



BS5837:2012 Tree Survey Report (Condition 3)

Proposed Demolition of 1 Dwelling & Construction of Replacement Dwelling at

Manor Lodge, 13 Station Road, Desford LE9 9FN

29th August 2023

Revision A - 10th January 2025

**ENVIRONMENTAL AND
SUSTAINABILITY CONSULTANTS**

Document Control

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Contents

Executive Summary	4
1 Introduction.....	6
2 Limitations & Methodology	7
Third Party Liability	7
Subsistence Risk	7
Survey Methodology	7
3 Project Requirements & Site Overview	10
Site Context	10
Proposed Development	10
4 Baseline Factors.....	11
Tree Preservation Orders (TPO) or Conservation Area (CA) Designation	11
Existing Trees on Site	11
Root Protection Area (RPA)	12
5 Arboricultural Impact Assessment	13
6 Tree Protection Method Statement	14
Protective Fencing	14
Planting of New Trees and Landscaping Alterations.....	15
Construction of New Surfacing	16
Conclusions.....	17
Appendix A - Schedule of Trees	19
Appendix B - Tree Survey Plan & Tree Protection Plan	20
Appendix C - Method Statement for Tree Protection	21
Appendix D - Photographic Record.....	27
Appendix E - Tree Preservation Order & Conservation Area	30

Executive Summary

The trees on the application site have been assessed in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".

This tree report details the potential effects of the proposed development on the existing tree population within and in proximity to the application land at Station Road, Desford and provides recommendations for the protection of the trees in proximity to the development in accordance with Planning Condition 3 as follows:

“Notwithstanding the approved landscaping plan, no development shall commence until a detailed scheme of landscaping and measures for the protection of trees to be retained during the course of development has been submitted to and approved in writing by the Local Planning Authority. This shall include the following items;

- i) A site specific tree protection plan;*
- iii) A tree survey of the existing protected trees;*
- iv) An arboricultural implications assessment.”*

The proposal consists of the demolition of an existing dwelling and the construction of a replacement dwelling with associated landscaping and access at Manor Lodge, 13 Station Road, Desford LE9 9FN.

The report includes a survey of 3 individual trees and 6 groups of trees located within the application site.

The site comes under the planning jurisdiction of Hinckley & Bosworth Borough Council, a search of the council GIS on-line mapping tool confirms there are trees on site that are protected by a Tree Preservation Order (14/00005/TPORD). 2 individual trees included in this

TPO are within the application site and included in the survey. The site is not within the Desford Conservation Area.

The trees included in the survey are within both the front and rear gardens of the existing property, with the majority located in the south west corner of the site.

In accordance with BS5857 cascade chart for tree quality assessment, these trees have been categorised as follows: 1 group of trees and 2 individual trees as B2 “trees of moderate quality”; 5 groups of trees and 1 individual tree as C2 - “trees of low quality”.

4 trees identified within the survey require removal to facilitate the proposed development, a single category B2 moderate quality tree (T2), 2 category C2 low quality trees within G2 and G3 and a single category C2 low quality tree (T3). None of the trees are protected by TPO.

Recommendations have been made within the report to safeguard the retained trees and protect them from any damage from construction work including erection of protective fencing to separate from the construction activities and root protection details.

There is an opportunity to introduce new tree planting to increase the tree population in the area and increase the biodiversity of the site. Landscape proposals for the development have been prepared which include the planting of 18 new trees and a new native hedgerows.

As long as the recommendations within this report are fully adhered to the development will have no detrimental impact to the existing trees, which can be retained and successfully integrated into the completed development, and also presents opportunities for improvement with new tree planting introduced.

1 Introduction

1.1 This tree survey report has been prepared in respect of the planning application for the demolition of an existing residential dwelling and construction of 1 new residential dwelling in order to:

- Assess the quality of the Trees in proximity to the proposed building work;
- Investigate any legal protection of the trees;
- Provide an Arboricultural Assessment with regard to the proposals; and
- Recommend measures which will suitably protect the trees during the construction process

1.2 The proposal is for the construction of 1 new residential dwelling with associated landscaping and access.

1.3 In accordance with recommended best practice, the Arboricultural information is provided within this report in accordance with BS5837:2012.

1.4 The report is based on the following drawings which have been supplied by the client's architect:

- Topographical Survey, reference CADISSUE_DSA_290323, received April 2023
- Site Plan CAD ISSUE dated 20.12.24

2 Limitations & Methodology

- 2.1 The survey is concerned with the arboricultural aspects of the site only. The trees, on site have been surveyed and classified in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations".
- 2.2 The survey was undertaken using the Visual Tree Assessment (VTA) methodology to conduct a preliminary assessment of the above ground portion of the tree.
- 2.3 Trees are large dynamic organisms whose health and condition can change rapidly, therefore due to their changing nature and other site considerations, this report and any recommendations made are valid for a 12-month period following the site survey which was conducted on 16th August 2023. After a period of 5 years, the information in this survey should not be relied upon.

Third Party Liability

- 2.4 The limit of Encon Associates Limited indemnity over any matter arising out of this report extends only to the instructing client. Encon Associates Limited cannot be held liable for any third party claim that arises following this report.

Subsistence Risk

- 2.5 This report is primarily concerned with the condition of existing trees and the application of current guidance for their retention. Any discussion of soil characteristics is only presented where this may have a direct effect on tree growth. This report does not seek to address the specific area of subsidence risk assessment or damage to buildings or structures.

Survey Methodology

- 2.6 The survey was undertaken from ground level with the aid of binoculars where necessary.

- 2.7 No aerial inspection nor invasive probing or drilling has been undertaken. No excavations were carried out nor soil or root samples taken.
- 2.8 The height of each subject tree was measured on site using an electronic Disto measuring device.
- 2.9 The canopy spread of each subject tree was measured on four compass points using measuring tape.
- 2.10 The locations of the trees have been taken from the topographical survey provided. We cannot guarantee the absolute accuracy of tree locations; however, the positions are believed to be accurately represented based on the GPS locations used by the surveyor. Encon Associates cannot be held responsible for any discrepancy in the position of the trees.
- 2.11 The information contained within the “Schedule of Trees” includes the following for each surveyed tree:
- 1 **Tree reference number** - cross referenced with the Tree Survey Plan A4409-02 and Tree Constraints Plan A4409-03 and Tree Protection Plan A4409-04.
 - 2 **Species** - have been given their common and botanical name where specifically known
 - 3 **Height** - measured on site using an electronic Disto measuring device
 - 4 **Stem diameter** - have been calculated by measuring the circumference at a height of 1.5m from ground level to determine the diameter
 - 5 **Branch spread** - the circles indicated on the tree survey plan are a representation of the overall spread of the crown in each compass direction
 - 6 **Height of crown clearance** - given in metres above adjacent ground level
 - 7 **Age class** - young (YNG) up to 10 years, 1/3 life expectancy semi-mature (SM), early mature (EM) 2/3 life expectancy, mature (M) over 2/3 life expectancy, over mature (OM) declining/moribund, veteran (V) exceptionally old tree towards the end of its life, (D) dead
 - 8 **Condition & Comments** - good (G) sound tree needing little or no attention, fair (F) minor but rectifiable defects, poor (P) major structural and/or physiological defects

that would be inappropriate to retain and/or expensive, dead (D) no longer alive or those dying and unlikely to recover. General observations on 'physiological/structural condition' and 'preliminary management' is also provided

- 9 **Estimated remaining contribution** - in years e.g. <10, 10+, 20+ and 40+
- 10 **Category grading** - have been given a grade to classify the quality of each tree based on the Condition Classes and subcategories given overleaf
- 11 **RPA** - Protective measures as per BS 5837 section 4.6 which states that an area based on a radius equal to 12 times the stem diameter should be protected against damage to roots known as the "Root Protection Area" (RPA) given in m². A radius has also been given shown around each tree on the drawing.

2.12 Category grading for the assessment of tree quality (in accordance with Table 1 "Cascade chart for tree quality assessment" within BS 5837:2012) is described below:

- U Trees unsuitable for retention** - Those in such a condition that they cannot be realistically retained as living trees in the context of the current land use for longer than 10 years
- A Trees of high quality** - With an estimated remaining life expectancy of at least 40 years
- B Trees of moderate quality** - With an estimated remaining life expectancy of at least 20 years
- C Trees of low quality** - with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm

2.13 Subcategories grading for the assessment of tree quality (in accordance with Table 1 "Cascade chart for tree quality assessment" within BS 5837:2012) is described below:

- 1 **Mainly arboricultural qualities** - Trees that are a particularly good example of their species, especially if rare or unusual
- 2 **Mainly landscape qualities** - Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features

- 3 Mainly cultural values, including conservation** - Trees, groups or woodlands of significant conservation, historical, commemorative or other value eg veteran trees or wood-pasture

For full description of subcategories, refer to Table 1, page 9 of the BS 5837:2012 document.

3 Project Requirements & Site Overview

Site Context

- 3.1 The site is located off Station Road, north west of the village of Desford in Leicestershire. Desford is within the district of Hinckley and Bosworth, 11km west of Leicester city centre.
- 3.2 The existing site is a mature garden with a large 2 storey detached house and separate free-standing garage. The garden consists of planted shrubs, amenity grassed areas and mature trees comprising mature mixed woodland, some self-set and some planted.
- 3.3 Station Road forms the southern boundary of the site. This is a residential road connecting to Desford village in the south west.
- 3.4 The site is bordered to the east and west by further residential dwellings.
- 3.5 To the north the site is bordered by agricultural, pastoral land.

Proposed Development

- 3.6 The planning application proposes to demolish the existing dwelling and construct a replacement dwelling with associated landscaping and access.
- 3.7 The development is located to the north east of the village of Desford on a road of residential dwellings.
- 3.8 Access into the development will be from Station Road.

4 Baseline Factors

Tree Preservation Orders (TPO) or Conservation Area (CA) Designation

- 4.1 The site comes under the planning jurisdiction of Hinckley and Bosworth Borough Council, a search of the council GIS on-line mapping tool confirms there are trees on site that are protected by Tree Preservation Orders. TPO 14/00005/TPORD 2014 includes 2 individual trees located within the application site and included within the survey.
- 4.2 The site is not within the Desford Conservation Area.
- 4.3 See Appendix E for confirmation of the TPOs and Conservation Area.
- 4.4 As a result of the TPO status, no tree works may be undertaken to the protected trees without formal consent from the Local Planning Authority. It is an offence to remove any TPO trees or carry out works to them without permission and can result in prosecution.

