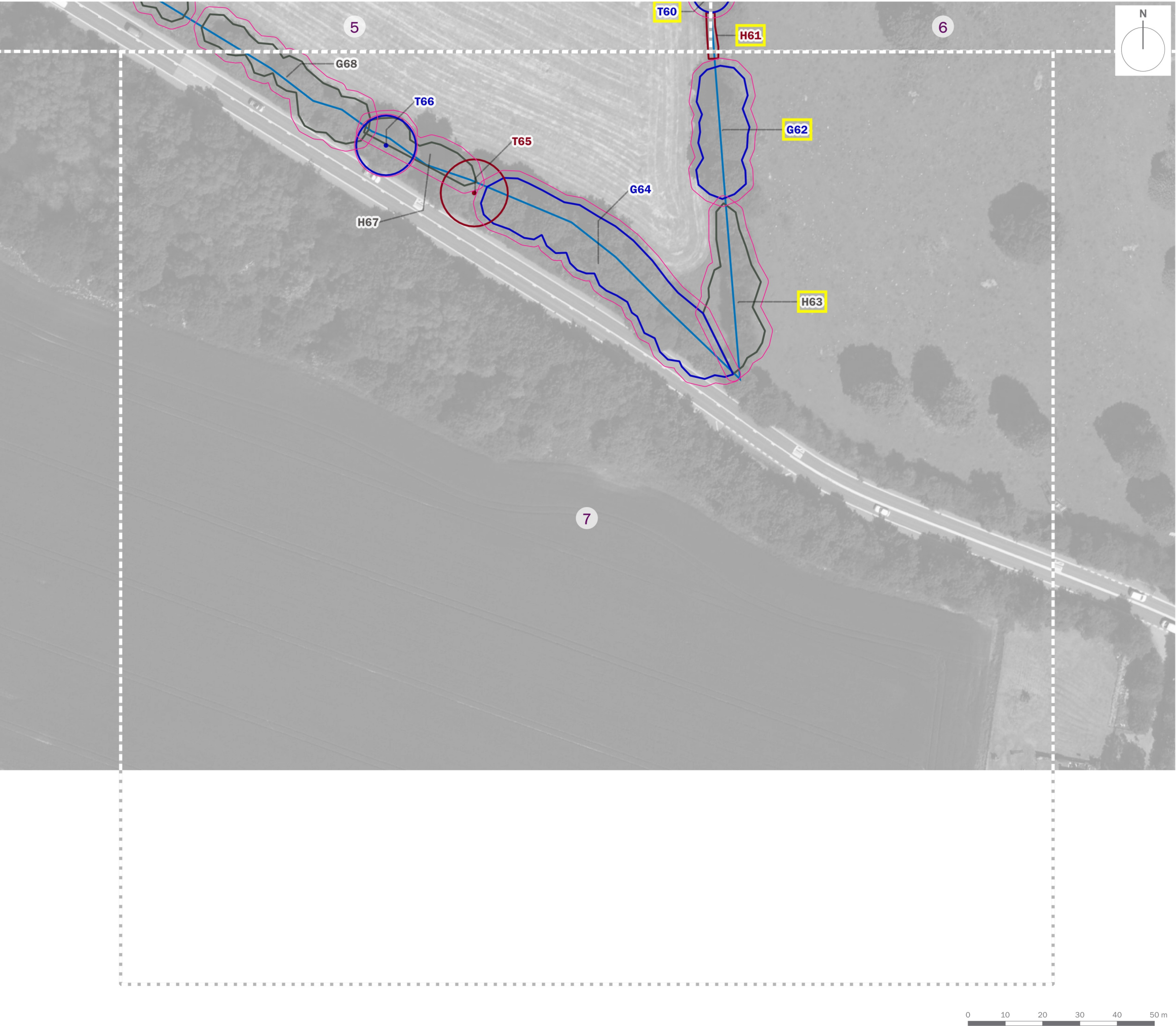




Area of Study

T1

Tree/Group Number

Tree/Group Canopy

Tree Stem

Root Protection Area

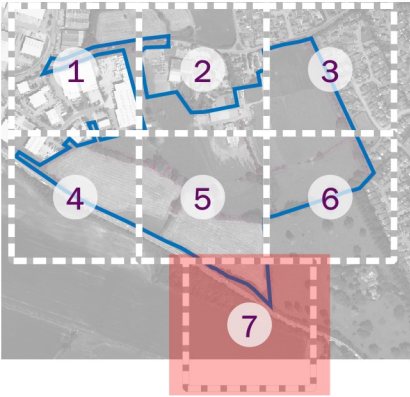
Category A: Trees of high quality and value

Category B: Trees of moderate quality and value

Category C: Trees of low quality and value

Category U: Trees of poor quality and value

TPO Trees



client	Barwood Development Securities Limited			
project title	Sketchley Lane, Sketchley			
drawing title	Plan EDP 1: Tree Constraints Plan (Sheet 7 of 7)			
date	11 MARCH 2022	drawn by	GY	
drawing number	edp4824_d005c	checked	RC	
scale	1:1,000 @ A3	QA	VP	

Annex EDP 2 Tree Survey Key and Schedule

Sequential Reference Number	T - Individual specimen; G - Group, Trees that form cohesive arboricultural features either aerodynamically, visually or culturally; H - Linear group of specimens that form a hedge or boundary; and W - A larger group or area of trees that should be regarded as a single woodland unit.
Species	Common English names are used wherever possible for simplicity.
Height	An approximation of height (in metres) is provided for the highest point of the tree.
Stem Diameter	This is the measurement of stem diameter in millimetres taken in accordance with Annex C of BS 5837:2012.
Branch Spread	This is taken at four cardinal points, with a stated value in metres to enable an accurate representation of the crown, as shown on Annex EDP 1 .
Existing Height Above Ground Level	An approximation of height (in metres) of crown clearance above adjacent ground level.
Life Stage	There are six classes to which trees are assigned: Young; Semi Mature; Early Mature; Mature; Over Mature; and Veteran.
Physiological Condition	An indication of the tree's physiological condition is represented and classed as good, fair, poor or dead, this is informed by the following: Canopy Density: It should be taken that, unless otherwise stated with each individual entry, the canopy density of the trees is typical of the species; and Leaf Size and Colouration: It should be taken that, unless otherwise stated with each individual entry, leaf size and colouration is typical of the species.
Structural Condition	Additional notes are provided giving details of the tree's structural condition. This is informed by "the presence of any decay and physical defect ³ ".

³ BS 5837:2012 Section 4.4.2.5

Preliminary Management Recommendations	These are made on the basis of optimising the life expectancy of site trees, given their current situation and that which may result from the development proposals. The survey process pays particular attention to implications for life and/or property; defects recorded under the structural condition have the necessary mitigation measures proposed within this section of the schedule.
Estimated Remaining Contribution	The definitions of the terms used are as follows and describe the estimated length of time (in years) over which the tree can be expected to make a safe contribution to local amenity: Less than 10; 10+; 20+; and 40+.
Category Grading	Trees have been assigned 'U' or Category Grading 'A' to 'C' in accordance with the Cascade Chart given in BS 5837:2012.
Tree Works Priority Codes	Priority codes from 1 to 3 have been given for trees requiring work. The definition of the codes used is as follows: Priority 1: Work that should be undertaken urgently due to the identification of a potential hazard; Priority 2: Work that should be undertaken prior to any works commencing on site; and Priority 3: Work that should be undertaken following the completion of the development.

