Yorkshire Dales National Park Authority Item 6

Planning Committee

15 April 2025

Confirmation of Tree Preservation Order No 4 (Cracoe) 2024, With Modification

Purpose of the Report

1. To seek authority from members to confirm Tree Preservation Order No.4 (Cracoe) 2024 with modification

Reason for Committee Consideration

2. Delegated authority to officers does not extend to confirming TPOs **with modification**

Recommendation

3. That Tree Preservation Order No.4 (Cracoe) 2024 be confirmed subject to the modifications set out in the report; namely the removal of the parcel of land identified in **Appendix 2** and specification of the trees protected individually rather than by area (as set out in **Appendix 3**)

Strategic Framework

4. The information and recommendation contained in this report is consistent with the Authority's statutory purposes and support the strategic planning framework:

    - Corporate plan Objective 23: Provide an efficient development management service that supports appropriate opportunities for economic and community development whilst helping to conserve and enhance the special qualities of the National Park.

Background

5. A Tree Preservation Order (TPO) was made on 17 December 2024 to protect an area of woodland and wood pasture at Cracoe Green, adjacent to the B6265 and Fell Lane, on the Easterly aspect of the Village of Cracoe (see appended copy of the sealed TPO in **Appendix 1**).

6. The Trees and Woodlands Team had been contacted by an owner of land in Cracoe, enquiring about the possibility to 'sell trees' growing on this land. The landowner

confirmed the location of the trees as being in an area of land known as Cracoe Green and also clarified that the intention was to sell the timber. Despite several subsequent attempts to contact the landowner, all communication on the landowner's part stopped. The trees were not protected.

7. Given that the owner expressed an interest in felling the trees for their timber value, and the trees were not protected, they were immediately considered under threat.

Reason for making the TPO

8. A Tree Evaluation Method for Preservation Orders (A systemised assessment tool for TPO suitability) was undertaken, with the results demonstrating that the trees had significant amenity value and were highly suitable for protection by Tree Preservation Order. They are clearly visible from the main road through Cracoe village – the main route between Skipton and Grassington.

9. The parcel of land contains a small band of mixed deciduous woodland and field trees. The field trees are of particular importance as they are significantly old and are starting to show characteristics of becoming veteran trees.

10. The treescape of Cracoe village is characterised by stand alone and small groups of trees, and these trees are of particular importance due to their age, size, ecological and historical importance, and visual aspect within the village, highly visible to users of the main road.

11. Some of the trees in the surrounding landscape are ash and will in time be lost to ash dieback. Therefore, it is important that as many trees as possible are retained, for both biodiversity and landscape value. The village is not a conservation area and as such the trees do not benefit from any protection

12. Generally, the Authority will make a TPO if the tree/s fulfil all the following criteria:

    - The tree/s make a significant contribution to the environment now or will in the future;
    - The tree/s appears to be under threat;
    - The tree/s is expected to live longer than 10 years barring unforeseen circumstances;
    - The tree/s will grow where they are without causing unacceptable nuisance (in the legal sense) now or in the future.

13. It was the Trees and Woodlands Officers' opinion that these trees met the above criteria and that it was expedient to make a Tree Preservation Order to protect them and ensure that appropriate management is undertaken and considered in the future. A TPO was authorised under delegated powers and issued on 17th December 2024.

What has happened since the TPO was made

14. During the making of the Order, Land Registry documents confirmed that the area of land protected by the TPO was registered under four potential ownerships (one parcel of land being 'unregistered').

15. During the 28 day consultation/objection period Officers were approached by the owners of the strip of woodland that had been included in the Order, adjacent to Fell Lane

(Appendix 2). A site visit confirmed that this group of trees were currently under good management and not under threat.

16. The Authority has had no correspondence with the additional landowners up to date, including the original enquirer.

17. The Authority has received no formal objections, and the consultation period has now ended.

Rationale for confirming the TPO with modification

18. Given that both the Senior Trees and Woodlands Officer and the Trees and Woodlands Officer are confident that the trees in the parcel of land identified in Appendix 2 are under good management, and therefore no longer considered to be 'at threat', it is considered appropriate to remove this parcel of land from the Order.

19. As there has been no correspondence from the land owners of the remaining trees, it is appropriate that they should still receive protection, as they are still considered to be under threat from felling and the loss of these trees would be to the detriment to the amenity value of the area.

20. At the time of making the Order, time pressures and limitations for site visits did not allow the mapping of individual trees, and so an Area TPO was created. However, as the species of all individual trees have now been identified (excluding the land in Appendix 2), it is more appropriate to modify the Order, to protect and list the trees individually, rather than an Area TPO (Appendix 3 and 4).

21. Government guidance with regard to the use of area classifications for Tree Preservation Order's states:

> *'When should the area category be used?*
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> *The area category is one way of protecting individual trees dispersed over an area. Authorities may either protect all trees within an area defined on the Order's map or only those species which it is expedient to protect in the interests of amenity.*
>
> *The area category is intended for short-term protection in an emergency and may not be capable of providing appropriate long-term protection. The Order will protect only those trees standing at the time it was made, so it may over time become difficult to be certain which trees are protected. Authorities are advised to only use this category as a temporary measure until they can fully assess and reclassify the trees in the area. In addition, authorities are encouraged to resurvey existing Orders which include the area category.*
>
> *Paragraph: 029 Reference ID: 36-029-20140306*
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> *Revision date: 06 03 2014'*

Financial Implications

22. None

Legal Implications

23. The TPO is effective for a period of six months from the date it was made during which time it may be confirmed with or without modification. If it is not confirmed within the six month period the TPO will lapse.

Equality, Diversity and Inclusion Implications

24. None

Conclusion

25. It is considered that the trees identified in appendix 3 merit the continued protection of a TPO and that modifying the TPO to refer to the trees individually rather than by area is supported by government guidance.

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1. **Appendix 1** Copy of sealed Tree Preservation Order No.4 (Cracoe) 2024
2. **Appendix 2** Official Copy (Title Plan) NYK346454
3. **Appendix 3** Proposed modified TPO No.4 (Cracoe)
4. **Appendix 4** Proposed modified TPO No.4 (Cracoe) 2024 aerial map

Background papers: none