Existing Trees on Site

- 4.5 There are 3 individual trees included in the survey which are located to the south and east of the existing property. In addition, 6 groups of trees are included, 5 of which are located to the south west of the site at the front of the property and 1 which is located to the east.
- 4.6 In accordance with BS5857 cascade chart for tree quality assessment, these trees have been categorised as follows: 1 group of trees and 2 individual trees as B2 “trees of moderate quality”; 5 groups of trees and 1 individual tree as C2 - “trees of low quality”.
- 4.7 The trees are a mix of species: Yew, Beech, Laurel, Cedar, Rowan, Western Hemlock, Holly, Cherry, Cotoneaster, Crab Apple, Maple and Cypress.

- 4.8 There are no category A trees “high quality” or category U trees “unsuitable for retention” within the site.
- 4.9 2 trees within the application site are protected by a Tree Preservation Order (TPO Ref: TPO T12 and TPO T13). These are a category B1 Cedar tree and a category B2 Beech tree, both located to the south of the existing property.
- 4.10 Details of the locations and Root Protection Areas (RPA) are provided on the Tree Protection Plan (TPP) appended to this report.
- 4.11 A schedule of trees and their condition including their category grading and RPA radius is attached in Appendix A.

Root Protection Area (RPA)

- 4.12 The Root Protection Area (RPA) of a tree is defined in BS5837 as the area surrounding the trunk that contains sufficient rooting volume to ensure the survival of the tree and is calculated as an area based on the stem diameter of the tree.
- 4.13 The RPA's have been calculated in accordance with BS5837 and are detailed in the Tree Schedule located in Appendix A of this report. Where ground constraints have, or are likely to have, had an effect on tree root development, for example, where level changes or changes in rooting medium eg heavily compacted ground, areas of hard standing etc, have influenced tree root growth, the RPA is unlikely to follow an exact circle and will probably be more elliptical in shape.
- 4.14 Detailed analysis of the ground conditions has not been carried out, however a visual assessment concluded that all trees are growing in landscaped areas around the site, some of which are in close proximity to hardstanding.
- 4.15 Tree root systems are typically concentrated within the uppermost 600mm of the soil, although it may be deeper within the dense mass of roots and soil closer to the base of

the tree. The development of the root system is influenced by the availability of water, nutrients, oxygen and soil penetrability i.e. how compacted the ground is and therefore the root spread does not generally show the symmetry seen in the branch system. The root systems of all trees are expected to have been affected by their growing environment. Therefore roots of some of the trees are likely to have been influenced by their proximity to adjacent hard standing and infrastructure or level changes with the morphology and disposition of the root system, being drawn deeper, or diverted away from compacted ground and paving subbases in those instances.

- 4.16 The proposed driveway lies within the RPA of T1. However, the new access sits on top of the existing drive (indicated by dashed purple line on the Tree Protection Plan appended) with the exception of a small area which is less than 2% of the RPA of T1 and will therefore have no detrimental impact to the existing tree because the tree roots currently protected beneath the existing drive will remain undisturbed.

5 Arboricultural Impact Assessment

- 5.1 This section considers the implications that the proposed development may have upon the existing trees within and adjacent to the site and provides advice on solutions to any issues to ensure the retained trees are safeguarded.
- 5.2 4 trees identified within the survey require removal to facilitate the proposed development.
- 5.3 A single category B2 moderate quality tree (T2), 2 category C2 low quality trees within G2 and G3 and a single category C2 tree (T3). None of the trees are protected by TPO.
- 5.4 No TPO trees require removal to facilitate the proposed development.
- 5.5 2 trees included in the survey are covered by a Tree Preservation Order and will remain undisturbed. As a result of the TPO status, no tree works may be undertaken to the

protected trees without formal consent from the Local Planning Authority. It is an offence to remove any TPO trees or carry out works to them without permission and can result in prosecution.

- 5.6 There is no intention to carry out any work to the TPO trees on site.
- 5.7 Recommendations have been made within the report to safeguard the retained trees and protect them from any damage from construction work including erection of protective fencing to separate from the construction activities.
- 5.8 There is an opportunity to introduce new tree planting to increase the diversity of tree species in the area and increase the biodiversity of the site. Landscape proposals for the development have been prepared which include the planting of 18 new trees (10 x Beech and 8 x Oak) and new native hedgerows to infill gaps around the perimeter of the site.
- 5.9 Prior to the removal of the trees, the contractor and/or tree surgeon appointed to carry out the works must ensure any necessary regulations and/or felling licences in accordance with BS5837 are complied with and in place.

6 Tree Protection Method Statement

- 6.1 This section describes in detail the specific measures that should be implemented to protect the trees to be retained from harm during the construction process. A full tree protection method statement is included in Appendix C.

Protective Fencing

- 6.2 The remaining existing trees within or in proximity to the application boundary which are to be retained should be protected from damage during construction operations by fencing them off from machinery circulation routes and material storage areas. The distance from the trees to the construction activity is such that damage could occur and

therefore construction vehicles should be prevented from unwittingly travelling too close to the trees and causing damage to overhanging branches or compaction of the root zone.

- 6.3 Protective fencing as detailed in Appendix C of this report should be erected in front of the line of trees as demonstrated on the Tree Protection Plan, prior to the commencement of work to form a construction exclusion zone to prevent the storage of materials within the landscaping areas. Where temporary construction access is needed for works within the area fenced off, in accordance with BS5837:2012, this should be facilitated by a set-back in the alignment of the tree protection barrier. The fencing should be moved back to its original location following completion of surfacing in this area, as shown on the Tree Protection Plan in order to protect the trees throughout the remainder of the construction process. In these areas, suitable existing hard surfacing should be retained to act as temporary ground protection during construction, rather than being removed during demolition. Where the set back of the protective fencing would expose unmade ground to construction damage or compaction, new temporary ground protection should be installed prior to working on site.

Planting of New Trees and Landscaping Alterations

- 6.9 A new landscaping scheme has been prepared for the proposed re-development.
- 6.10 The suggested location of the replacement trees are indicated on the Tree Protection Plan in Appendix B with full details shown on the separate Proposed Landscaping Scheme drawing.
- 6.11 The specification for the trees is recommended to be 2-2.5m high, pit planted including timber stake and rubber spacer to secure the trees in an upright position in order to provide instant visual presence. The landscaping scheme also specifies new planting of a native hedgerow.

- 6.12 The planting of new trees and hedgerow within the RPA of any of the retained trees must be done carefully by hand. Planting holes should be dug carefully by hand avoiding any existing roots which may be encountered. New planting locations should be adjusted to avoid roots if they are encountered. No roots should be damaged or cut when planting new shrubs in this area.

Construction of New Surfacing

- 6.13 BS5837 contains Design Recommendations (7.4.2) where hard surfacing is proposed within the RPA of existing trees.
- 6.14 In accordance with BS5837, the part of a tree most susceptible to damage is the root system and therefore no excavations should be carried out with machinery which could damage or sever major roots. Damage can also be caused to the roots by building up material to raise existing levels within the RPA.
- 6.15 New permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA.
- 6.16 The proposed driveway lies within the RPA of T1. However, the new access sits on top of the existing drive (indicated by dashed purple line on the Tree Protection Plan appended) with the exception of a small area which is less than 2% of the RPA of T1 and will therefore have no detrimental impact to the existing tree because the tree roots currently protected beneath the existing drive will remain undisturbed.
- 6.17 Whilst it is unknown if any roots will actually be encountered, care must be taken when constructing the new surfacing. All work should be carried out by hand and not with machinery which could cause damage to the roots by severing them or compacting them. Any roots encountered should not be damaged and any exposed should be wrapped in dry, clean hessian sacking to prevent desiccation and to protect from rapid temperature changes, until the new surfacing is constructed.

Conclusions

7.1 The proposal is for the demolition of an existing dwelling and the construction of a replacement dwelling with associated landscaping and access at Manor Lodge, 13 Station Road, Desford LE9 9FN.

- The report includes a survey of 3 individual trees and 6 groups of trees located within the site.
- The site comes under the planning jurisdiction of Hinckley & Bosworth Borough Council, a search of the council GIS on-line mapping tool confirms there are 2 trees on site that are protected by a Tree Preservation Order (14/00005/TPORD). The site is not within the Desford Conservation Area.
- In accordance with BS5857 cascade chart for tree quality assessment, these trees have been categorised as follows: 1 group of trees and 2 individual trees as B2 “trees of moderate quality”; 5 groups of trees and 1 individual tree as C2 - “trees of low quality”.
- 4 trees identified within the survey require removal to facilitate the proposed development, a single category B2 moderate quality tree (T2), 2 category C2 low quality trees within G2 and G3 and a single category C2 low quality tree (T3). None of the trees are protected by TPO.
- Recommendations have been made within the report to safeguard the retained trees and protect them from any damage from construction work including erection of protective fencing to separate from the construction activities and root protection details
- There is an opportunity to introduce new tree planting to increase the diversity of tree species in the area and increase the biodiversity of the site. Landscape proposals for the development have been prepared which include the planting of 18 new trees and new native hedgerows.

- 7.2 As long as the recommendations within this report are fully adhered to the development will have no detrimental impact to the existing trees, which can be retained and successfully integrated into the completed development, and also presents opportunities for improvement with new tree planting introduced.

