

APPENDIX 4

CORRESPONDENCE AND OBJECTION IN RELATION TO TREE PRESERVATION ORDER NO. 397 (2006)

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

Oglethorpe Sturton & Gillibrand
Solicitors
16 Castle Park
Lancaster
Lancashire
LA1 1YG

Planning Services

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

Date: 2nd January 2007

Dear Sir/Madam

Re: Tree Preservation Order no.397 (2006) – Land between Lancaster Boys Club and nos. 9-17 Villas Court, Dallas, Lancaster.

Thank-you for your letter dated 22nd December 2006 with regards to the above matter.

We acknowledge your formal objection to Tree Preservation Order no.397 (2006), and would like to take this opportunity to respond to the comments made within your letter.

In response to your comments, we would reiterate that as a local planning authority, we are responsible for the correct administration of all regulations relating to Tree Preservation Orders and not for making the regulations themselves. Regulation 4 (1) clearly states that the trees subject of the objection must be specified; an objection may relate to a single tree, several trees or indeed all trees subject of the Tree Preservation Order. Your letter of the 18th December 2006 failed to clearly specify the trees to which the formal objection related. We cannot be left to either assume or guess which trees an objection relates to. The prompt response of Lancaster City Council in dealing with this matter did in fact allow you the opportunity to amend your objection and respond within the given time scales.

To confirm and for your records Tree Preservation Order no.397 (2006) does in fact relate to a total of 33 trees on the land between Lancaster Boys Club and nos. 9-17 Villas Court, not 13 as stated in your letter (22.12.2006).

As you kindly point out, this area of land and trees may not be the 'Forest of Dean', however, in a heavily, urbanised area, very close to Lancaster City centre it does in my professional opinion, hold a significantly high level of importance and value. I trust that, on reflection, you may appreciate that this is not a factual legal issue but one of environmental amenity.

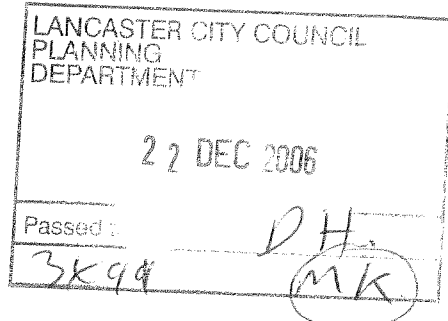
If you require any further information or wish to discuss this matter further, please do not hesitate to contact us.

Yours faithfully

Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer

OGLETHORPE STURTON & GILLIBRAND
S O L I C I T O R S

Lancaster City Council
Planning Department
DX: 63531
LANCASTER



Our Ref: JM/HB/LAN003-5

Your Ref: TPO NO. 397 (2006)

Date: 22 December 2006

Email: jmyers@osg.co.uk

DocRef: -92047616

Please note that we are closed from noon on 22nd December until 9am on 27th December, and from noon on 29th December until 9am on 2nd January 2007.

We would like to wish all our clients and colleagues a Merry Christmas and a Happy New Year!

Dear Sirs

Tree Preservation Order 397 (2006)
Land between Lancaster Boys Club and Nos. 9 - 17 Villas Court, Dallas Road

Thank you for your letter of the 21st December 2006.

We believe that our letter of the 18th December 2006 makes it perfectly clear that we are objecting to all of the trees contained within the Order and that there was no need to simply re-write the list of 13 trees contained within the Order. The plot being land at 9 - 17 Dallas Road, Lancaster is hardly the Royal Forest of Dean.

For the purpose of clarity, the trees over which our client wishes to object an Order being imposed upon are contained within the first schedule of Tree Preservation Order number 397 (2006) and contained within areas G1, G2 and G3 on the attached plan.

We look forward to hearing from you.