Client:	Barwood Statagic Land Ltd	Site:	Sketchley Lane, Sketchley
Date of Survey:	11.06.18 & 09.03.22	Consultant	Robert Crussell/Luke Tamblyn
Tagged	N/A	Weather	Bright and Clear

Sequential Reference No.	Species	Height (m)	Stem Diameter (mm)	Branch Spread (m)				Canopy Clearance (m)	Life Stage	Physiological Condition	Structural Condition	Comments / Notes	Recommendations	Estimated Remaining Contribution (Years)	Category Grading	Priority
				North	East	South	West									
G1	Field maple (Acer campestre);Common ash (Fraxinus excelsior);Blackthorn (Prunus spinosa)	8	300	2	2	2	2	0	Mature	Fair	Fair	Path to north. Tall unmanaged group. Overhangs path in places.	No Work Recommended	10+	C2	N/A
T2	Poplar sp. (Populus sp.)	24	900	8	8	9	8	2	Mature	Fair	Fair	Base / stems obscured - Vegetation; Deadwood - Major; Vegetation at base partially obscures inspection. Minor bark wound at base on west side. Historic limb failure at 10m north. Will require management plan if retained.	No Work Recommended	40+	A1	N/A
T3	Lime sp. (Tilia sp.)	18	580	4	5	5	5	2	Mature	Fair	Fair	Base / stems obscured - Vegetation; Deadwood - Major; Historic wound at base with intact heartwood. Reaction wood growth around wound.	No Work Recommended	20+	B1	N/A
T4	Common ash (Fraxinus excelsior)	18	680	8	8	8	8	2	Mature	Poor	Poor	Base / stems obscured - Vegetation; Deadwood - Major; Riddled with Innonotus hispidus. Large limb failure at 4m. Large wound at base.	No Work Recommended	<10	U	N/A
T5	Lime sp. (Tilia sp.)	22	520	6	6	6	6	2	Mature	Fair	Fair	Base / stems obscured - Vegetation; Deadwood - Major	No Work Recommended	20+	B1	N/A
T6	Willow sp. (Salix sp.)	12	480#	6	6	6	6	2	Mature	Fair	Poor	Access to inspect base - Not possible; Base / stems obscured - Vegetation; Deadwood - Major; Growing out of hedge. Multiple failures.	No Work Recommended	<10	U	N/A
T7	Silver birch (Betula pendula)	12	230	3	3	3	3	2	Early Mature	Fair	Fair	Access to inspect base - Not possible; Base / stems obscured - Vegetation; Growing out of hedge.	No Work Recommended	20+	B1	N/A
H8	Common hawthorn (Crataegus monogyna);Common ash (Fraxinus excelsior);Bramble sp. (Rubus sp.);Goat willow (Salix caprea)	3	100#	1	1	1	1	0	Mature	Fair	Poor	Hedgerow - Neglected / overgrown; Patchy.	No Work Recommended	<10	U	N/A
T9	Lime sp. (Tilia sp.)	18	420	5	5	5	5	2	Mature	Fair	Fair	Base / stems obscured - Vegetation; Growing out of hedge.	No Work Recommended	20+	B1	N/A
T10	Lime sp. (Tilia sp.)	24	680	6	6	6	6	2	Mature	Poor	Poor	Base / stems obscured - Vegetation; Deadwood - Major; Dying back. Large Ganoderma sp. brackets around base at multiple location.	No Work Recommended	<10	U	N/A
H11	Common hawthorn (Crataegus monogyna);Bramble sp. (Rubus sp.);Elder (Sambucus nigra)	3	100	1	1	1	1	0	Mature	Fair	Poor	Hedgerow - Neglected / overgrown; Patchy & sparse.	No Work Recommended	<10	U	N/A
G12	Common holly (Ilex aquifolium)	8	100	2	2	2	2	0	Mature	Dead	Dead	Dead trees.	No Work Recommended	<10	U	N/A
G13	Common hawthorn (Crataegus monogyna);Leyland cypress (Cupressocyparis leylandii);White willow (Salix alba);Golden weeping willow (Salix x sepulcralis 'Chrysocoma')	12	350	2	2	2	2	0	Mature	Fair	Fair	Tall maintained hedge with ornamental standards directly behind.	No Work Recommended	20+	B2	N/A
T14	Poplar sp. (Populus sp.)	26	1200	8	8	8	8	2	Over Mature	Poor	Poor	Deadwood - Major; Major die back. Historic failures. Large wound at base. Firewood stacked up against stem.	No Work Recommended	<10	U	N/A
T15	Common ash (Fraxinus excelsior)	12	180	2	2	2	2	2	Early Mature	Poor	Poor	Large strip wound around significant proportion of base. Probably horses. Excavation in root area.	No Work Recommended	<10	U	N/A
T16	Common ash (Fraxinus excelsior)	24	950	9	9	5	9	2	Over Mature	Poor	Poor	Ivy or climbing plant; Deadwood - Major; Innonotus hispidus brackets at base of tree. Large seam of decay running running up major limb on west side. Large smooth burr/canker at 6m.	No Work Recommended	<10	U	N/A

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Species-Common English names are used wherever possible for simplicity.

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Stem Diameter-This is the measurement of stem diameter in millimetres taken in accordance with Annex C of BS5837:2012. # - estimated

Branch Spread-This is taken at four cardinal points, with a stated value in metres to enable an accurate representation of the crown

Existing Height Above Ground Level-An approximation of height (in metres) of crown clearance above adjacent ground level.

Life Stage-There are five classes to which trees are assigned: Young; Early Mature; Mature; Over Mature; Veteran.

Physiological Condition -An indication of the tree's physiological condition is represented and classed as good, fair, poor or dead, this is informed by the following: Canopy Density: It should be taken that, unless otherwise stated with each individual entry, the canopy density of the trees is typical of the species; and Leaf Size and Colouration: It should be taken that, unless otherwise stated with each individual entry, leaf size and colouration is typical of the species.

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Sequential Reference No.	Species	Height (m)	Stem Diameter (mm)	Branch Spread (m)				Canopy Clearance (m)	Life Stage	Physiological Condition	Structural Condition	Comments / Notes	Recommendations	Estimated Remaining Contribution (Years)	Category Grading	Priority
				North	East	South	West									
H17	Common hawthorn (Crataegus monogyna);Elder (Sambucus nigra)	4	100	1	1	1	1	0	Mature	Fair	Poor	Patchy and sparse.	No Work Recommended	<10	U	N/A
T18	Poplar sp. (Populus sp.)	26	1620	9	9	9	9	2	Over Mature	Fair	Fair	Ivy or climbing plant; Deadwood - Major; Minor failures in crown. Good condition for a poplar of this age. Unable to fully inspect due to ivy.	No Work Recommended	20+	B1	N/A
T19	Crack willow (Salix fragilis)	24	750	9	9	9	9	2	Over Mature	Fair	Poor	Ivy or climbing plant; Deadwood - Major; Cavity at base on west extending into centre of base. Multiple historic failures in crown.	No Work Recommended	10+	C1	N/A
G20	Common ash (Fraxinus excelsior)	15	300#	2	2	2	2	0	Mature	Fair	Fair	Growing out of hedge. Failed limb over field to north.	No Work Recommended	10+	C2	N/A
T21	Field maple (Acer campestre)	14	460	5	5	5	5	2	Mature	Fair	Fair	Base / stems obscured - Vegetation; Vegetation at base. Growing under adjacent poplar.	No Work Recommended	20+	B1	N/A
T22	Poplar sp. (Populus sp.)	26	1240	9	9	9	9	2	Mature	Fair	Poor	Base / stems obscured - Vegetation; Large strip wound on stem approximately 6m in length. Heartwood intact but decay suspected. Large limb failure at 10m. Decay fungi suspected (Inonotus h)	No Work Recommended	<10	U	N/A
G23	Common ash (Fraxinus excelsior)	18	300	2	2	2	2	0	Mature	Fair	Fair	Internal boundary.	No Work Recommended	20+	B2	N/A
T24	Lime sp. (Tilia sp.)	18	680	9	7	5	5	2	Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Base / stems obscured - Vegetation; Deadwood - Major; Severe lean to north.	No Work Recommended	20+	B1	N/A
T25	Common ash (Fraxinus excelsior)	25	980	9	9	9	9	2	Over Mature	Fair	Fair	Deadwood - Major; Large bracket attachment point at 4m north. Wood pecker hole above. Dieback in crown. Innonotus suspected.	No Work Recommended	<10	U	N/A
T26	Common ash (Fraxinus excelsior)	22	840#	8	8	8	8	2	Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Base / stems obscured - Vegetation; Deadwood - Minor	No Work Recommended	20+	B1	N/A
G27	Silver birch (Betula pendula);Prunus sp. (Prunus sp.)	8	250#	2	2	2	2	0	Early Mature	Fair	Fair	Amenity planting in residential gardens.	No Work Recommended	20+	B2	N/A
H28	Field maple (Acer campestre);Common ash (Fraxinus excelsior);Blackthorn (Prunus spinosa);Bramble sp. (Rubus sp.);Elm sp. (Ulmus sp.)	6	100#	2	2	2	2	0	Early Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Roadside boundary hedge.	No Work Recommended	10+	C2	N/A
H29	Norway maple (Acer platanoides);Common hawthorn (Crataegus monogyna);Common holly (Ilex aquifolium);Blackthorn (Prunus spinosa);Bramble sp. (Rubus sp.);Elm sp. (Ulmus sp.)	6	100	1	1	1	1	0	Early Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Public right of way to east.	No Work Recommended	10+	C2	N/A
H30	Blackthorn (Prunus spinosa)	2	100	1	1	1	1	0	Early Mature	Fair	Poor	Hedgerow - Neglected / overgrown	No Work Recommended	<10	U	N/A
H31	Sycamore (Acer pseudoplatanus);Common hawthorn (Crataegus monogyna);Blackthorn (Prunus spinosa);Elder (Sambucus nigra);Elm sp. (Ulmus sp.)	2	100	1	1	1	1	0	Early Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Public right of way to east. Dead elms in group.	No Work Recommended	10+	C2	N/A
T32	Common ash (Fraxinus excelsior)	26	1150#	9	9	9	9	2	Over Mature (Veteran)	Fair	Poor	Access to inspect base - Restricted / obscured; Base / stems obscured - Vegetation; Deadwood - Major; Unable to access base. Lower stem smothered in ivy. Multiple historic failures, some still hanging in tree. Bracket on north leaning limb at 8m.	Will require management to retain. 2-3m reduction recommended in accordance with BS3998. 3-4m on limb with Innonotus bracket. Remove major deadwood.	20+	B3	N/A
H33	Common hawthorn (Crataegus monogyna);Bramble sp. (Rubus sp.)	2	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Maintained	No Work Recommended	10+	C2	N/A