Appendix A - Schedule of Trees

Site: Manor Lodge

Date: 16th August 2023

Weather: Dry, Sunny

Ref	Species	Height (m)	Stem Diameter (mm)	Branch spread (m)				Height crown clearance (m)	Age class	Condition & Comments	Years left	Category grading	RPA (m²)	RPA radius
				N	E	S	W							
G1	Taxus baccata (Yew) Fagus sylvatica (Beech)	6-9	150-350	2.5	2.5	2.5	2.5	0.5	EM	Good. Group of trees at the front of the property including a Beech tree (TPO T12) adjacent to Station Road. Rest of group not TPO'd.	20+	B2	55	4.20
G2	Taxus baccata (Yew) Laurus nobilis (Laurel)	5-6	150-250	2.0	2.0	2.0	2.0	0.5	EM	Fair. Group of trees at the front of the property adjacent to the existing driveway. No TPOs in the group. One individual TPO tree located within - see T1 below.	20	C2	28	3.00
T1	Cedrus (Cedar)	16	900	9.0	9.0	9.0	9.0	4	M	Good. Located adjacent to existing driveway within G2. TPO T13. Some deadwood in lower crown.	20+	B1	366	10.80
G3	Taxus baccata (Yew)	2	175	1.5	1.5	1.5	1.5	0	M	Fair. A pair of topiary Yew shaped into spheres. No TPOs.	20	C2	14	2.10
G4	Fagus sylvatica (Beech) Sorbus aucuparia (Rowan) Tsuga heterpphylla (Western Hemlock)	6-8	150-250	2.0	2.0	2.0	2.0	1.5	EM	Fair. Collection of trees at the front of the property and corner adjacent to the neighbouring house. No TPOs.	20	C2	28	3.00
G5	Ilex aquifolium (Holly) Taxus baccata (Yew)	6-8	200-300	3.0	3.0	3.0	3.0	2	EM	Fair. Collection of trees adjacent to western boundary and neighbouring house. No TPOs.	20	C2	41	3.60

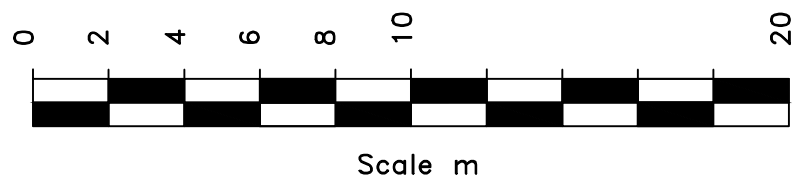
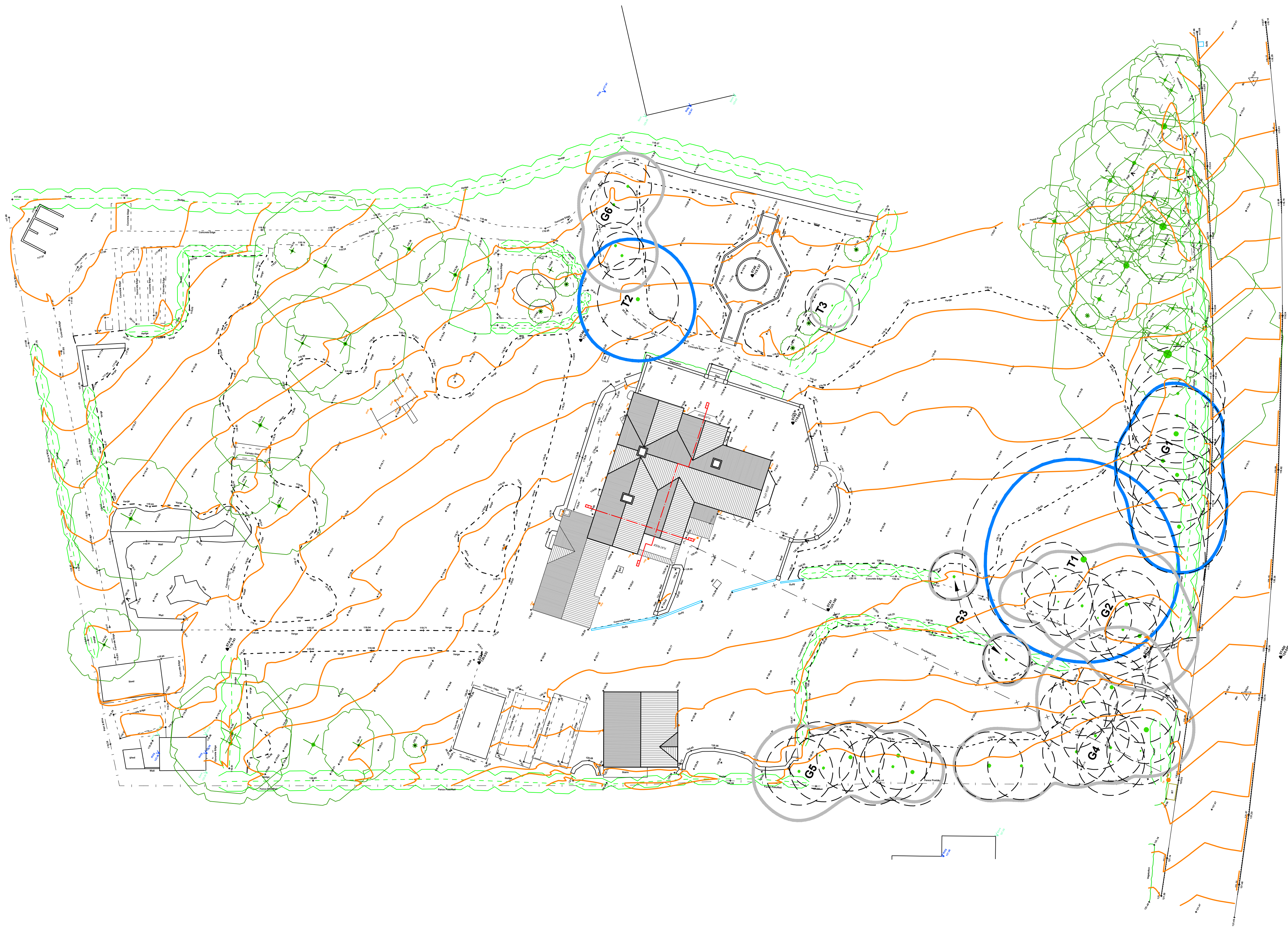
Site: Manor Lodge

Date: 16th August 2023

Weather: Dry, Sunny

Ref	Species	Height (m)	Stem Diameter (mm)	Branch spread (m)				Height crown clearance (m)	Age class	Condition & Comments	Years left	Category grading	RPA (m²)	RPA radius
				N	E	S	W							
T2	Prunus avium (Cherry)	4	300	5.0	5.0	5.0	5.0	1.5	M	Good. Low Cherry, historically pruned with a spreading flat canopy. Not TPO'd.	20+	B2	41	3.60
G6	Cotoneaster frigidus (Himalyan Cotoneaster) Malus sylvestris (Crab Apple) Acer platanoides Drummondii (Variegated Norway Maple)	6-8	100-175	3.0	3.0	3.0	3.0	1.5	EM	Fair. Collection of ornamental trees. No TPOs.	20	C2	14	2.10
T3	Cupressus sempervirens (Italian Cypress)	12	200	0.75	0.75	0.75	0.75	0	M	Fair. Some dead foliage visible within leaning branches from tight conical canopy. Not TPO'd.	20	C2	18	2.40

Appendix B - Tree Survey Plan & Tree Protection Plan



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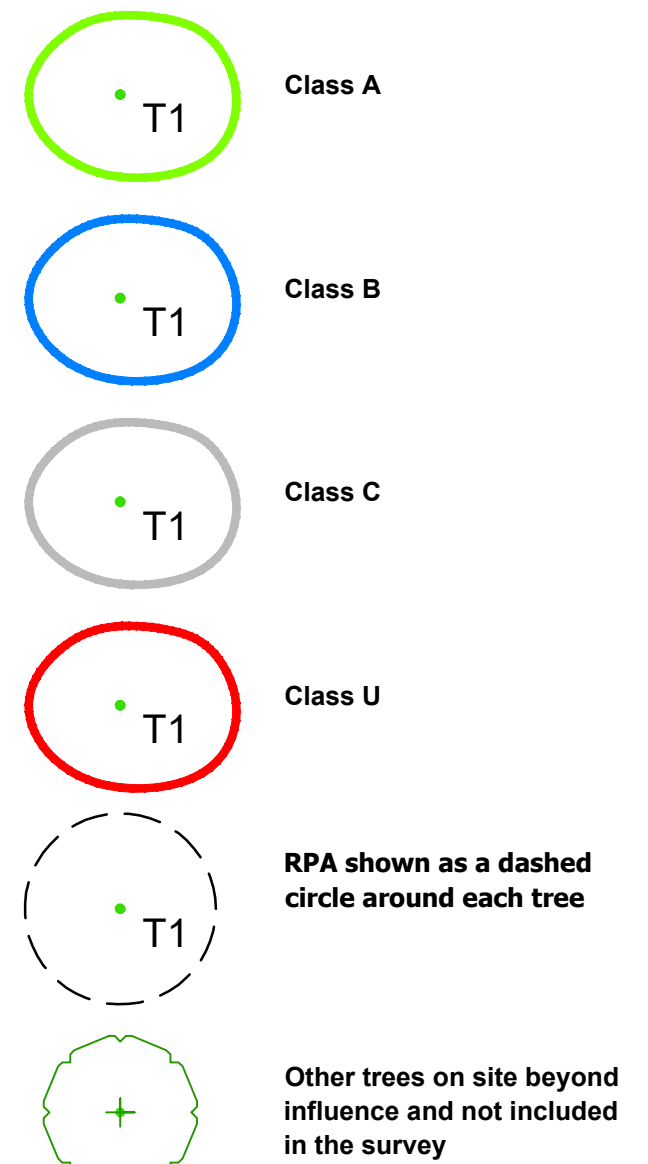
Notes:

Key to Tree Survey Plan

The RPA (Root Protection Area) ie the zone in which the root system is believed to be concentrated, has been calculated for each tree within the site boundary. The results can be found with the Tree Report.

