

ENVIRONMENTAL PLANNING

Welcome Break Ltd
Stretton Court,
Hinckley
Arboricultural Survey Report

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Hinckley
Arboricultural Survey Report

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Limitations

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by BWB during our investigations.

There may be other conditions prevailing on the Site which have not been disclosed by this investigation and which have not been taken into account by this report. Responsibility cannot be accepted for conditions not revealed by the investigation.

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- b) the date on which the final report is delivered.

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1. INTRODUCTION

Instruction

- 1.1 BWB Consulting (BWB) was instructed by Welcome Break Ltd ('the Applicant') to carry out an Arboricultural Survey on land designated as Stretton Point off Watling Street, Hinckley, LE10 3JB (hereafter referred to as 'the Site'). The scope of work comprised a survey of all trees >75mm on-Site undertaken on 6th January 2025.

Site Description

- 1.2 The Site is an area of disused land of approximately 4.8 hectares (ha) and is located to the south of the private property of Stretton Croft. The Site is situated on the outskirts of the town of Hinckley to the south and is directly adjacent to the motorway junction between the M69 and the A5. To the north of the Site is mostly built up urban residential areas with areas to the south, west and east being predominantly rural, consisting of a mix of agricultural use. Surrounding mature canopy is limited with mostly boundary trees along field edges. A small woodland is located approximately 0.8 km to the south and Burbage Wood is approximately 3.5 km to the north-east of the Site. The Site is relatively flat with a gradual incline from the south to the north. The Site lies between 105 m – 110 m above ordnance datum (AOD) and is centred on grid reference SP 43163 91023.

Objectives

- 1.3 The objectives of this report are to complete an Arboricultural Survey of the Site to inform the design and mitigation for development.
- 1.4 An Arboricultural Impact Assessment and associated Tree Protection/Removal Plans will be produced at a later date, once development plans for the Site have been finalised.

2. METHOD

Arboricultural Survey

- 2.1 The Arboricultural Survey covers those trees, or groups of trees, which are considered relevant for the brief. During the survey, all relevant individual trees and groups of trees located within and close to the boundary of the Site were assessed. Trees with an estimated stem diameter of 75mm or more that overhang the Site or are located within a distance of up to 12 times their estimated stem diameter were included in the survey.
- 2.2 The objective of the survey was to collect tree data relevant to the proposed works at the Site and to categorise individual trees or tree groups in accordance with BS 5837:2012 '*Trees in relation to design, demolition and construction – Recommendations*', based on their condition, quality and future potential.
- 2.3 The purpose of the categories within BS 5837:2012 is not to determine whether retention of trees is desirable, 'The purpose of the tree categorization method, which should be applied by the arboriculturist, is to identify the quality and value (in a non-fiscal sense) of the existing tree stock, allowing informed decisions to be made concerning which trees should be removed or retained in the event of the development occurring' (BS 5837:2012, Section 4.5.2). This survey should therefore be regarded as an initial appraisal with observations recorded for trees within, and adjacent to, the study area. Remedial tree works, foundation design and material specification are not covered within this report.
- 2.4 The locations for the trees on the Site are shown on the Tree Constraints Plan (**Appendix 1**) and are based on the supplied topographical survey drawing (Drawing No. 266-2d). To maintain good practice, it is recommended that all measurements be checked on-Site prior to works commencing. A detailed inspection of the trees with respect to decay, defects and hazard is not included with this report.
- 2.5 The Site survey was conducted on 6th January 2025 by D. Brown FdSc.
- 2.6 Information collected during the survey included species, height, stem diameter, branch spread, height of crown clearance, age class, physiological condition, structural condition, estimated remaining contribution and category grade.
- 2.7 The survey was undertaken from ground level using visual assessment of the tree canopy and stem. No removal of vegetation, digging or drilling was undertaken during the survey and parts of the stems of some trees remained partly obscured by vegetation. The weather conditions at the time of the survey were acceptable. All parts of the Site were fully accessed and there were no significant survey limitations.
- 2.8 No liability can be accepted in respect of the trees or for events which happen after the time of the survey.

3. RESULTS

Arboricultural Survey

- 3.1 The tree survey results are shown in **Table 3-1** (Tree Survey Schedule) and **Appendix 1** (Tree Constraints Plan), which provides details of canopy spreads and Root Protection Areas (RPAs) of the trees included within the survey. The RPAs have been calculated in accordance with Section 4.6 of BS 5837:2012. Although the RPA attempts to identify the area of each tree's root system which should be protected, the simplistic circles do not take account of constraints such as buildings, landform, walls etc. which may have restricted or influenced root development. Circular RPAs are considered to provide a reasonable guide to the extent of the likely rooting areas which should ideally be protected.
- 3.2 A check for Tree Preservation Orders and Conservation Area designations was carried out through Hinckley and Bosworth Borough Council on 27th June 2023. Tree preservation orders were identified upon trees around Stretton Croft within the Northern section of the Site. Trees within G13 are subject to TPO order 18/00012/TPORD, trees within G15 – G20 and T9 – T14 are subject to TPO order 88/00005/TPORD. Trees within G14 are subject to TPO order 77/00002/TPORD. The Site does not fall within a Conservation Area.
- 3.3 The trees included within this survey comprised of 21 individual trees, 23 tree groups and 2 hedgerows.
- 9 individual trees were classified as Category A trees;
 - 10 tree groups were classified as Category A trees;
 - 6 individual trees were classified as Category B trees;
 - 9 tree groups were classified as Category B trees;
 - 6 individual trees were classified as Category C trees;
 - 4 tree groups were classified as Category C trees;
 - 1 hedgerow was classified as Category B; and
 - 1 hedgerow was classified as Category C.
 - There were no Category U trees.