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Existing Height Above Ground Level-An approximation of height (in metres) of crown clearance above adjacent ground level.

Life Stage-There are five classes to which trees are assigned: Young; Early Mature; Mature; Over Mature; Veteran.

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Sequential Reference No.	Species	Height (m)	Stem Diameter (mm)	Branch Spread (m)				Canopy Clearance (m)	Life Stage	Physiological Condition	Structural Condition	Comments / Notes	Recommendations	Estimated Remaining Contribution (Years)	Category Grading	Priority
				North	East	South	West									
T34	Common ash (Fraxinus excelsior)	18	580#	6	6	6	6	2	Mature	Fair	Poor	Access to inspect base - Restricted / obscured; Base / stems obscured - Vegetation; Deadwood - Major; Innonotus brackets at 4m.	No Work Recommended	<10	U	N/A
H35	Common hawthorn (Crataegus monogyna);Bramble sp. (Rubus sp.)	2	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Gappy.	No Work Recommended	<10	U	N/A
H36	Common hawthorn (Crataegus monogyna);Bramble sp. (Rubus sp.);Elder (Sambucus nigra)	3	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Patchy.	No Work Recommended	10+	C2	N/A
T37	Common ash (Fraxinus excelsior)	24	680#	9	9	9	9	2	Over Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Base / stems obscured - Vegetation; Deadwood - Major; Historic failures at 4 and 8m.	No Work Recommended	20+	B1	N/A
H38	Common hawthorn (Crataegus monogyna);Bramble sp. (Rubus sp.);Elder (Sambucus nigra);Elm sp. (Ulmus sp.)	3	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Internal boundary hedge.	No Work Recommended	10+	C2	N/A
T39	Common ash (Fraxinus excelsior)	24	900#	9	9	9	9	2	Over Mature	Poor	Poor	Access to inspect base - Restricted / obscured; Base / stems obscured - Vegetation; Deadwood - Major; Innonotus brackets present in crown. Multiple historic failures. Low vigour/ early signs of die back.	No Work Recommended	<10	U	N/A
H40	Common hawthorn (Crataegus monogyna);Common ash (Fraxinus excelsior);Bramble sp. (Rubus sp.);Elder (Sambucus nigra);Elm sp. (Ulmus sp.)	3	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Patchy & sparse.	No Work Recommended	<10	U	N/A
H41	Common hawthorn (Crataegus monogyna);Bramble sp. (Rubus sp.);Elder (Sambucus nigra)	6	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Lapsed hedgerow. Mature, gappy line of hawthorn standards.	No Work Recommended	10+	C2	N/A
G42	Common ash (Fraxinus excelsior)	26	900#	2	2	2	2	0	Over Mature	Fair	Poor	Access to inspect base - Restricted / obscured; Ivy or climbing plant; Base / stems obscured - Vegetation; Fresh Ganoderma brackets at base of largest ash. 2nd largest ash has Innonotus brackets at 10m. Multiple large historic failures throughout group. Active construction site to south of site with minimal tree protection. barriers 1-2m from stems.	Monitor for signs of decline from construction activities	<10	U	N/A
G43	Sycamore (Acer pseudoplatanus);Common hawthorn (Crataegus monogyna);Pear sp. (Pyrus sp.)	20	400#	2	2	2	2	0	Over Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Ivy or climbing plant; Base / stems obscured - Vegetation; Active construction site to south with poor tree protection. Barriers 1-2m from trees.	Monitor for signs of decline from construction activities	20+	B2	N/A
T44	Poplar sp. (Populus sp.)	27	1220#	10	10	10	10	2	Over Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Base / stems obscured - Vegetation; Deadwood - Major; Off site tree. Multiple historic failures. Construction site south of tree with poor tree protection. Barriers 2-3m from stem. Large piles of soil have been left in RPA.	Monitor for signs of decline from construction activities	20+	B1	N/A
H45	Common hazel (Corylus avellana);Common hawthorn (Crataegus monogyna);Bramble sp. (Rubus sp.)	4	100#	1	1	1	1	0	Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Hedgerow - Neglected / overgrown; Active construction site to south with poor tree protection. Barriers 1-2m from trees.	Monitor for signs of decline from construction activities	10+	C2	N/A
G46	Sycamore (Acer pseudoplatanus);Common hawthorn (Crataegus monogyna);Common ash (Fraxinus excelsior)	26	680	2	2	2	2	0	Over Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Ivy or climbing plant; Smothered in ivy. Multiple historic failures.	No Work Recommended	20+	B2	N/A