This drawing is based on:

- Topographical Survey, reference CADISSUE_DSA_290323, received April 2023
- Site visit by Encon Associates, 16.08.23



A 10.01.25 Amended in line with revised site plan MJB GLM

Rev	Date	Description	Drawn	Checked
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Client

C/O DSA

Project

Manor Lodge
13 Station Road
Desford

Title

Tree Location Plan

Drawing Status
DISCHARGE PLANNING CONDITION 3

Drawn	MJB	Checked	LB
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Date	21.08.23	Scale (A1)	1:200
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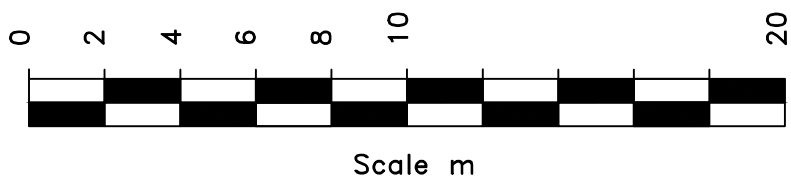
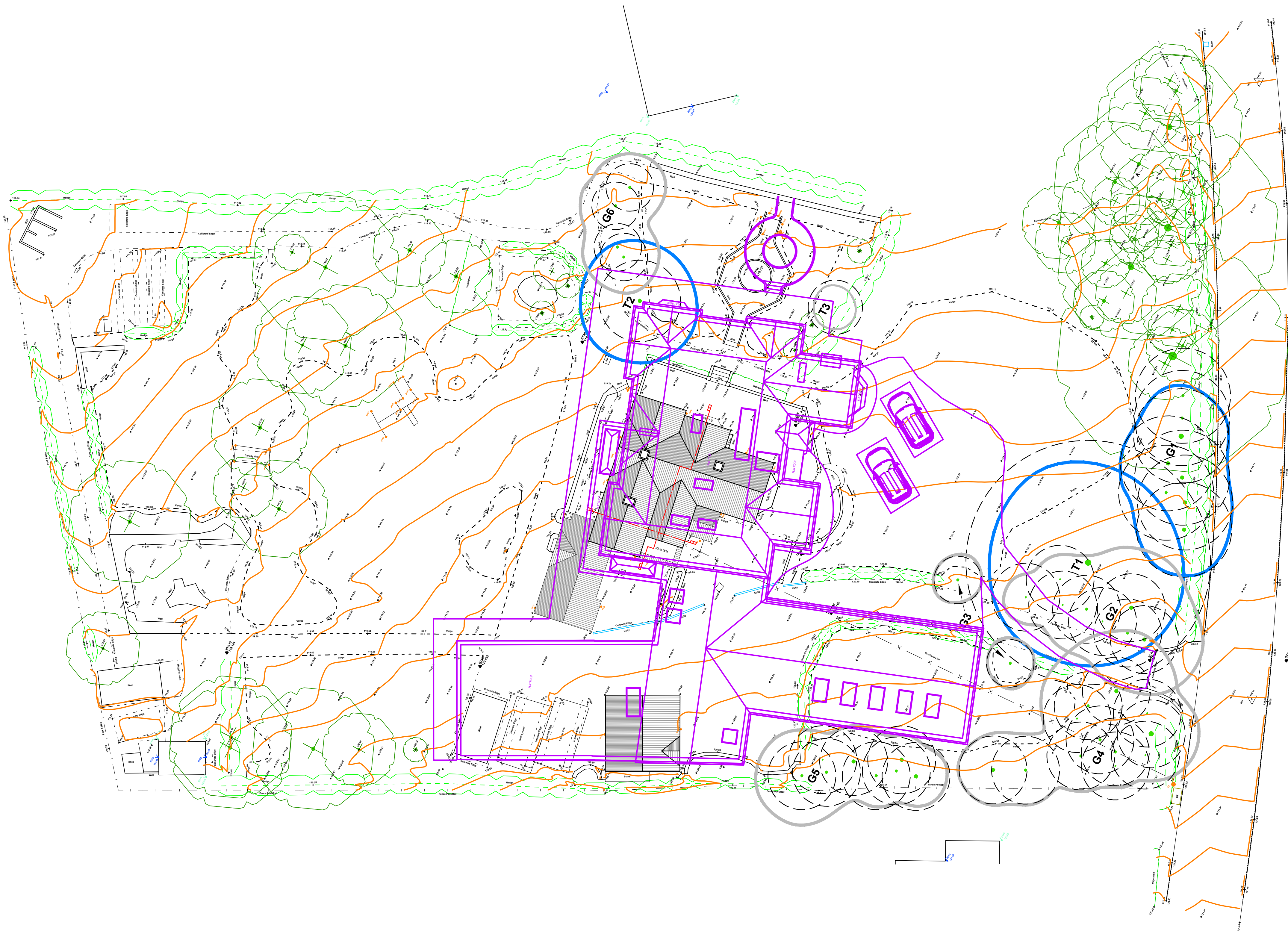
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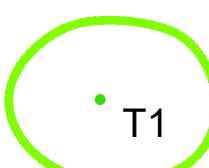
Notes:

Key to Tree Survey Plan

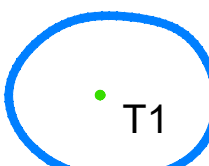
The RPA (Root Protection Area) is the zone in which the root system is believed to be concentrated, has been calculated for each tree within the site boundary. The results can be found with the Tree Report.

This drawing is based on:

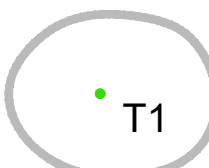
- Topographical Survey, reference CADISSUE_DSA_290323, received April 2023
- Site Plan CAD ISSUE dated 20.12.24
- Site visit by Encon Associates, 16.08.23



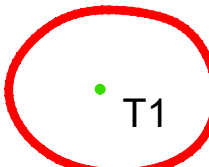
Class A



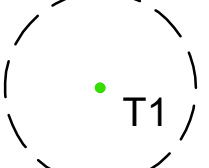
Class B



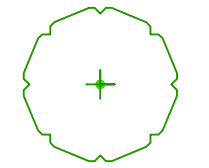
Class C



Class U



RPA shown as a dashed circle around each tree



Other trees on site beyond influence and not included in the survey



Layout of proposed site

A 10.01.25 Amended in line with revised site plan MJB GLM

Rev	Date	Description	Drawn	Checked
-----	------	-------------	-------	---------

Client

C/O DSA

Project

Manor Lodge
13 Station Road
Desford

Title

Tree Constraints Plan

Drawing Status

DISCHARGE PLANNING CONDITION 3

Drawn	MJB	Checked	LB
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Date	21.08.23	Scale (A1)	1:200
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Head Office
10 Chapel Lane
Nottingham
NG5 7DR

■ T: 0115 987 55 99 ■ E: enquiries@enconassociates.co.uk ■ W: www.enconassociates.co.uk

Environmental Consultants to the Construction Industry

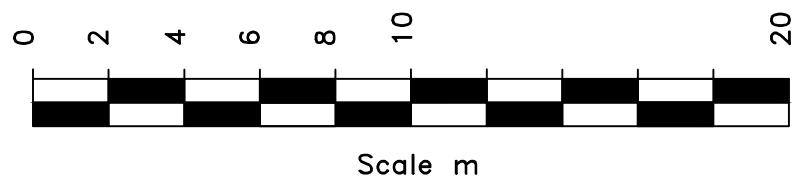
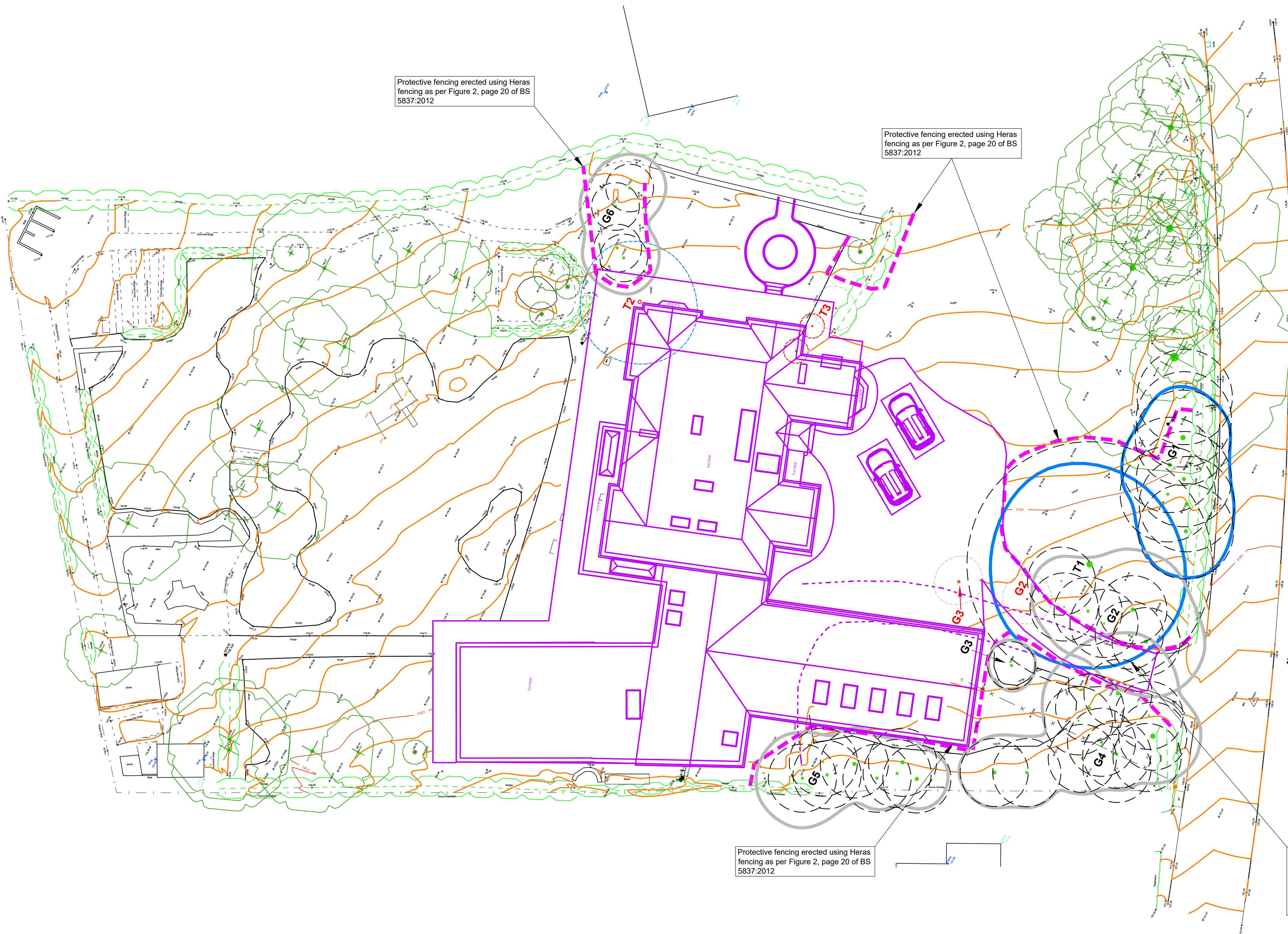
■ BREEM ■ Code for Sustainable Homes Assessors ■ Landscape Architecture ■ Highway Engineers
■ Life Cycle Costing ■ Energy Assessments ■ SAP ■ EPC ■ BREEAM ■ Daylight Calculations

