TREE PRESERVATION ORDER

1 SUMMARY

1.1 The scheme of delegation for Tree Preservation Orders (TPOs) enables officers to serve TPOs. This report notifies you of the serving of TPO 323 and asks you to make a decision on its confirmation.

Recommendation that:  
- a Members note that TPO 323 has been served under delegated powers.
- b Members confirm the TPO without modification as an opposed order.

2 BACKGROUND

2.1 The Lake District National Park Authority (Bigland Hall Caravan Park, Haverthwaite) Tree Preservation (No. 323) Order, 2008

2.2 We served a new TPO, titled as above No. 323, on the 25 September 2008. The TPO covers one woodland. I have given a summary of the issues at ANNEX 1.

2.3 We have received one formal objection. I have commented on the objection at Annex 1 and a copy of the objection letter can be found at ANNEX 2 along with the map ANNEX 3. You need to decide whether to confirm the Order.

3 POLICY CONTEXT

3.1 Management Plan
Policy L14 in Part one of the National Park Management Plan states: Serve Tree Preservation Orders where important amenity trees and woodlands cannot be protected in any other way.

4 OPTIONS

4.1 You have three options:

1 Do not confirm the TPO.
2 Confirm the TPO without modification as an opposed order.
3 Confirm the TPO with modification as an opposed order.

5 PROPOSALS

5.1 I recommend that you decide on option 2 to confirm the TPO without modification as an opposed order for the reasons given in Annex 1.

6 BEST VALUE IMPLICATIONS

6.1 The Best Value implications are:
Challenge: This action will contribute to the conservation of the landscape character of the National Park.
Consult: The process has been carried out in full consultation with the owner, neighbours, Parish and District Council.
Compare: We have followed the national guidance in carrying out this process.
Compete: We are the Statutory Authority for this legislation and are deploying our staff efficiently.

7 FINANCE CONSIDERATIONS

7.1 There are no anticipated costs from this proposal.

8 RISK

8.1 We have not carried out a risk assessment undertaken in relation to this proposal.

9 LEGAL CONSIDERATIONS

9.1 The action taken strikes an appropriate balance between rights under the Act and the way we:
   - Protect the rights and freedoms of others; and
   - Exercise statutory functions as a public authority.

10 HUMAN RESOURCES

10.1 There are no staffing implications as a result of this proposal.

11 DIVERSITY IMPLICATIONS

11.1 We have not identified any diversity implications as a result of this proposal.

12 SUSTAINABILITY

12.1 The TPO supports the sustainable management of the park.

Background Papers Information on File 1604.32
Author/Post Marina Ramsden, Tree and Woodland Adviser
Date Written 12 February 2009
ANNEX 1: The Lake District National Park Authority (Bigland Hall Caravan Park, Haverthwaite) Tree Preservation (No. 323) Order, 2008

1.1 The majority of the trees in this predominantly oak woodland are in an area designated as ancient semi-natural woodland. The woodland has high amenity value as it is visible from the B5278 which links Cartmel to Haverthwaite. The boundary trees help to screen the caravan park from the road and the trees internal to the site create a beautiful wooded landscape softening the impact of the caravan park.

1.2 There is continuing development of the caravan park within the woodland that is damaging mature trees. There is also continuing engineering works on the edge of the park which is starting to encroach into the ancient semi natural woodland. Therefore it was considered expedient to serve a TPO.

1.3 We have received one letter of objection (Annex 2)

1.4 Objection

Letter from Barden Planning Consultants who are the planning agents for the owners of this piece of land. (See annex 2)

1.5 Tree and Woodland Advisers Opinion:

1. That the woodland is actually a caravan park and as such is an operational area which requires continual management in the interest of the caravans and their occupiers.

The area was originally oak woodland and is now oak woodland with a caravan park within it. It is important to manage the area to benefit both the caravan owners and the woodland. The trees are a valuable resource for this park and therefore care, protection and management of the trees on site is key to ensuring that the safety of the caravans and occupiers.

2. That the Tree Preservation Order (TPO) would prevent woodland management.

The TPO is not intended to prevent woodland management but is to ensure that damage and loss of woodland does not occur. Appropriate tree care and management can be considered through the tree work application process. The authority approves the majority of tree work applications that are for appropriate tree management and to prevent conflict with structure or vehicles etc. The authority would welcome a tree work application based on an agreed woodland management plan.

3. That the TPO will prevent movement of caravans and upgrade of pitches.

The TPO is not intended to prevent movement of caravans. On many sites carefully location and movement of caravans can be undertaken in many cases without loss of damage to trees. Upgrade of pitches particularly changes in level can significantly harm the roots of trees. If structural trees roots over 25mm in diameter are removed it can lead to trees being unstable in high winds. There is a duty of care on the landowners to ensure that they maintain their trees and to do this it is advised that trees in high use areas are checked by a suitable qualified arboriculturist. The Authority has advised the landowners of their duty of care and that care needs to be undertaken when working within the canopy spread of trees to ensure roots are not damaged. Damage can occur both when roots are severed and when roots are buried or soil compaction occurs as this can prevent soil water availability to tree roots so that roots die and trees start to decline.
4. That the TPO will prevent simple lopping and topping as well as felling which is unacceptable and contrary to good practice.

Appropriate tree care and management can be considered through the tree work application process. The authority approves the majority of tree work applications that are for appropriate tree management and to prevent conflict with structure or vehicles, etc.

5. The reason the TPO has been served is due to continuing damage to mature trees. There is no evidence of any such damage.

Damage to trees has occurred due to changes of level to create caravan pitches where tree roots have been severed or soil levels have been increased which can suffocate tree roots. There are alternative methods of construction for pitches or methods of locating caravans that minimise damage to trees roots.

6. The claim that engineering works are encroaching into the Ancient semi-natural woodland is incorrect as the edge of the park is the edge of the woodland that bounds the B5278.

We accept that the boundary of the park is shown as the boundary with the road. We have plans showing the location of the existing pitches on site. If groundworks were required for further pitches then they would require planning permission.

7. That a TPO is an inappropriate mechanism and that it would be better for the LDNPA to approach the caravan owners with a view to a woodland management scheme.

The Tree and Woodland Adviser has already tried to encourage positive management of the trees through a Woodland Grant Scheme (WGS). As the owners did not pursue this and there was encroachment of the caravan park into the ancient semi-natural woodland it was considered appropriate to serve a TPO. At present the Authority has not received a woodland management plan to consider. The authority would welcome a tree work application based on an agreed woodland management plan.

1.6 In summary
I consider the order should be confirmed as an opposed order. I believe that the Tree Preservation Order will encourage appropriate tree management and look forward to agreeing a suitable woodland management plan.

Annex 2 Letter of objection
Annex 3 Copy of TPO Map