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Sequential Reference No.	Species	Height (m)	Stem Diameter (mm)	Branch Spread (m)				Canopy Clearance (m)	Life Stage	Physiological Condition	Structural Condition	Comments / Notes	Recommendations	Estimated Remaining Contribution (Years)	Category Grading	Priority
				North	East	South	West									
H47	Field maple (Acer campestre);Common hawthorn (Crataegus monogyna)	12	150#	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown	No Work Recommended	10+	C2	N/A
T48	Common ash (Fraxinus excelsior)	22	900#	7	7	7	7	2	Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Base / stems obscured - Vegetation; Deadwood - Major; Growing out of hedge.	No Work Recommended	20+	B1	N/A
T49	English oak (Quercus robur)	22	960	9	9	9	9	2	Over Mature	Fair	Fair	Root environment - Compacted; Deadwood - Major	No Work Recommended	20+	B1	N/A
H50	Common hawthorn (Crataegus monogyna)	4	150	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Remnants of hedgerow. Interesting but defunct.	No Work Recommended	<10	U	N/A
T51	Common ash (Fraxinus excelsior)	26	1100#	9	9	9	9	2	Over Mature	Fair	Poor	Access to inspect base - Restricted / obscured; Ivy or climbing plant;Base / stems obscured - Vegetation; Deadwood - Major; Smothered in ivy. Large subdominant stem at 3m has partially failed (hazard beam) and is resting on the ground. Daldinia concentrica on limb.	No Work Recommended	<10	U	N/A
T52	Wild cherry (Prunus avium)	0	0	0	0	0	0	0		Fair	Poor	Collapsed tree, due to recent storms	No Work Recommended	<10	U	N/A
G53	Common ash (Fraxinus excelsior);Wild cherry (Prunus avium);English oak (Quercus robur)	22	450#	2	2	2	2	0	Mature	Fair	Fair	Internal boundary group.	No Work Recommended	20+	B2	N/A
H54	Blackthorn (Prunus spinosa);Bramble sp. (Rubus sp.)	2	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Maintained	No Work Recommended	10+	C2	N/A
H55	Blackthorn (Prunus spinosa);Bramble sp. (Rubus sp.)	2	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Maintained	No Work Recommended	10+	C2	N/A
T56	Wild cherry (Prunus avium)	12	100	6	6	6	6	2	Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Ivy or climbing plant; Base / stems obscured - Vegetation; Growing out of hedge.	No Work Recommended	10+	C1	N/A
H57	Common hawthorn (Crataegus monogyna);Bramble sp. (Rubus sp.);White willow (Salix alba);Elder (Sambucus nigra)	8	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown	No Work Recommended	10+	C2	N/A
H58	Common hawthorn (Crataegus monogyna);Blackthorn (Prunus spinosa);Bramble sp. (Rubus sp.);Elder (Sambucus nigra)	5	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown	No Work Recommended	<10	U	N/A
H59	Common hawthorn (Crataegus monogyna);Blackthorn (Prunus spinosa);Bramble sp. (Rubus sp.);Elder (Sambucus nigra)	5	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown	No Work Recommended	<10	U	N/A
T60	Sycamore (Acer pseudoplatanus)	16	180	5	5	5	5	2	Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Ivy or climbing plant; Base / stems obscured - Vegetation; Construction site to east with minimal protection. Fencing 0.5m from stem.	No Work Recommended	20+	B1	N/A
H61	Common hawthorn (Crataegus monogyna);Blackthorn (Prunus spinosa);Bramble sp. (Rubus sp.);Elder (Sambucus nigra)	5	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown	No Work Recommended	<10	U	N/A
G62	Sycamore (Acer pseudoplatanus);Pear sp. (Pyrus sp.)	17	360#	2	2	2	2	0	Mature	Fair	Fair	Boundary group.	No Work Recommended	20+	B2	N/A
H63	Sycamore (Acer pseudoplatanus);Common hawthorn (Crataegus monogyna);Common holly (Ilex aquifolium)	8	150	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Tall screen.	No Work Recommended	10+	C2	N/A

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Sequential Reference No.	Species	Height (m)	Stem Diameter (mm)	Branch Spread (m)				Canopy Clearance (m)	Life Stage	Physiological Condition	Structural Condition	Comments / Notes	Recommendations	Estimated Remaining Contribution (Years)	Category Grading	Priority
				North	East	South	West									
G64	Sycamore (Acer pseudoplatanus);Common hawthorn (Crataegus monogyna);Common ash (Fraxinus excelsior);Common holly (Ilex aquifolium)	21	300#	2	2	2	2	0	Mature	Fair	Fair	Tall screen. Road to south.	No Work Recommended	20+	B2	N/A
T65	Common ash (Fraxinus excelsior)	24	1200#	9	9	9	9	2	Over Mature	Fair	Poor	Access to inspect base - Restricted / obscured; Base / stems obscured - Vegetation; Innonotus hispidus. Road to south.	No Work Recommended	<10	U	N/A
T66	Common ash (Fraxinus excelsior)	20	700#	8	8	8	8	2	Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Base / stems obscured - Vegetation; Road to south.	No Work Recommended	20+	B1	N/A
H67	Elder (Sambucus nigra);Elm sp. (Ulmus sp.)	6	100#	1	1	1	1	0	Mature	Fair	Fair	Road to south. Sparse and gappy.	No Work Recommended	10+	C2	N/A
G68	Common hazel (Corylus avellana);Goat willow (Salix caprea)	8	100	2	2	2	2	0	Mature	Fair	Fair	Road to south. Old hazel coppice.	No Work Recommended	10+	C2	N/A
H69	Common hazel (Corylus avellana);Blackthorn (Prunus spinosa);Elder (Sambucus nigra)	6	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Road to south.	No Work Recommended	10+	C2	N/A
H70	Common hawthorn (Crataegus monogyna);Blackthorn (Prunus spinosa);Elm sp. (Ulmus sp.)	6	100	1	1	1	1	0	Mature	Poor	Poor	Hedgerow - Neglected / overgrown; Road to south. Multiple dead items. Sparse.	No Work Recommended	<10	U	N/A
H71	Common hawthorn (Crataegus monogyna);Common ash (Fraxinus excelsior);Blackthorn (Prunus spinosa);Bramble sp. (Rubus sp.)	3	100	1	1	1	1	0	Mature	Poor	Poor	Hedgerow - Neglected / overgrown; Sparse.	No Work Recommended	<10	U	N/A
H72	Common hawthorn (Crataegus monogyna);Bramble sp. (Rubus sp.)	4	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown	No Work Recommended	10+	C2	N/A
T73	Common ash (Fraxinus excelsior)	24	1050#	10	10	10	10	2	Over Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Base / stems obscured - Vegetation	No Work Recommended	20+	B1	3
H74	Common hawthorn (Crataegus monogyna);Bramble sp. (Rubus sp.);Elm sp. (Ulmus sp.)	4	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Multiple dead elms. Road to south.	No Work Recommended	10+	C2	N/A
H75	Common hazel (Corylus avellana);Common hawthorn (Crataegus monogyna);Bramble sp. (Rubus sp.)	4	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Road to south.	No Work Recommended	10+	C2	N/A
H76	Common hawthorn (Crataegus monogyna);Common holly (Ilex aquifolium);Bramble sp. (Rubus sp.);Elm sp. (Ulmus sp.)	4	100	1	1	1	1	0	Mature	Poor	Poor	Hedgerow - Neglected / overgrown; Road to south. Patchy and sparse. Multiple dead items.	No Work Recommended	<10	U	N/A
H77	Common ash (Fraxinus excelsior);Blackthorn (Prunus spinosa);Bramble sp. (Rubus sp.);Elm sp. (Ulmus sp.)	4	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Road to south.	No Work Recommended	10+	C2	N/A