Job Number	Drawing Number	Rev
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A4409

03

A



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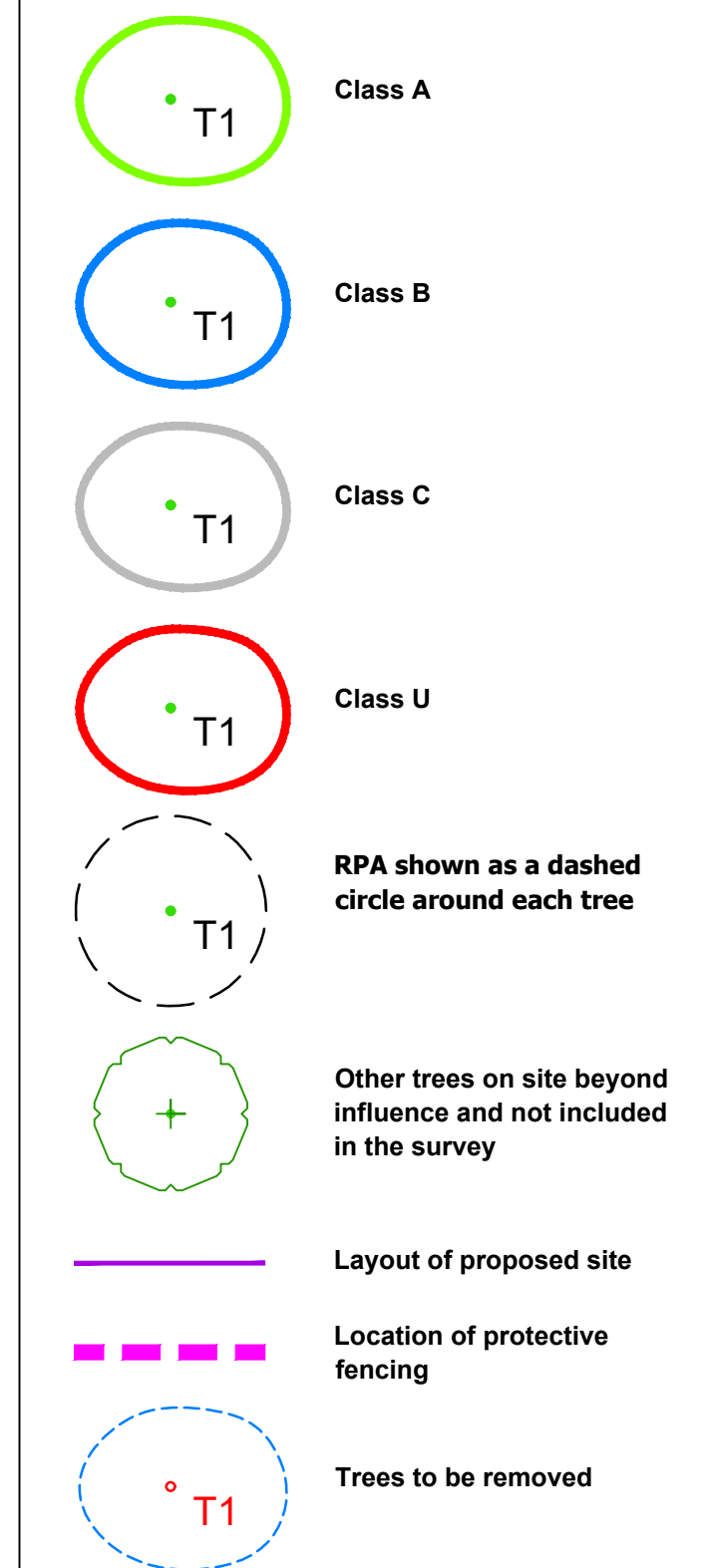
Notes:

Key to Tree Survey Plan

The RPA (Root Protection Area) is the zone in which the root system is believed to be concentrated, has been calculated for each tree within the site boundary. The results can be found with the Tree Report.

This drawing is based on:

- Topographical Survey, reference CADISSUE_DSA_290323, received April 2023
- Site Plan CAD ISSUE dated 20.12.24
- Site visit by Encon Associates, 16.08.23



A 10.01.25 Amended in line with revised site plan MJB GLM

Rev	Date	Description	Drawn	Checked
-----	------	-------------	-------	---------

Client
C/O DSA

Project
Manor Lodge
13 Station Road
Desford

Title
Tree Protection Plan

Drawing Status
DISCHARGE PLANNING CONDITION 3

Drawn	MJB	Checked	LB
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Date	21.08.23	Scale (A1)	1:200
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Life Cycle Costing ■ Energy Assessments ■ SAP ■ EPC ■ S600 ■ Daylight Calculations

Job Number	Drawing Number	Rev
A4409	04	A

Appendix C - Method Statement for Tree Protection

The following Arboricultural Method Statement should be followed by the contractor:

1.1 Root Protection Area (RPA)

The RPA required by the current edition of BS 5837:2012 relates to the stem diameter of each tree when measured at a height of 1.5m from ground level, adjusted where necessary to account for actual rooting patterns on site. The RPAs are to be afforded protection at all times and will be protected by fencing barriers. No works will be undertaken within any RPA that causes compaction to the soil or severance of tree roots.

2.0 Protective Fencing

A protective fence should be erected prior to the commencement of any site works e.g. before any materials or machinery are brought on site, any construction work starts or any stripping of soil commences. The barrier needs to have signs attached stating that this is a Tree Protection Area and that no works are permitted within the barrier. The barrier may only be removed following completion of all construction works.

2.1 The fence is required to be sited in accordance with the TCP. The fence must ideally be constructed as per figure 2 in BS 5837:2012 (see detail at the end of this section) and be fit for the purpose of excluding any construction activity. The construction on site should be excluded from the RPA with 'Heras' type Fencing construction, along with a formal briefing of any work person by the site manager with regards to the contents of this method statement.

3.0 Precautions in respect of Temporary Works

If temporary access is required to an RPA then access may only be gained after consultation with the Local Planning Authority and following placement of materials such as geo-textile fabrics that will spread the weight of any vehicular load and prevent compaction to the soil. For pedestrian movements within any RPA then a single thickness scaffold board on top of a compressible layer laid onto a geotextile fabric may be acceptable. Otherwise, there should be no access within the RPA at any time during the contract.

4.0 Access Details

There is no requirement for any special measures related to the retained trees if access for all construction vehicles is kept away from the trees to be retained and stay outside of the RPA.

5.0 Contractors Car Parking

This is likely to be within the existing car park area onsite. The area designated for parking needs to be away from the area around the trees to be retained.

6.0 Site Huts and Toilets

The area designated for site accommodation needs to be away from the area around the trees to be retained.

7.0 Storage Space

The storage of materials should ideally be on existing hard standing away from existing trees. The contractor should not store any materials on site within the RPA of an existing tree.

8.0 Additional Precautions

No storage of materials or lighting of fires should take place within the RPA. No mixing or storage of materials should take place up a slope where they may leak into an RPA.

8.1 No fires to be lit within 20 metres of any tree stem and the fire size and wind direction should be taken into account so that, no flames come within 5.0m of any foliage.

8.2 No high-sided vehicles or cranes should access the site close to any trees to be retained and should not come into contact with any branches or travel within the RPA

8.3 No notice boards, cables or other services to be attached to any tree.

8.4 Materials which may contaminate the soil should not be discharged within 10m of any tree stem. When undertaking the mixing of materials it is essential that any slope of the ground does not allow contaminates to run towards a tree root area.

9.0 Site Gradients

No alterations of soil levels to take place within the RPA of the protected trees

10.0 Demolition Works

No demolition works to take place with the RPA of the protected trees

12.0 Soft landscaping

Refer to the landscaping scheme for detail on soft landscaping.

13.0 Use of Herbicides

No herbicide use is predicted, however if used, it should be done so in strict accordance with the manufacturer's instructions and contact with any tree foliage should be avoided.

14.0 On Site Monitoring Regime

All operations to be monitored by the main contractor. The site manager shall contact the appointed specialist if there is a breach of the RPA and tree protection measures. The appointed specialist shall recommend an action plan to incorporate mitigation measures where necessary.

17.0 Remedial Tree Works

The recommended tree works should be undertaken prior to the commencement of construction activities. All tree works are to be carried out in accordance with BS 3998 British Standard Tree Work - Recommendations 2010. Permission must be granted by the local authority prior to working on any tree protected by a Tree Preservation Order. Failure to do so may result in prosecution.

- 17.1 In order to prevent the disturbance of nesting birds, any vegetation clearance, tree works or felling should be carried out outside of the bird nesting season (typically March to August). If this is not possible, and vegetation to be removed should be searched by an ecologist for the presence of active nests immediately prior to clearance. If any active nest are found, these should be retained in-situ until the nestlings have fledged.

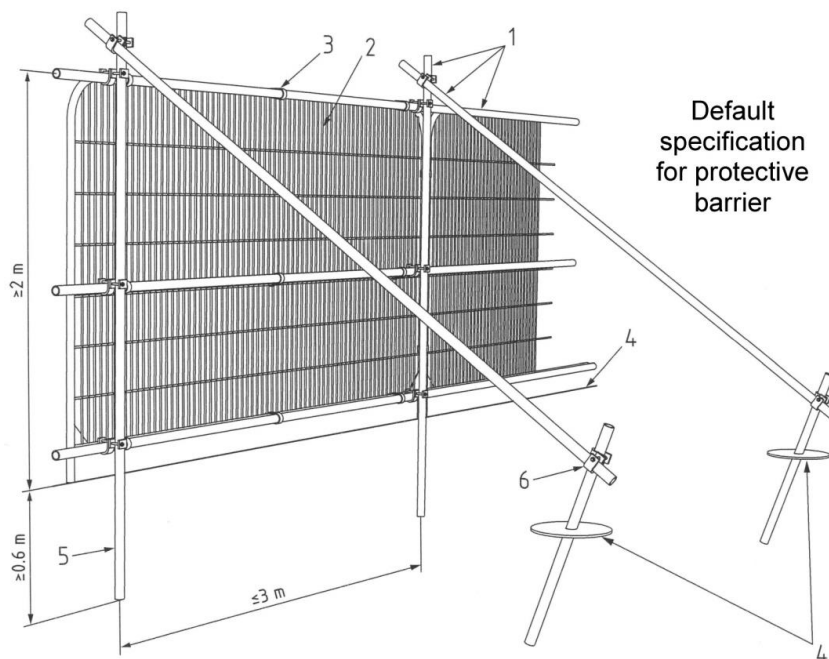
18.0 Responsibilities

It will be the responsibility of the main contractor to ensure that planning conditions are adhered to at all times and that a monitoring regime in regards to tree protection is adopted on site and ensure any necessary licences are in place prior to any felling and all necessary all relevant regulations are adhered.

