



YORKSHIRE DALES
National Park Authority

Mr Nigel P Phillips, Chairman
Marske and New Forest Parish Council
5 Skelton Hall
Skelton Lane
Marske
Richmond
North Yorkshire
DL11 7NE

Our Ref: TPO/1/2021

E-mail:
Legal.Services@yorkshiredales.org.uk
25th February 2021

Dear Mr Phillips

Town and Country Planning (Tree Preservation) (England)Regulations 2012
Yorkshire Dales National Park Authority
Tree Preservation Order No. 1 (Marske) 2021
Trees in the parish of Marske

For you information, please find attached a Notice given under Sections 198 of the Town and Country Planning Act 1990 together with a copy of the Tree Preservation Order and related map.

Yours sincerely

Kathy Lewin
Legal Assistant and Administrative Officer

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Yoredale, Bainbridge,
Leyburn, North Yorkshire DL8 3EL
Tel: 0300 456 0030 or 01969 652300
Fax: 01969 652399
Website: www.yorkshiredales.org.uk
E-mail: info@yorkshiredales.org.uk

Chief Executive: David Butterworth

TOWN AND COUNTRY PLANNING ACT 1990
YORKSHIRE DALES NATIONAL PARK AUTHORITY

Tree Preservation Order No. 1 (Marske) 2021

The Yorkshire Dales National Park Authority, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation Order No. 1 (Marske) 2021

Interpretation

- 2.—(1) In this Order “the authority” means the Yorkshire Dales National Park Authority

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of, any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

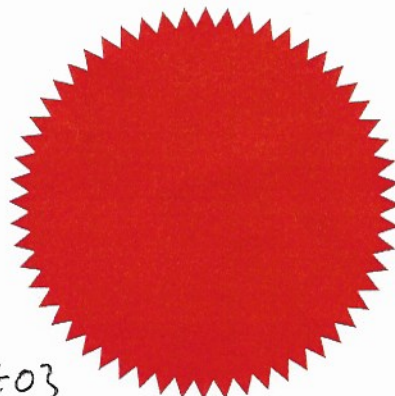
4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 22nd day of February 2021

The **COMMON SEAL** of the)
YORKSHIRE DALES NATIONAL)
PARK AUTHORITY was hereunto)
Affixed in the presence of)



403



SCHEDULE

Specification of trees

Woodlands

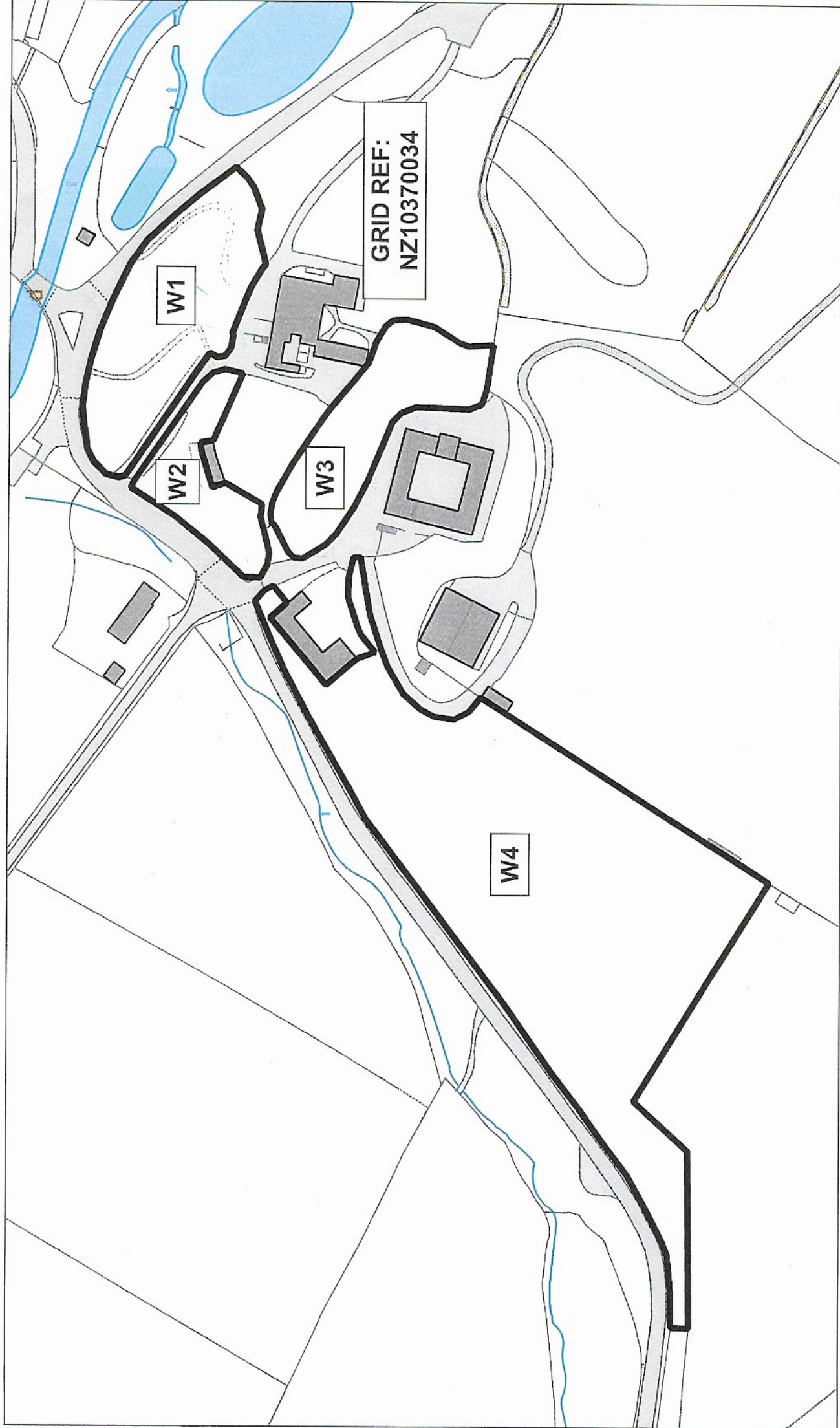
(within a continuous black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-----------------------------|---|------------------|
| W1 | W1 consists of mainly mature yew with some notable specimen <i>Wellingtonia</i> . | |
| W2 | W2 is composed of mixed, mature conifer and broad leaved species including holly, yew, sycamore and beech | |
| W3 | W3 contains mature <i>Wellingtonia</i> , <i>Thuja</i> , <i>Chamaecyparis</i> species in addition to English yew. | |
| W4 | W4 is a broad leaved plantation outside the formal Estate grounds consisting of mainly native trees with some non-native and naturalised species. | |