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Sequential Reference No.	Species	Height (m)	Stem Diameter (mm)	Branch Spread (m)				Canopy Clearance (m)	Life Stage	Physiological Condition	Structural Condition	Comments / Notes	Recommendations	Estimated Remaining Contribution (Years)	Category Grading	Priority
				North	East	South	West									
G78	Common hawthorn (Crataegus monogyna);Common ash (Fraxinus excelsior);Common holly (Ilex aquifolium);Bramble sp. (Rubus sp.);Elm sp. (Ulmus sp.)	16	300	2	2	2	2	0	Mature	Fair	Fair	Road to south. Boundary group.	No Work Recommended	20+	B2	N/A
G79	Common ash (Fraxinus excelsior);Blackthorn (Prunus spinosa);Bramble sp. (Rubus sp.)	16	300	2	2	2	2	0	Mature	Fair	Fair	Road to south. Boundary group.	No Work Recommended	20+	B2	N/A
H80	Common hazel (Corylus avellana);Common hawthorn (Crataegus monogyna);Common ash (Fraxinus excelsior);Bramble sp. (Rubus sp.);Goat willow (Salix caprea)	9	150	1	1	1	1	0	Mature	Fair	Fair	Road to south. Boundary group.	No Work Recommended	10+	C2	N/A
G81	Common ash (Fraxinus excelsior)	18	300	2	2	2	2	0	Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Ivy or climbing plant; Base / stems obscured - Vegetation; Boundary group.	No Work Recommended	20+	B2	N/A
H82	Common hazel (Corylus avellana);Common hawthorn (Crataegus monogyna);Blackthorn (Prunus spinosa);Common Buckthorn (Rhamnus cathartica);Elm sp. (Ulmus sp.)	4	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown; Boundary group.	No Work Recommended	10+	C2	N/A
G83	Field maple (Acer campestre);Common ash (Fraxinus excelsior)	17	300	2	2	2	2	0	Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Ivy or climbing plant; Base / stems obscured - Vegetation; Hedgerow - Neglected / overgrown; Growing out of hedge.	No Work Recommended	10+	C2	N/A
H84	Common hazel (Corylus avellana);Elder (Sambucus nigra)	6	150	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown	No Work Recommended	10+	C2	N/A
H85	Bramble sp. (Rubus sp.);Wayfaring tree (Viburnum lantana)	2	100	1	1	1	1	0	Mature	Fair	Poor	Hedgerow - Neglected / overgrown; Gappy/sparse.	No Work Recommended	<10	U	N/A
T86	Common ash (Fraxinus excelsior)	18	820#	7	7	7	7	2	Over Mature	Poor	Poor	Access to inspect base - Restricted / obscured; Base / stems obscured - Vegetation; Dying back. Fresh Innonotus bracket at 8m.	No Work Recommended	<10	U	N/A
G87	Common hawthorn (Crataegus monogyna);Common ash (Fraxinus excelsior);English oak (Quercus robur);Crack willow (Salix fragilis);Elder (Sambucus nigra)	18	300	2	2	2	2	0	Mature	Fair	Fair	Internal boundary.	No Work Recommended	20+	B2	N/A
H88	Common hawthorn (Crataegus monogyna);Elder (Sambucus nigra)	6	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Neglected / overgrown	No Work Recommended	10+	C2	N/A
T89	English oak (Quercus robur)	18	920	7	7	7	7	2	Mature	Fair	Fair	Ivy or climbing plant; Deadwood - Major; Growing out of hedge.	No Work Recommended	20+	B1	N/A
G90	Silver birch (Betula pendula);Downy birch (Betula pubescens);Himalayan birch (Betula utilis)	16	300	2	2	2	2	0	Mature	Fair	Fair	Mixed birch planting.	No Work Recommended	40+	A2	N/A
G91	Silver birch (Betula pendula)	16	300#	2	2	2	2	0	Mature	Fair	Fair	Mature birch with saplings below.	No Work Recommended	20+	B2	N/A
G92	Silver birch (Betula pendula);English oak (Quercus robur)	12	400#	2	2	2	2	0	Mature	Fair	Fair	Amenity planting in residence.	No Work Recommended	20+	B2	N/A

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G93	Sycamore (Acer pseudoplatanus);Common hazel (Corylus avellana);Common ash (Fraxinus excelsior);Swedish whitebeam (Sorbus intermedia)	16	400#	2	2	2	2	0	Mature	Fair	Fair	Deadwood - Minor; Roadside trees.	No Work Recommended	20+	B2	N/A
G94	Sycamore (Acer pseudoplatanus);Common hazel (Corylus avellana);Common ash (Fraxinus excelsior);Swedish whitebeam (Sorbus intermedia);Lime sp. (Tilia sp.)	16	400	2	2	2	2	0	Mature	Fair	Fair	Deadwood - Minor; Roadside trees.	No Work Recommended	20+	B2	N/A
G95	Field maple (Acer campestre);Common hawthorn (Crataegus monogyna)	8	200	2	2	2	2	0	Mature	Fair	Fair	Deadwood - Minor; Roadside group.	No Work Recommended	10+	C2	N/A
G96	Sycamore (Acer pseudoplatanus)	19	410#	2	2	2	2	0	Mature	Fair	Fair	Deadwood - Minor; Road to south, footpath to west.	No Work Recommended	20+	B2	N/A
H97	Blackthorn (Prunus spinosa);Bramble sp. (Rubus sp.)	2	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Maintained; Road to south.	No Work Recommended	10+	C2	N/A
G98	Common hawthorn (Crataegus monogyna);Common ash (Fraxinus excelsior);Bramble sp. (Rubus sp.)	8	200	2	2	2	2	0	Mature	Fair	Fair	Access to inspect base - Not possible; Base / stems obscured - Vegetation; Roadside trees. Surveyed from pavement.	No Work Recommended	10+	C2	N/A
G99	Field maple (Acer campestre)	12	200	2	2	2	2	0	Mature	Fair	Fair	Access to inspect base - Not possible; Base / stems obscured - Vegetation; Roadside trees. Surveyed from pavement.	No Work Recommended	20+	B2	N/A
G100	Sycamore (Acer pseudoplatanus);Common hawthorn (Crataegus monogyna);Blackthorn (Prunus spinosa);Elder (Sambucus nigra);Elm sp. (Ulmus sp.);English oak (Quercus robur); Common Ash (Fraxinus excelsior)	8	200#	2	2	2	2	0	Mature	Fair	Fair	Access to inspect base - Not possible; Base / stems obscured - Vegetation; Unmanaged group. Public right of way to west.	No Work Recommended	10+	C2	N/A

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Annex EDP 3
Topographic Site Survey

Annex EDP 4
TPO Burbage (Sketchley House)

THE BOROUGH COUNCIL OF HINCKLEY AND BOSWORTH

25 2 75

BURBAGE (SKETCHLEY HOUSE)

Tree Preservation Order 1975

The Hinckley and Bosworth Borough Council in this order called "the authority" in pursuance of the powers conferred in that behalf by sections 60 of the Town and Country Planning Act 1971, and subject to the provisions of the Forestry Act 1967, hereby makes the following order:-

1. In this Order -
"the Act" means the Town and Country Planning Act 1971;
"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 Minister" means the Secretary of State for the Environment,
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 or wilfully destroy or cause or permit the cutting down, topping, lopping 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

NOTE. If it is desired to fell any of the trees included in this Order, whether included as trees, groups of trees or woodlands, and the trees are trees for the felling of which a licence is required under the Forestry Act 1967, application should be made NOT to the authority for consent under this Order but to the Conservator of Forests for a licence under that Act (section 15(5)).

necessary in the interests of amenity to maintain the special character of the woodlands or the woodlands character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(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 woodlands, that the trees have an outstanding or special amenity value.
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 Minister 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 175 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;
- (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 giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such conditions or direction relates to land in respect of which byelaws made by a river authority, a drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board 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 such condition or direction has effect subject to the requirements of the river authority, drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board under those 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 and of section 46 of the Town and Country Planning Act 1971 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 60 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

NOTE: Any person contravening the provisions of this Order is guilty of an offence under section 102 of the Act and liable on summary conviction to a fine not exceeding fifty pounds; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding two pounds for every day on which the contravention is so continued. Under sections 102, 103 of the Act if a tree is wilfully cut down or destroyed, or if topping or lopping is carried out in such a way as to be likely to destroy the tree the fine is £400 or twice the value of the tree whichever is the greater. If a tree other than one which is part of woodland is removed or destroyed in contravention of the Order it is the duty of the owner of the land, unless on his application the local authority dispense with the requirement to plant another tree of appropriate size and species, at the same place as soon as he reasonably can.

- (b) any injurious affection 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 delivering the claim at the offices of the authority addressed to the General Manager - Administration thereof or by sending it by prepaid post so addressed.

(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 Minister, as the case may be, or where an appeal has been made to the Minister against the decision of the authority, from the date of the decision of the Minister on the appeal.

12. Any question of disputed compensation shall be determined in accordance with the provision of section 179 of the Act.

13. The provisions of Section 61 of the Act shall apply to this Order and the Order shall take effect on the date on which it is Sealed with the Common Seal of the Borough Council.