18.1 The main contractor will be responsible for contacting the Local Planning Authority at any time issues are raised related to the trees on site.

18.2 The main contractor will ensure the build sequence is appropriate to ensure that no damage occurs to the trees during the construction processes. Protective fences will remain in position until completion of ALL construction works on the site.

18.3 Protective fencing should be erected around all trees to be retained as per the following specification:

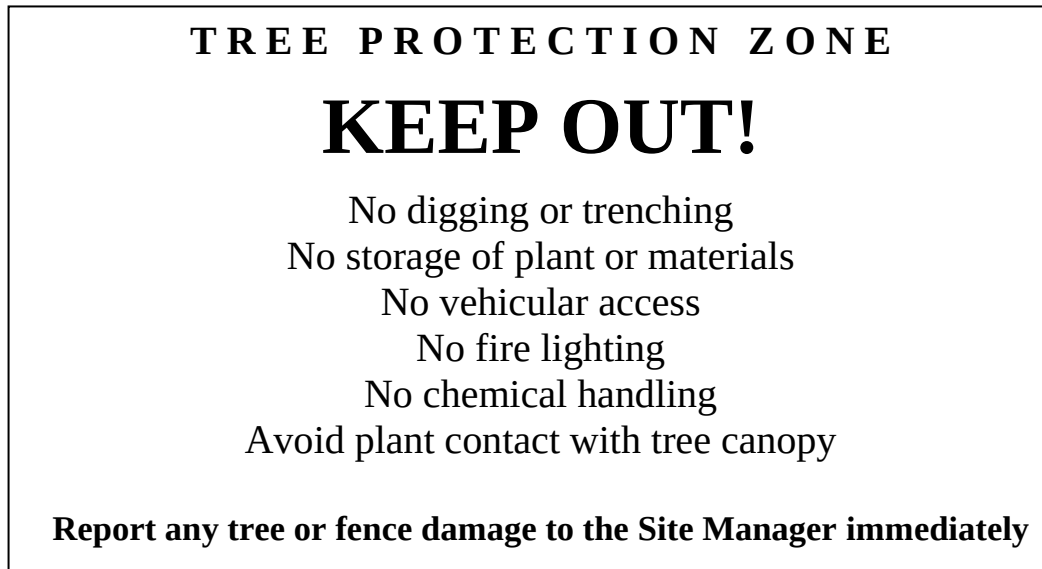


Key

- 1 Standard scaffold pole
- 2 Heavy gauge 2m tall galvanised tube and welded mesh infill panels
- 3 Panels secured to uprights and cross-members with wire ties
- 4 Ground level
- 5 Uprights driven into the ground until secure (minimum depth 0.6m)
- 6 Standard scaffold clamps

18.4 Signs, in accordance with the following example, should be displayed to inform all personnel where the tree protection areas are and to warn them not to enter.

Example of "Keep Out" Sign:



Appendix D - Photographic Record



Photo 1 - View of T1 (TPO ref T13)

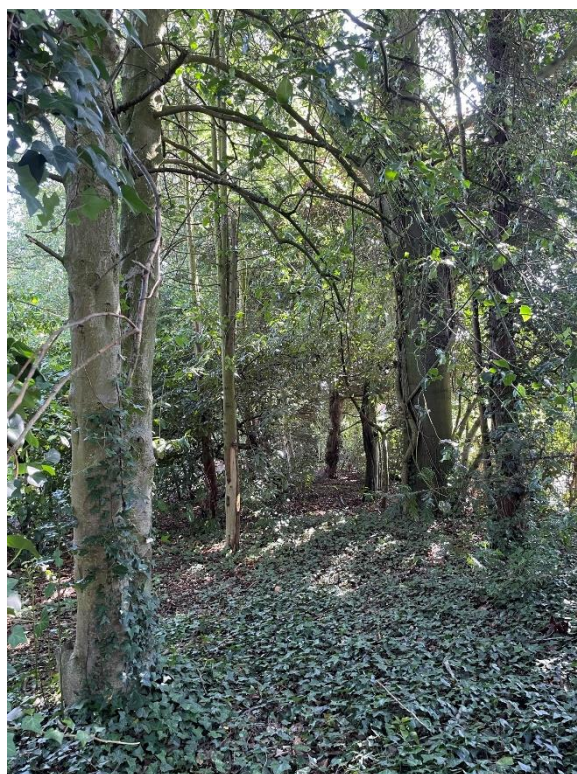


Photo 2 - View of G3 (including TPO ref T12)



Photo 3 - View of G3 (a pair of spherical Yew) with G4 behind



Photo 4 - View of G5 on western boundary



Photo 5 - View of T2



Photo 6 - View of G6



Photo 7 - View of T3

Appendix E - Tree Preservation Order & Conservation Area

Town and Country Planning Act 1990

THE BOROUGH COUNCIL OF HINCKLEY & BOSWORTH (LAND AT 13 STATION ROAD DESFORD) TREE PRESERVATION ORDER 2014

The Borough Council of Hinckley & Bosworth, 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 The Borough Council of Hinckley & Bosworth (land at 13 Station Road Desford) Tree Preservation Order 2014.

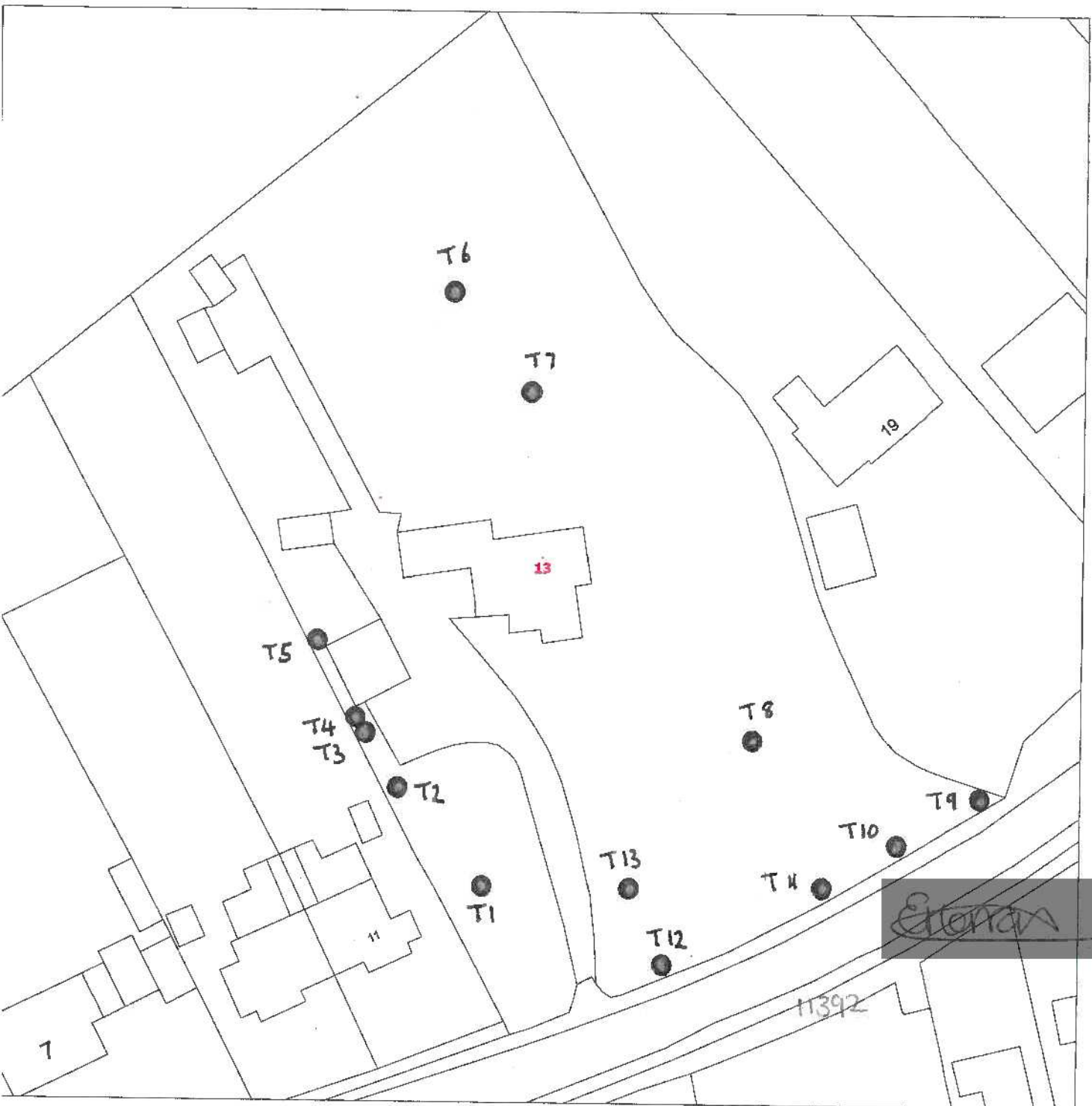
Interpretation

2.
 - (1) In this Order "the authority" means the Borough Council of Hinckley & Bosworth.
 - (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.



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4.

Dated this 1 day of April 2014

Authorized Signatory

Chander



11392

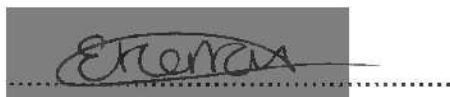
CONFIRMATION OF ORDER

This Order was confirmed by Borough Council of Hinckley & Bosworth without modification on the 14 day of AUGUST 2014.

