland trees within the property.

At the time of the initial visit it was not known who was the owner of the land in question, it was only after the Council conducted a land registry search that the ownership of the site and surrounding land could be confirmed. The TPO was already served by that time. There was no one present on site, as such it could not be known that you were the owner. The priority is to protect trees and woodlands where they are considered to be under threat from removal or inappropriate management.

Time is of the essence in relation to the protection of trees and woodlands that are considered to be under threat. In the specific case in question, we were made aware that trees had been recently removed and that other trees had been removed in the last 1-5 years. Therefore, it is reasonable to prepare the documentation before visiting such a site. Being prepared for the visit does not pre-empt the findings on site. Following the on site assessment, if a TPO was not considered to be a necessary course of action



then a TPO would not have been served. However, there was sufficient evidence of recent and historic tree removals on site to justify and warrant protection of the remaining woodland trees with TPO no.621 (2017).

The Forestry Commission (FC) was informed of the tree removals onsite, in order that they could assess whether there had been a breach of their requirement for a Felling License. Up to 5 cubic meters of timber can be felled per calendar quarter without the requirement of the Felling License. Given the protracted period of time in which the felling has occurred on the site, it was considered by the FC that a Felling License was unlikely to have been required.

After consideration of the above, I would be grateful if you would confirm whether you wish to maintain your objection to TPO 621 (2017). If you maintain your current position a TPO Appeals Hearing will be arranged in due course.

If we do not receive a response from you in writing by 13th October 2017, we will assume that you no longer wish to maintain your objection to the order. Following which TPO 621 (2017) will then be confirmed as a 'Woodland designation (W1)'.

Yours sincerely,

Maxine Knagg

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