FIRST SCHEDULE

Trees Specified Individually

(Encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
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nil

Trees Specified by Reference to an Area.

(Within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
A1	The several trees of whatsoever species standing within the area numbered A1 on the plan.	Sketchley House, Watling Street, Burbage.

Groups of Trees

(Within a broken black line on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
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nil

Woodlands

(Within a continuous black line on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
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nil

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 the approved woodlands scheme.

*(3) the cutting down, topping or lopping of a tree exempted from the provisions of the Order by section 60 (6) of the Act namely a tree which is dying or dead or has become dangerous, or the cutting down, topping or lopping of which is in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.

(4) the cutting down, topping or lopping of a tree

(a) in pursuance of the power conferred on the Postmaster General by virtue of section 5 of the Telegraph (Construction) Act 1908;

(b) by or at the request of

(i) a statutory undertaker 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, topping or lopping is for the purpose of securing safety in the operation of the undertaking;

(ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line;

*NOTE: Section 62 (1) of the Act requires, unless on the application of the owner the local authority dispense with the requirement, that any tree removed or destroyed under section 60 (6) of the Act shall be replaced by another tree of appropriate size and species. In order to enable the local planning authority to come to a decision, on whether or not to dispense with the requirement, notice of the proposed action should be given to the local planning authority which except in a case of emergency shall be of not less than five days

- (iii) a river authority established under the Water Resources Act 1963, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, The Conservators of the River Thames, or the Lee Conservancy Catchment Board, where the tree interferes or would interfere with the exercise of any of the functions of such river authority, drainage board, Conservators of the River Thames or Lee Conservancy Catchment Board in relation to the maintenance, improvement or construction of water courses or of drainage works; or
- (iv) the Secretary of State for Defence, the Secretary of State for Trade & Industry or the Board of Trade where in the opinion of such Secretary of State or Board the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;
- (c) where immediately required for the purposes 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 (a) Part III of the Town and Country Planning Act 1971 and (b) section 46 of the Town and Country Planning Act 1971 as adapted and modified to apply to this Order.

(a) PART III OF THE TOWN AND COUNTRY PLANNING ACT 1971

- 33. (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 therein.
- 35. (1) The Minister 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 Minister accordingly.
 - (4) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

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

(6) The decision of the Minister on any application referred to him under this section shall be final.

36. (1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Minister.

(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Minister may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

(4) Before determining an appeal under this section, the Minister shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(6) The decision of the Minister on any appeal under this section shall be final.

37. Where an application for consent under the Order is made to the authority, then unless 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, the authority either -

(a) give notice to the applicant of their decision on the application, or

(b) give notice to him that the application has been referred to the Minister in accordance with directions given under section 35 above;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

45. (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.
- (2) (Subject to the provisions of section 61 of the Act and section 46 of the Act) an Order under this section shall not take effect unless it is confirmed by the Minister, and the Minister may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.
- (3) Where an authority submit an Order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Minister, before confirming the Order shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- (4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed:

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

- (5) Where a notice has been served in accordance with the provisions of subsection (3) 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 Minister under subsection (2) of this section.
- (b) TOWN AND COUNTRY PLANNING ACT 1971
46. (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Minister for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

- (2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Minister that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such

notice is given to the Minister, such Order may take effect by virtue of this section and without being confirmed by the Minister.

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

(4) The authority shall send a copy of any advertisement published under subsection (2) above to the Minister, not more than three days after the publication.

(5) If within the period referred to in subsection (2)(a) above no person claiming to be affected by such Order has given notice to the Minister as aforesaid and the Minister has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in subsection (2)(b) of this section take effect by virtue of this section and without being confirmed by the Minister as required by section 45 (2) of the Town and Country Planning Act 1971.

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Minister under Part II of this Act or under Part IV or Part V of the Act.

The Common Seal of the
Borough Council of Hinckley and Bosworth
was hereunto affixed on the *twelfth*
day of *March* One Thousand
nine hundred and Seventy five



221

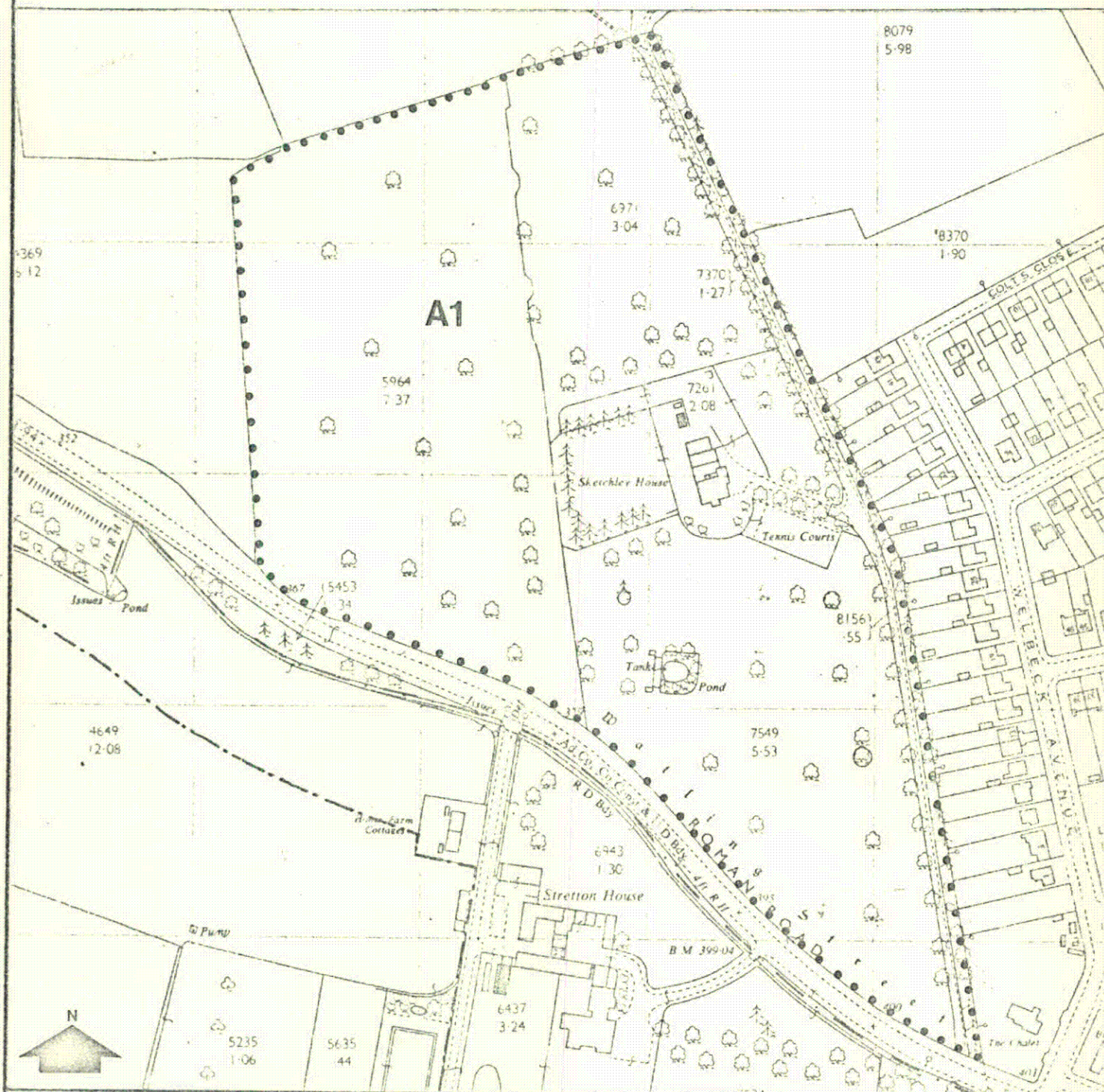
in the presence of:-

Peter Gibbs
.....
General Manager - Administration

Town and Country Planning Act 1971

THE BOROUGH COUNCIL OF HINCKLEY & BOSWORTH BURBAGE (Sketchley House)

Tree Preservation Order 1975



Scale 1:2500

Extract from O.S. sheet SP 4291.