OR

~~This Order was confirmed by the Borough Council of Hinckley & Bosworth, subject to the modifications indicated by _____, on the _____ day of _____ 20~~

Signed on behalf of the Borough Council of Hinckley & Bosworth



Authorised by the Council to sign in that behalf



11437

DECISION NOT TO CONFIRM ORDER

~~A decision not to confirm this Order was taken by Borough Council of Hinckley & Bosworth on the _____ day of _____ 20~~

~~Signed on behalf of the Borough Council of Hinckley & Bosworth~~

~~_____~~

~~Authorised by the Council to sign in that behalf~~

VARIATION OF ORDER

~~This Order was varied by the Borough Council of Hinckley & Bosworth on the _____ day of _____ 20 _____ by a variation order under reference number a copy of which is attached~~

~~Signed on behalf of the Borough Council of Hinckley & Bosworth~~

~~_____~~

~~Authorised by the Council to sign in that behalf~~

REVOCATION OF ORDER

~~This Order was revoked by the Borough Council of Hinckley & Bosworth on the day of _____ 20~~

~~Signed on behalf of the Borough Council of Hinckley & Bosworth~~

~~_____~~

~~Authorised by the Council to sign in that behalf~~

SCHEDULE
SPECIFICATION OF TREES

Article 3

Trees specified individually

(Circled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	1 x Chile pine	13 Station Road Desford
T2	1 x Sycamore	13 Station Road Desford
T3, T4, T5	3 x Corsican pine	13 Station Road Desford
T6, T7, T8	3 x Cedar	13 Station Road Desford
T9	1 x Yew	13 Station Road Desford
T10	1 x Corsican pine	13 Station Road Desford
T11, T12	2 x Common beech	13 Station Road Desford
T13	1 x Cedar	13 Station Road Desford

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
None		

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Town and Country Planning Act 1990

Insert title of
Order

DESFORD (19 STATION ROAD)

TREE PRESERVATION ORDER, 19 97 .

Insert name
of local
planning
authority

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

in this Order called "the authority", in pursuance of the powers conferred in that behalf by sections 198 and 199 ~~[[and] 201*]~~ ~~[and] 199~~ of the Town and Country Planning Act 1990, and subject to the provisions of the Forestry Acts 1967 and 1979, hereby make the following Order:—

1. In this Order:—

"the Act" means the Town and Country Planning Act 1990;

"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in possession; and

"the Secretary of State" means the [Secretary of State for the Environment] ~~[Secretary of State for Wales]~~

2.—Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto[‡] which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3.—An application for consent made to the authority[¶] under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4.—(1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent:

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

NOTE: Where appropriate this Order has been updated to reflect statutory amendments which have resulted in the need to show substitutions or repeals of the prescribed form.

* Include only where Order contains a direction under section 201 of the Act.

‡ Map to be to a scale of not less than 25 inches to one mile (1:2500), except in the case of large woodlands when the scale shall be 6 inches to one mile (1:10000 or 1:10560).

¶ NOTE: If it is proposed to fell any of the trees included in this Order and the felling requires a licence under the Forestry Act 1967, an application should be made in the first place to the Forestry Commission.

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours.

5.—Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied—

- (a) that the refusal or condition is in the interests of good forestry; or
- (b) in the case of trees, other than trees comprised in a group of trees or in a woodland, that the trees have an outstanding or special amenity value; or
- (c) in the case of trees which are comprised in a group of trees or in a woodland, that the group of trees or the woodland, as the case may be, has an outstanding or special amenity value,

but a certificate shall not be given in the case of trees falling within (c) above if the application in respect of them has been referred by the Forestry Commissioners under section 15(1)(b) or 15(2)(a) of the Forestry Act 1967.

6.—(1) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless—

- (a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or
 - (b) the authority with the approval of the Secretary of State dispense with replanting,
- the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provision of this Order and section 204 of the Act, replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to—

- (a) species;
- (b) number of trees per acre (hectare);
- (c) the erection and maintenance of fencing necessary for protection of the replanting;
- (d) the preparation of ground, draining, removal of brushwood, lop and top;
- and
- (e) protective measures against fire.

7.—On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by the National Rivers Authority, an internal drainage board, a water undertaker or a sewerage undertaker (as defined in the Water Act 1989) or any other authority whose functions are now exercised by the above bodies, restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any condition or direction has effect subject to the requirements of the byelaws, and the condition or direction shall have effect accordingly.

8.—The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

9.—Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage:

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

10.—In assessing compensation payable under the last preceding Article account shall be taken of:

- (a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under section 198 of the Act, or under the terms of any Interim Preservation Order made under section 8 of the Town and Country Planning (Interim Development) Act 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act 1932, and
- (b) any injurious infection to any land of the owner which would result from the felling of the trees the subject of the claim.

11.—(1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority, such service to be effected by addressing the claim to the authority and leaving it at or sending it by post to the principal office of the authority.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the authority, from the date of the decision of the Secretary of State on the Appeal.

12.—Any question of disputed compensation shall be determined in accordance with the provisions of section 205 of the Act.

13.—(1) The provisions of section 201 of the Act shall apply to this Order and the Order shall take effect on 24th July 1997 .]*

~~*(2) This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein, as from the time when that tree is planted.†~~

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding the prescribed sum[§] or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding Level 4 on the standard scale[‡] on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree is removed, uprooted or destroyed in contravention of an order or, except in the case of a tree to which the Order applies as part of a woodland, is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by section 198(6)(a) of the Town and Country Planning Act 1990 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days previous notice of the removal, etc., should be given to the authority to enable the latter to decide whether or not to dispense with the requirement. In respect of trees in a woodland it is sufficient to replace the trees removed, uprooted or destroyed by planting the same number of trees either on or near the land on which the trees removed, uprooted or destroyed stood or on such other land as may be agreed between the authority and the owner of the land, and (in either case) in such places as may be designated by the authority.

* This provision is not to be included unless it appears to the authority that the Order should take effect immediately.

† This provision may be included in relation to trees to be planted pursuant to a condition imposed under section 197 of the Act.

§ This sum is currently £2000 but provision is made under the Planning and Compensation Act 1991 for a fine on summary conviction not exceeding £20,000. In addition the provision for daily fines for continuing offences will be abolished. These revised penalties will become operative on the coming into effect of section 23 of that Act.

‡ £1000 but subject to alteration by Order.

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY*

(encircled in black on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation.</i>
T1	Wellingtonia	Sequoia gigantea
T2	Atlantic Cedar	Cedrus atlantica
T3	Common Beech	Fagus sylvatica
T4	Wellingtonia	Sequoia gigantea
T5	English Oak	Quercus robur
T6	Lombardi Poplar	Populus italica
T7	Turkey Oak	Quercus cerris
T8	Common Beech	Fagus sylvatica

19 Station Road,
Desford.

TREES SPECIFIED BY REFERENCES TO AN AREA*

(within a dotted black line on the map)

<i>No. on Map.</i>	<i>Description</i>	<i>Situation.</i>
	NONE	

GROUPS OF TREES*

(within a broken black line on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation.</i>
G1	Group number 1 contains 6 Austrian Pine (Pinus nigra) and 2 Sycamore (Acer pseudoplatanus).	19 Station Road, Desford
G2	Group number 2 contains specimen Horse Chestnut (Aesculus hippocastanum) and specimen Pine (Pinus nigra) and several Holly (Ilex aquifolium).	19 Station Road, Desford

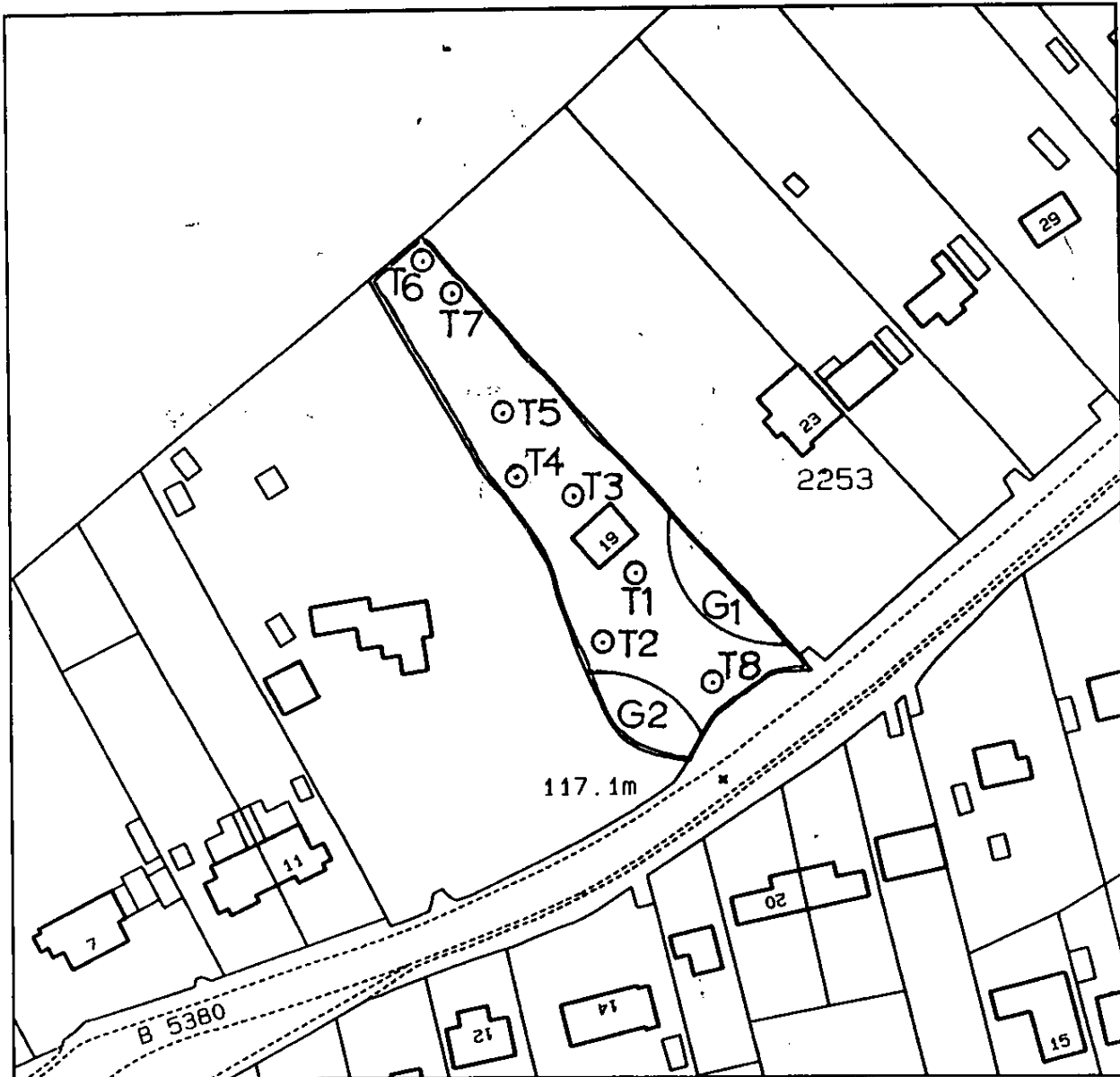
* The word "NONE" must be entered where necessary.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