Yours faithfully

Oglethorpe Sturton & Gillibrand

Enc. Plan
Schedule

R.M.N. Gillibrand
D.L. Gillibrand
E.R. Breay
Gill Gardner
Alison Kinder
Emma J. Briggs
D.E. Park
Jenny Gemmell



INVESTOR IN PEOPLE

16 Castle Park
Lancaster
LA1 1YG
DX 63500 Lancaster
T 01524 846 846
F 01524 382 247
E office@osg.co.uk
W www.osg.co.uk
Offices at Kirkby Lonsdale Bentham

FIRST SCHEDULE

Trees Specified Individually
(encircled in black on the map)

NO. ON MAP	DESCRIPTION	SITUATION
	NONE	

Trees specified by reference to an area
(within a dotted black line on the map)

NO. ON MAP	DESCRIPTION	SITUATION
	NONE	

Groups of trees
(within a broken black line on the map)

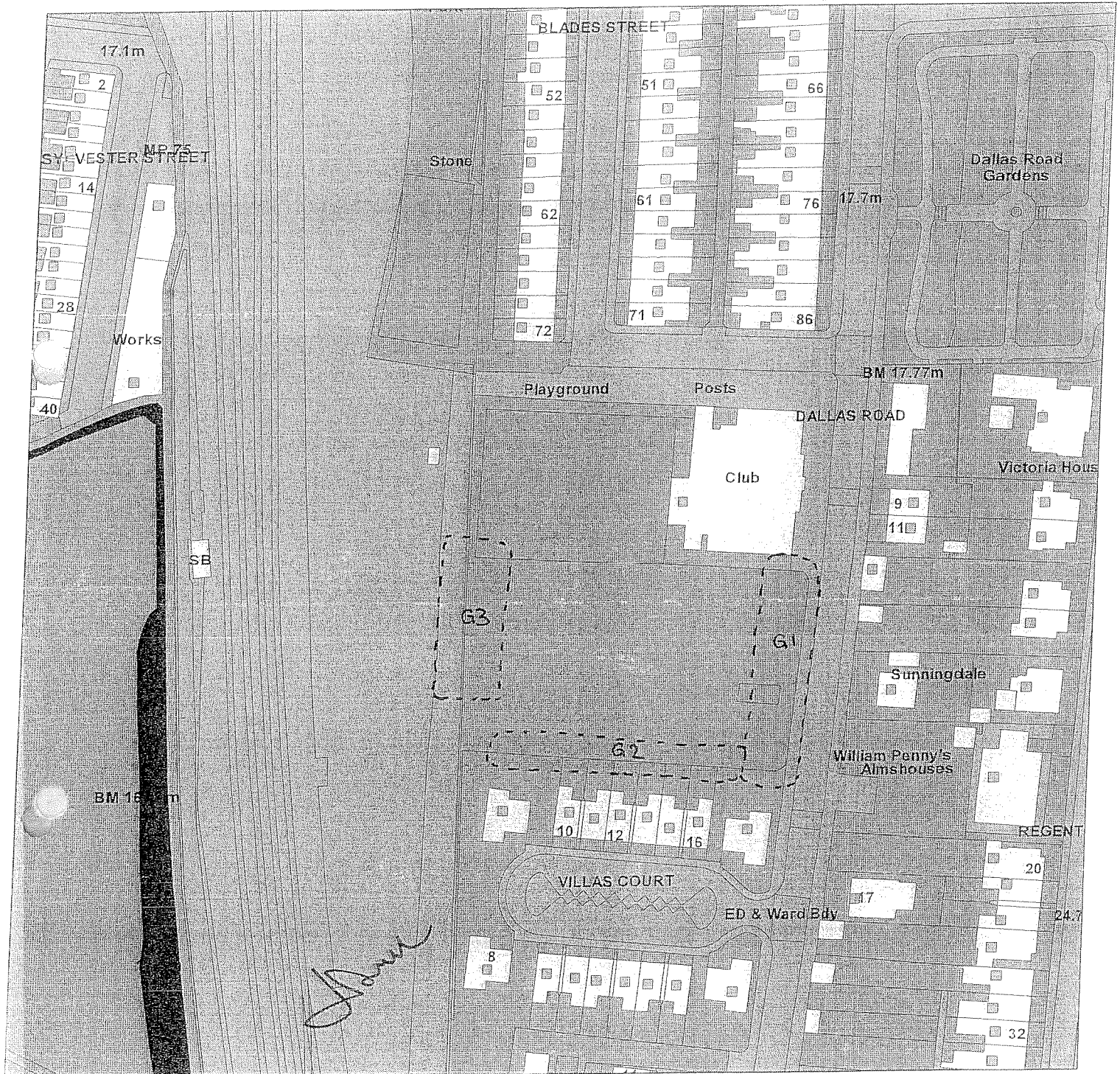
NO. ON MAP	DESCRIPTION	SITUATION
G1	(11) Ornamental Cherry , (1) Common Alder, (1) Larch and (1) Sycamore	Eastern boundary of: land between Lancaster Boys Club and Nos. 9-17 Villas Court, Dallas Road, Lancaster
G2	(3) Common Alder, (1) Italian Alder, (1) Lime, (2) Sycamore and (4) Norway Maple	Southern boundary of: land between Lancaster Boys Club and Nos. 9-17 Villas Court, Dallas Road, Lancaster
G3	(3) Sycamore, (2) Italian Alder, (2) Common Alder and (1) Cockspur Thorn	Western boundary of: land between Lancaster Boys Club and Nos. 9-17 Villas Court, Dallas Road, Lancaster