The Common Seal of the Borough Council of Hinckley & Bosworth was hereunto
affixed this *twelfth* day of *March* One thousand
nine hundred and seventy . . . in the presence of:-

Paul G. Gibbs

General Manager, Administration

Annex EDP 5
TPO Burbage (Sketchley Lane)

31-1 Registered 9/11/77
File 14/8

TOWN AND COUNTRY PLANNING ACT 1971
AND ALL OTHER AMENDING ENACTMENTS

THE BOROUGH COUNCIL OF HINCKLEY & BOSWORTH

BURBAGE (SKETCHLEY LANE)

Tree Preservation Order 1977

The Hinckley and Bosworth Borough Council in this order called "the Authority" in pursuance of the powers conferred in that behalf by section 60 and 61 of the Town and Country Planning Act 1971 and all other amending enactments and subject to the provisions of the Forestry Act 1967, hereby makes the following order:-

1. In this Order -
"the Act" means the Town and Country Planning Act 1971;
"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 Minister" means the Secretary of State for the environment.
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, cause wilful 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 if 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

NOTE. If it is desired to fell any of the trees included in this Order, whether included as trees, groups of trees or woodlands, and the trees are trees for the felling of which a licence is required under the Forestry Act 1967, application should be made NOT to the authority for consent under this Order but to the Conservator of Forests for a licence under that Act (section 15(5)).

necessary in the interests of amenity to maintain the special character of the woodlands or the woodlands character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(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 woodlands, that the trees have an outstanding or special amenity value.

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 Minister 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 175 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;
- (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.

On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such conditions or direction relates to land in respect of which byelaws made by a river authority, a drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board 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 such condition or direction has effect subject to the requirements of the river authority, drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board under those 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 and of section 46 of the Town and Country Planning Act 1971 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 60 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

NOTE: Any person contravening the provisions of this Order is guilty of an offence under section 102 of the Act and liable on summary conviction to a fine not exceeding four hundred pounds; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding five pounds for every day on which the contravention is so continued. Under sections 102, 103 of the Act if a tree is wilfully cut down, propped, wilfully damaged or destroyed, or if topping or lopping is carried out in such a way as to be likely to destroy the tree the fine is £400 or twice the value of the tree whichever is the greater. If a tree other than one which is part of woodland is removed or destroyed in contravention of the Order it is the duty of the owner of the land, unless on his application the local authority dispense with the requirement to plant another tree of appropriate size and species, to plant the same place as soon as he reasonably can.

- (b) any injurious affection 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 delivering the claim at the offices of the authority addressed to the General Manager - Administration thereof or by sending it by prepaid post so addressed.

(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 Minister, as the case may be, or where an appeal has been made to the Minister against the decision of the authority, from the date of the decision of the Minister on the appeal.

12. Any question of disputed compensation shall be determined in accordance with the provision of section 179 of the Act.

13. The provisions of Section 61 of the Act shall apply to this Order and the Order shall take effect on the date on which it is sealed with the Common Seal of the Borough Council.

FIRST SCHEDULE

Trees Specified Individually

(Encircled in black on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
T. 3, 5, 6, 7, 8, 12, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33.	ASH	SKETCHLEY LANE, BURBAGE.
T. 2, 4, 9.	OAK	" " "
T. 10, 11, 13.	MAPLE	" " "
T. 17, 18, 19, 20.	SYCAMORE	" " "

Trees Specified by Reference to an Area

(Within a dotted black line on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
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Groups of Trees

(Within a broken black line on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
G. 1, 2, 3.	All trees of whatever species within the broken black line on the map.	SKETCHLEY LANE, BURBAGE.

Woodlands

(Within a continuous black line on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
W. 1.	All trees of whatever species within the continuous black line on the map.	SKETCHLEY LANE, BURBAGE.

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 the approved woodlands scheme.

*(3) the cutting down, topping uprooting or lopping of a tree exempted from the provisions of the Order by section 60 (6) of the Act namely a tree which is dying or dead or has become dangerous, or the cutting down, topping, uprooting or lopping of which is in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.

(4) the cutting down, topping, uprooting or lopping of a tree

- (a) in pursuance of the power conferred on the Postmaster General by virtue of section 5 of the Telegraph (Construction) Act 1908;

- (b) by or at the request of

- (i) a statutory undertaker 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, topping, uprooting or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line;

*NOTE: Section 62 (1) of the Act requires, unless on the application of the owner the local authority dispense with the requirement, that any tree removed or destroyed under section 60 (6) of the Act shall be replaced by another tree of appropriate size and species. In order to enable the local planning authority to come to a decision, on whether or not to dispense with the requirement, notice of the proposed action should be given to the local planning authority which except in a case of emergency shall be of not less than five days.

- (iii) a river authority established under the Water Resources Act 1963, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930. The Conservators of the River Thames, or the Lee Conservancy Catchment Board, where the tree interferes or would interfere with the exercise of any of the functions of such river authority, drainage board, Conservators of the River Thames or Lee Conservancy Catchment Board in relation to the maintenance, improvement or construction of water courses or of drainage works; or
- (iv) the Secretary of State for Defence, the Secretary of State for Trade & Industry or the Board of Trade where in the opinion of such Secretary of State or Board the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;
- (c) where immediately required for the purposes 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 (a) Part III of the Town and Country Planning Act 1971 and (b) section 46 of the Town and Country Planning Act 1971 as adapted and modified to apply to this Order.

- (a) PART III OF THE TOWN AND COUNTRY PLANNING ACT 1971.
- 33. (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 insofar as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.
- 35. (1) The Minister 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 Minister accordingly.
 - (4) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

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

(6) The decision of the Minister on any application referred to him under this section shall be final.

36. (1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Minister.

(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Minister may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

(4) Before determining an appeal under this section, the Minister shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(6) The decision of the Minister on any appeal under this section shall be final.

37. Where an application for consent under the Order is made to the authority, then unless 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, the authority either -

(a) give notice to the applicant of their decision on the application, or

(b) give notice to him that the application has been referred to the Minister in accordance with directions given under section 35 above;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

45.

(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.

(2) (Subject to the provisions of section 61 of the Act and section 46 of the Act) an Order under this section shall not take effect unless it is confirmed by the Minister, and the Minister may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an authority submit an Order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Minister, before confirming the Order shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed:

Provided that the revocation or modification of consent shall not affect so much of those operations as have been previously carried out.

(5) Where a notice has been served in accordance with the provisions of sub-section (3) 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 Minister under sub-section (2) of this section.

(b) TOWN AND COUNTRY PLANNING ACT 1971

46.

(1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Minister for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

(2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Minister that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such

notice is given to the Minister, such Order may take effect by virtue of this section and without being confirmed by the Minister.

(3) The authority shall also serve notice to the same effect on the persons mentioned in sub-section (1) above.

(4) The authority shall send a copy of any advertisement published under sub-section (2) above to the Minister, not more than three days after the publication.

(5) If within the period referred to in sub-section (2)(a) above no person claiming to be affected by such Order has given notice to the Minister as aforesaid and the Minister has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in sub-section (2)(b) of this section take effect by virtue of this section and without being confirmed by the Minister as required by section 45 (2) of the Town and Country Planning Act 1971.

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Minister under Part II of this Act or under Part IV or Part V of the Act.

The Common Seal of the

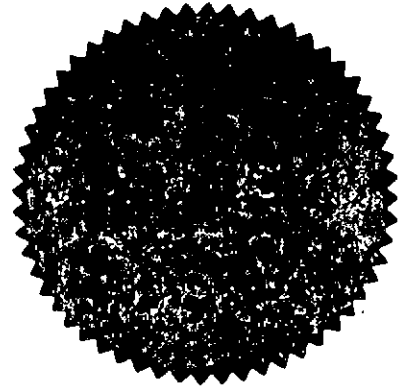
Borough Council of Hinckley and Bosworth

was hereunto affixed on the *twelfth*

day of *January* One Thousand

nine hundred and Seventy *seven*

in the presence of :-



821

Per [Signature]

General Manager, Administration.