Town and Country Planning Act 1990

DESFORD - 19 Station Road

Tree Preservation Order 1997



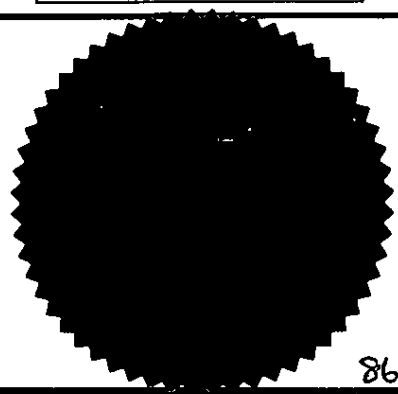
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The Common Seal of the Borough Council of Hinckley & Bosworth
was hereunto affixed the 24th day of July
one thousand nine hundred and ninety seven in the presence of:-

District Secretary

Scale: 1: 1250

Extracts from O.S. Sheet No.: SK4803



8668

WOODLANDS*

(within a continuous black line on the map)

*No. on Map.**Description**Situation.*

NONE

* The word "NONE" must be entered where necessary.

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority to

- (1) the cutting down of any tree on land which is subject to a forestry dedication covenant where
 - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
 - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.
- (2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under a grant scheme under section 1 of the Forestry Act 1979 except a scheme which applies to a forestry dedication covenant.
- (3) the cutting down, uprooting, topping or lopping of a tree
 - (a) by or at the request of the Post Office where the land on which the tree is situated is land which has been acquired for the purpose of the Post Office's undertaking and either works on such land cannot otherwise be carried out or the cutting down, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking; or the lopping in pursuance of the power conferred on any operator of a telecommunications code system by virtue of paragraph 19 of Schedule 2 to the Telecommunications Act 1984;
 - (b) by or at the request of
 - (i) a statutory undertaker or a holder of a licence under section 6(1) of the Electricity Act 1989 where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (ii) a licence holder within the meaning of Part I of the Electricity Act 1989, where such tree obstructs the construction by the licence holder of any electric line within the meaning of Part I of the said Act of 1989 or interferes or would interfere with the maintenance or working of any such line;
 - (iii) the National Rivers Authority or an internal drainage board established under the Water Act 1989, where the tree interferes or would interfere with the exercise of any of the functions of such authority or drainage board in relation to the maintenance, improvement or construction of water courses or of drainage works; or a water undertaker or sewerage undertaker appointed under section 11 of the Water Act 1989 in relation to their duties as such undertakers; or
 - (iv) the Secretary of State for Defence, the Secretary of State for Transport, the Civil Aviation Authority, or in relation to any airport managed by a company to which any property, rights or liabilities have been transferred in pursuance of a scheme made under section 1 or 15 of the Airports Act 1986, the person for the time being having the management of the airport, where in the opinion of such Secretary of State, Authority or person the tree obstructs the approach of aircraft to, or their departure from, any airport or hinders the safe and efficient use of aviation or defence technical installations;
 - (c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;
 - (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1990 as adapted and modified to apply to this Order.

75.—(1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested in it.

77. Reference of applications to the Secretary of State.—(1) The Secretary of State may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.

(2) a direction under this section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

(4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to such an application which falls to be determined by the authority.

(5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the authority wish, give each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(7) The decision of the Secretary of State on any application referred to him under this section shall be final.

78. Appeals against decisions or in default of decision.—(1) Where an authority—

(a) refuse an application for consent under the Order or grant it subject to conditions, or

(b) give any certificate or direction, on granting consent,
the applicant may by notice appeal to the Secretary of State.

(2) A person who has made an application for consent under the Order may also appeal to the Secretary of State if the authority have neither—

(a) given notice to the applicant of their decision on the application; nor

(b) given notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 77 above,
within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority.

(3) Any appeal under this section shall be made by notice in writing served within such time as is specified in subsection (4) below.

(4) The service of such a notice must be within—

(a) 28 days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow; or

(b) in the case of an appeal under subsection (2), 28 days or such longer period as the Secretary of State may allow from the end of the period of two months or, as the case may be, the extended period agreed.

(5) In relation to an appeal under subsection (2), it shall be assumed that the authority decided to refuse the application in question.

79. Determination of appeals.—(1) On an appeal under section 78 the Secretary of State may—

(a) allow or dismiss the appeal,

(b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not), or

(c) cancel any certificate or cancel or vary any direction,

and may deal with the application as if it had been to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(5) The decision of the Secretary of State on such an appeal shall be final.

97. Power to revoke or modify the consent under the Order.—(1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as they consider expedient.

(3) The power conferred by this section may be exercised at any time before the operations for which consent has been given have been completed.

(4) The revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

98. Procedure for s.97 Orders: opposed cases.—(1) Except as provided in section 99, an Order under section 97 shall not take effect unless it is confirmed by the Secretary of State.

(2) Where an authority submit such an Order to the Secretary of State for confirmation, they shall provide the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the statement on—

- (a) the owner of the land affected,
- (b) the occupier of the land affected, and
- (c) any other person who in their opinion will be affected by the Order.

(3) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) If within that period such a person so requires, before the Secretary of State confirms the Order he shall give such an opportunity both to him and to the local planning authority.

(5) The period referred to in subsection (3) shall be 28 days from the service of the notice.

(6) The Secretary of State may confirm an Order submitted to him under this section either without modification or subject to such modifications as he considers expedient.

(7) Where a notice has been served in accordance with the provisions of subsection (2) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under this section.

99. Procedure for s.97 Orders: unopposed cases.—(1) This section applies where—

- (a) the authority have made an Order under section 97 above; and
- (b) the owner and occupier of the land and all persons who in the authority's opinion will be affected by the Order have notified the authority in writing that they do not object to it.

(2) Where this section applies, instead of submitting the Order to the Secretary of State for confirmation the authority shall advertise the fact that the Order has been made and the advertisement must specify—

- (a) the period within which persons affected by the Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and
- (b) the period at the expiration of which, if no such notice is given to the Secretary of State, the Order may take effect by virtue of this section without being confirmed by the Secretary of State.

(3) The authority shall also serve notice to the same effect on the persons mentioned in subsection (1)(b).

(4) The period referred to in subsection 2(a) must be not less than 28 days from the date the advertisement first appears.

(5) The period referred to in subsection 2(b) must be not less than 14 days from the expiration of the period referred to in subsection (2)(a).

(6) The authority shall send a copy of any advertisement published under subsection (2) to the Secretary of State not more than three days after the publication.

(7) If—

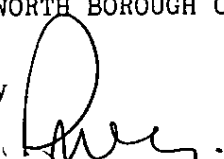
- (a) no person claiming to be affected by the Order has given notice to the Secretary of State under subsection (2)(a) within the period referred to in that subsection, and
- (b) the Secretary of State has not directed within that period that the Order be submitted to him for confirmation,

the Order shall take effect at the expiry of the period referred to in subsection 2(b) without being confirmed by the Secretary of State as required by section 98(1).

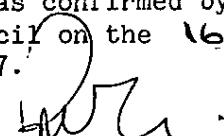
(8) This section does not apply to an Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part VII or Part VIII of the Act.

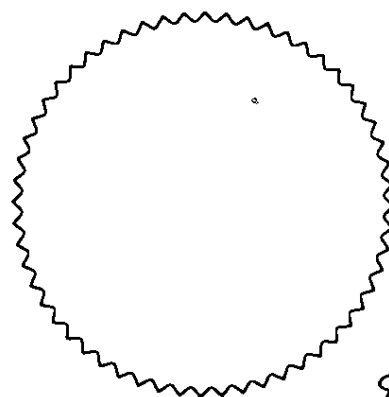
GIVEN under the Common Seal of the
HINCKLEY AND BOSWORTH BOROUGH COUNCIL

the 24th July 19 97


District Secretary

The foregoing Order was confirmed by
the Council on the 16th
day of SEPTEMBER 1997.


District Secretary.



8668

Dated 26TH July 19 97 .

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

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TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER

relating to

19 Station Road, Desford in the
County of Leicester.

Argents Mead,
Hinckley,
Leics.

Print Version

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Summary

Reference	21/00436/TPO
Alternative Reference	PP-09700196
Application Received	Tue 06 Apr 2021
Application Validated	Tue 06 Apr 2021
Address	Manor Lodge 13 Station Road Desford Leicester Leicestershire LE9 9FN
Proposal	T1 Pine - Fell T2 Pine - Fell
Status	Permitted
Decision	Permit Tree Preservation Order Works
Decision Issued Date	Thu 24 Jun 2021
Appeal Status	Unknown
Appeal Decision	Not Available

Further Information

Application Type	Tree Preservation Order
Decision	Permit Tree Preservation Order Works
Actual Decision Level	Delegated Decision
Expected Decision Level	Delegated Decision
Case Officer	Daniel Brown
Parish	Desford Parish Council
Ward	Newbold Verdon With Desford & Peckleton
Applicant Name	Dr Saigal
Agent Name	Vicki Harrison
Agent Company Name	MWA Arboriculture Ltd

Agent Address	Bloxham Mill Business Centre Barford Road Bloxham Banbury OX15 4FF
Environmental Assessment Requested	No

Contacts

Agent

Vicki Harrison

EMAIL	office@mwaarboriculture.co.uk
Phone Number	01914329560

Ward Councillors

Councillor M C Bools

Councillor M J Crooks

Councillor R Webber-Jones

Important Dates

Application Validated Date	Tue 06 Apr 2021
Expiry Date	Tue 18 May 2021
Actual Committee Date	Not Available
Neighbour Consultation Expiry Date	Tue 18 May 2021
Latest Advertisement Expiry Date	Not Available
Latest Site Notice Expiry Date	Not Available
Internal Target Date	Tue 01 Jun 2021
Decision Issued Date	Thu 24 Jun 2021

Related Information

There are 0 cases associated with this application.