Woodlands
(within a continuous black line on the map)

NO. ON MAP	DESCRIPTION	SITUATION
	NONE	

Lancaster City Council TPO No.397 (2006)

Land between Lancaster Boys Club & nos.9-17 Villas Court, Dallas Road,



Scale : 1:1250

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.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	Lancaster City Council
Department	Planning Services
Comments	
Date	09 November 2006
SLA Number	LA100025403

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

Oglethorpe Sturton & Gillibrand
Solicitors
16 Castle Park
Lancaster
Lancashire
LA1 1YG

Planning Services

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

Date: 21st December 2006

Dear Sirs/Madam

Re: Tree Preservation Order no.397 (2006) – Land between Lancaster Boys Club and Nos. 9-17 Villas Court, Dallas Road, Lancaster.

Thank-you for your letter dated 18th December 2006, with regard to the above matter.

With reference to your correspondence, we should point out that the written objection fails to comply with *Regulation 4 of the Town & Country Planning (Trees) Regulations 1999*.

Section 4(1) subject to paragraph (2), objections & representations, sub-section (b) states: '*specify the particular trees, groups or areas of trees or woodlands in respect of which the objections or representations are made*'.

The objection received fails to comply with this requirement, as it has not specified the tree(s) to which it relates. As such, under current legislation and good practice we consider the objection invalid.

You may also note that the period in which to make a valid objection ends on 24th December 2006, 28 days after delivery of the Formal Notice informing all interested parties of Lancaster City Council's decision to serve Tree Preservation Order no. 397 (2006).

Yours faithfully

Planning Services
Lancaster City Council

OGLETHORPE STURTON & GILLIBRAND
S O L I C I T O R S

Lancaster City Council
Planning Department
DX: 63531
LANCASTER

Our Ref: JM/HB/LAN003-5

Your Ref: TPO NO. 397 (2006)

Date: 18 December 2006

Email: jmyers@osg.co.uk

DocRef: 1932295680

Please note that we are closed from noon on 22nd December until 9am on 27th December, and from noon on 29th December until 9am on 2nd January 2007.

We would like to wish all our clients and colleagues a Merry Christmas and a Happy New Year!

Dear Sirs

Tree Preservation Order 397 (2006)
Land between Lancaster Boys Club and Nos. 9 - 17 Villas Court, Dallas Road

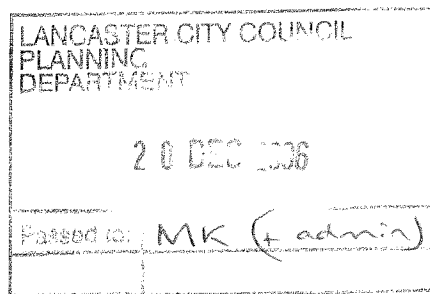
We have been instructed by Lancaster Boys Club to submit an objection to the above.

We make this objection on the basis that the trees noted within the proposed Tree Preservation Order are of very little amenity value and are not species of trees that are in any way in need of protection. Making these trees subject to an Order appears quite unnecessary.

We look forward to hearing from you.

Yours faithfully

Oglethorpe Sturton & Gillibrand



R.M.N. Gillibrand
D.L. Gillibrand
E.R. Breay
Gill Gardner
Alison Kinder
Emma J. Briggs
D.E. Park
Jenny Gemmell



INVESTOR IN PEOPLE

16 Castle Park
Lancaster
LA1 1YG
DX 63500 Lancaster
T 01524 846 846
F 01524 382 247
E office@osg.co.uk
W www.osg.co.uk
Offices at Kirkby Lonsdale Bentham