Map No. 1 (Marske) 2021

Solid black line shows areas covered by woodland tree preservation order (W1 - W4)

Scale 1:1900



TREE PRESERVATION ORDER NOTICE

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Tree preservation order: TPO No. 1 (Marske) 2021
Yorkshire Dales National Park Authority

THIS IS A FORMAL NOTICE to let you know that on **22nd February 2021** the Authority 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 Authority's consent

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, "*Protected Trees, A Guide to Tree Preservation Procedures*", produced by the Department for Communities and Local Government.

REASONS

The Authority has made the order for the following reasons.

A planning application was received in 2020 for the conversion of Marske Hall to an aparthotel with associated facilities; conversion and extension of the kennels and sawmill to events spaces; construction of outbuilding to house electricity sub-station, and provision of car parking areas. Car parking in particular has been a challenging issue due to the constraints identified by historic environment, the topography and the high level of valuable tree and woodland cover on site. The application was unanimously refused at planning committee on 9th February, 2021.

The trees have value as notable specimens in themselves, due to their historic association with the hall and other buildings, but are also uncommon features within the Dales. Currently, none of the trees, woodland groups around the hall or the area of broadleaved wood are located within a conservation area there are no regulations currently in place to prevent the removal of the trees.

It is noted that the planning applicant has been willing to seek professional advice regarding the impacts of the development on the trees and has been proactive in providing comprehensive method statements to mitigate and avoid damage to trees. However, the trees are likely to be perceived as a constraining factor to any future development aspirations from this applicant or any others. Should a future application be successful, it is plausible that any change of use would result in a higher number of people using the site, with parking needs, which would increase future pressure on the trees and woodlands (i.e. to reduce or remove them). It is likely that solutions can be found to address the tree constraints on site, but it is considered prudent to afford the trees the protection of a tree preservation order to ensure their long term retention, and that management of the trees and woodlands is guided by sound arboricultural principles and best practice.

The site is largely surrounded by woodland, landscaped grounds and open parkland. The hall and other estate structures are listed buildings and, while the gardens and woodland areas are not, they are of considerable value containing a number of high quality, prominent, mature specimen trees. These trees and woodland groups contribute significantly to the character of the estate as well as screening the site from surrounding roads. Immediately around the hall, the formal planting includes large *Wellingtonia*, *Thuja* and *Chamaecyparis* species. There is also a large quantity of veteran yew with some specimens considered to predate the construction of the formal gardens and existing hall. Wider woodland consists of conifers and broad leaved species, again with a high level of yew, and some prominent well-formed native, non-native and naturalised species.

Aside from the immediate grounds and woodland groups, an area of broadleaved woodland planting exists to the south west of the sawmill. While woodland is not classed as ancient semi-natural it will be acting as a buffer to adjacent ancient woodland. Further, as mixed broadleaved woodland, it is considered a priority habitat and would not normally be developed unless there are exceptional circumstances. As parking continues to be a key issue, the development pressure on the edge of this woodland is considered high.

Generally, the Authority will consider making a tree preservation order if the following criteria are met:

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

It is considered that the trees and woodland areas fulfil the above criteria.

A tree preservation order does not necessarily prevent tree works; it ensures decisions are based on sound arboricultural reasons through an application process. The trees on site appear to have been unmanaged for some time. The woodland areas would benefit from some thinning of the poorer specimens and some of the trees would benefit from remedial tree works such as crown reduction. As such we recommend to the owners that a site-wide arboricultural survey is conducted and a plan formed to manage the trees.

The order took effect, on a provisional basis, on **22nd February 2021**. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Authority, whichever first occurs.

The Authority 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 by **9th April 2021**. Your comments must comply with regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to the Solicitor, Yorkshire Dales National Park Authority, Yoredale, Bainbridge, Leyburn, North Yorkshire, DL8 3EL. All valid objections or representations are carefully considered before a decision on whether to confirm the order is made.

The Authority 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 Clare Bevan, Yorkshire Dales National Park Authority, at the above address, telephone number 0300 456 0030

Dated: 22nd February 2021

Signed:



Clare Bevan
Solicitor

On behalf of
The Yorkshire Dales National Park Authority
Yoredale
Bainbridge
North Yorkshire
DL8 3EL

**COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION)
(ENGLAND) REGULATIONS 2012**

Objections and representations

6(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 5(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.

6(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.