[illegible]

The Hinckley and Bosworth Borough Council in this order called "the Authority" in pursuance of the powers conferred in that behalf by section 60 and 61 of the Town and Country Planning Act 1971 and all other amending enactments and subject to the provisions of the Forestry Act 1967, hereby makes the following order:-

1. In this Order -
"the Act" means the Town and Country Planning Act 1971;
"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 Minister" means the Secretary of State for the environment.
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, cause wilful 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 if 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

NOTE. If it is desired to fell any of the trees included in this Order, whether included as trees, groups of trees or woodlands, and the trees are trees for the felling of which a licence is required under the Forestry Act 1967, application should be made NOT to the authority for consent under this Order but to the Conservator of Forests for a licence under that Act (section 15(5)).

necessary in the interests of amenity to maintain the special character of the woodlands or the woodlands character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(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 woodlands, that the trees have an outstanding or special amenity value.
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 Minister 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 175 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;
- (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.

On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such conditions or direction relates to land in respect of which byelaws made by a river authority, a drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board 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 such condition or direction has effect subject to the requirements of the river authority, drainage board, the Conservators of the River Thames or the Lee Conservancy Catchment Board under those 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 and of section 46 of the Town and Country Planning Act 1971 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 60 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

NOTE: Any person contravening the provisions of this Order is guilty of an offence under section 102 of the Act and liable on summary conviction to a fine not exceeding four hundred pounds; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding five pounds for every day on which the contravention is so continued. Under sections 102, 103 of the Act if a tree is wilfully cut down, uprooted, wilfully damaged or destroyed, or if topping or lopping is carried out in such a way as to be likely to destroy the tree the fine is £400 or twice the value of the tree whichever is the greater. If a tree other than one which is part of woodland is removed or destroyed in contravention of the Order it is the duty of the owner of the land, unless on his application the local authority dispense with the requirement to plant another tree of appropriate size and species, at the same place as soon as he reasonably can.

- (b) any injurious affection 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 delivering the claim at the offices of the authority addressed to the General Manager - Administration thereof or by sending it by prepaid post so addressed.
- (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 Minister, as the case may be, or where an appeal has been made to the Minister against the decision of the authority, from the date of the decision of the Minister on the appeal.
12. Any question of disputed compensation shall be determined in accordance with the provision of section 179 of the Act.
13. The provisions of Section 61 of the Act shall apply to this Order and the Order shall take effect on the date on which it is sealed with the Common Seal of the Borough Council.

FIRST SCHEDULE

Trees Specified Individually

(Encircled in black on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
<u>T.</u> 3, 5, 6, 7, 8, 12, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33.	ASH	SKETCHLEY LANE, BURBAGE.
<u>T.</u> 2, 4, 9.	OAK	" " "
<u>T.</u> 10, 11, 13.	MAPLE	" " "
<u>T.</u> 17, 18, 19, 20.	SYCAMORE	" " "

Trees Specified by Reference to an Area

(Within a dotted black line on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
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Groups of Trees

(Within a broken black line on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
G. 1, 2, 3.	All trees of whatever species within the broken black line on the map.	SKETCHLEY LANE, BURBAGE.

Woodlands

(Within a continuous black line on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
W.1.	All trees of whatever species within the continuous black line on the map.	SKETCHLEY LANE, BURBAGE.

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 the approved woodlands scheme.

*(3) the cutting down, topping uprooting or lopping of a tree exempted from the provisions of the Order by section 60 (6) of the Act namely a tree which is dying or dead or has become dangerous, or the cutting down, topping, uprooting or lopping of which is in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.

(4) the cutting down, topping, uprooting or lopping of a tree

- (a) in pursuance of the power conferred on the Postmaster General by virtue of section 5 of the Telegraph (Construction) Act 1908;
- (b) by or at the request of
 - (i) a statutory undertaker 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, topping, uprooting or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line;

*NOTE: Section 62 (1) of the Act requires, unless on the application of the owner the local authority dispense with the requirement, that any tree removed or destroyed under section 60 (6) of the Act shall be replaced by another tree of appropriate size and species. In order to enable the local planning authority to come to a decision, on whether or not to dispense with the requirement, notice of the proposed action should be given to the local planning authority which except in a case of emergency shall be of not less than five days.

- (iii) a river authority established under the Water Resources Act 1963, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930. The Conservators of the River Thames, or the Lee Conservancy Catchment Board, where the tree interferes or would interfere with the exercise of any of the functions of such river authority, drainage board, Conservators of the River Thames or Lee Conservancy Catchment Board in relation to the maintenance, improvement or construction of water courses or of drainage works; or
- (iv) the Secretary of State for Defence, the Secretary of State for Trade & Industry or the Board of Trade where in the opinion of such Secretary of State or Board the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;
- (c) where immediately required for the purposes 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 (a) Part III of the Town and Country Planning Act 1971 and (b) section 46 of the Town and Country Planning Act 1971 as adapted and modified to apply to this Order.

(a) PART III OF THE TOWN AND COUNTRY PLANNING ACT 1971.

- 33. (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 insofar as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.
- 35. (1) The Minister 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 Minister accordingly.
 - (4) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

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

(6) The decision of the Minister on any application referred to him under this section shall be final.

36. (1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Minister.

(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Minister may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

(4) Before determining an appeal under this section, the Minister shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(6) The decision of the Minister on any appeal under this section shall be final.

37. Where an application for consent under the Order is made to the authority, then unless 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, the authority either -

(a) give notice to the applicant of their decision on the application, or

(b) give notice to him that the application has been referred to the Minister in accordance with directions given under section 35 above;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

45. (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.
- (2) (Subject to the provisions of section 61 of the Act and section 46 of the Act) an Order under this section shall not take effect unless it is confirmed by the Minister, and the Minister may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.
- (3) Where an authority submit an Order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Minister, before confirming the Order shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- (4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed:

Provided that the revocation or modification of consent shall not affect so much of those operations as have been previously carried out.

- (5) Where a notice has been served in accordance with the provisions of sub-section (3) 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 Minister under sub-section (2) of this section.

(b) TOWN AND COUNTRY PLANNING ACT 1971

46. (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Minister for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.
- (2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Minister that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such

notice is given to the Minister, such Order may take effect by virtue of this section and without being confirmed by the Minister.

(3) The authority shall also serve notice to the same effect on the persons mentioned in sub-section (1) above.

(4) The authority shall send a copy of any advertisement published under sub-section (2) above to the Minister, not more than three days after the publication.

(5) If within the period referred to in sub-section (2)(a) above no person claiming to be affected by such Order has given notice to the Minister as aforesaid and the Minister has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in sub-section (2)(b) of this section take effect by virtue of this section and without being confirmed by the Minister as required by section 45 (2) of the Town and Country Planning Act 1971.

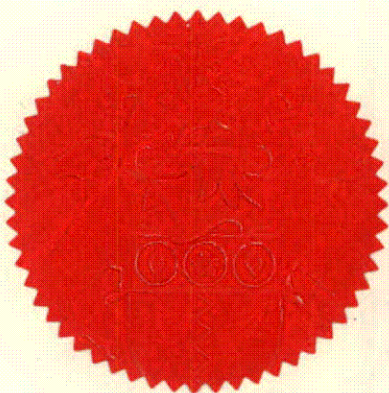
(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Minister under Part II of this Act or under Part IV or Part V of the Act.

The Common Seal of the

Borough Council of Hinckley and Bosworth

was hereunto affixed on the *twelfth*
day of *January* One Thousand
nine hundred and Seventy *seven*

in the presence of :-



Per [Signature]

General Manager, Administration.