Table 3-1: Tree Survey Schedule

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
INDIVIDUAL TREES																
T1	Oak	MM	22	6	8	10	6	1.5	930	G	F	30+	Large mature oak with very large crown. Failed lower limb on North of crown. Dense ivy colonisation of stem and crown break. Significant landscape tree with high carbon sequestration potential.	Retain and remove damaged limb at base.	A2	11.16
T2	Bird cherry	YM	7.5	3.5	3.5	3.5	3.5	0.5	210	G	G	20+	Tree located in open glade of woodland area; small tree not visible from external areas	Retain	C1	2.52
T3	Poplar	MM	25	7	7	7	7	8	830	G	G	20+	Very large poplar tree within woodland group. Dominating canopy extending above woodland. High landscape value.	Retain	A2	9.96
T4	Oak	MM	20	8	11.5	10	12	4	900*	G	G	30+	Very large mature oak adjacent disused road. Deadwood throughout, large canopy area, very good carbon sequestration capability. High value	Retain	A2	10.8

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
													landscape feature, No obvious defects or signs of ill health identified.			
T5	Ash	MM	19	4	4	4	4	2.5	350*	F	F	10+	Mature ash with small narrow crown, tall growth, dieback throughout crown.	Retain or remove as per development plans	C2	4.2
T6	Sycamore	MM	18.5	6	6	6	6	1.5	5 stems 200, 300, 250, 250, 300	F	F	20+	Large multi stemmed tree which is self-sown growing from opposite bank of drainage ditch. Large crown area. Some minor damage at base, no included/weak unions identified.	Retain or remove as per development plans.	C2	5.9
T7	Sycamore	MM	19.5	8	10	8	8.5	3	800	G	F	30+	Large mature sycamore with very large crown on adjacent roadside. Prominent feature.	Retain	A2	9.6
T8	Sycamore	MM	18	6.5	9	9	7.5	2	950	F	F	20+	Large tree with very dense ivy colonisation. Crown is sparse with limited foliage; ivy is beginning to out compete crown.	Retain	B2	11.4

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
T9	Oak	MM	20	6	8	6	7	3	750	G	G	30+	Large mature oak along edge of shelter belt vegetation. Large crown and with adjacent oaks form large canopy area. High landscape and environmental value.	Retain. Further investigation needed to observe extent of basal decay.	A2	9
T10	Oak	MM	20	6	4.5	5	6	3	680	G	G	30+	Large mature oak along edge of shelter belt vegetation. Large crown and with adjacent oaks form large canopy area. High landscape and environmental value.	Retain	A2	8.16
T11	Oak	MM	20	6	4	6	6	3	570	G	G	30+	Large mature oak along edge of shelter belt vegetation. Large crown and with adjacent oaks form large canopy area. High landscape and environmental value.	Retain	A2	6.84
T12	Oak	MM	16	7	7.5	8	8.5	0	650	F	F	30+	Mature oak with wide large crown. Minor deadwood throughout open grown tree which	Retain	A2	7.8

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
													provides good carbon sequestration potential.			
T13	Oak	MM	15	6	6	9	9	1.5	570	F	F	30+	Mature oak with smaller crown than neighbouring trees, multiple failed libs and damage throughout crown.	Retain	B2	6.84
T14	Oak	MM	20	8.5	7.5	9.5	7	2	840	G	G	30+	Large mature oak with large wide crown. Provides high landscape and environmental value. No obvious defects or signs of ill health identified, minor deadwood throughout crown.	Retain	A2	10.08
T15	Oak	MM	21	6	6	7.5	9	0	800*	F	F	30+	Mature oak on boundary, difficult ground restricted access. Large mature tree with significant crown area.	Retain	B2	9.6

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
T16	Ash	YM	10	4	4	4	4	1.5	250	F	F	20+	Self-sown semi mature ash located in fence adjacent to motorway junction.	Retain or remove as per development plans	C1	3
T17	Oak	MM	20	5	6.5	7.5	7	2	950	F	F	10+	Large mature oak on roadside adjacent to footpath. Recent works to new access drive very close to stem, does not appear to have been completed using no dig spec, potential for damage to structural roots during construction may require further investigation.	Retain	B2	11.4
T18	Maple	YM	12	3	3	3	3	2.5	220*	G	G	20+	Semi mature tree in hedgerow. No obvious defects or signs of ill health identified. Small tree.	Retain or remove as per development plans.	C1	2.64
T19	Oak	M	18	6	6	6	6	3	680	G	F	20+	Mature tree adjacent to road. Ivy restricting inspection of stem.	Retain where possible	B1	209.18

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
T20	Holly	YM	14	4	4	4	4	3	420	G	F	20+	Early mature tree adjacent to road and access drive for property adjacent.	Retain where possible	B1	79.8
T21	Elm	YM	14	5	3	3	3	2	330	G	F	10+	Codominant stem with poor inclusion of union. Adjacent to third part car park.	Retain or remove as per development plans	C1	49.27
GROUPS OF TREES																
G1	Ash, sycamore, oak,	MM	21	8	8	8	8	1.5	600-800	F	F-P	30+	Group of large mature trees situated along drainage ditch. Numerous dead stems within group with 1 large fallen tree. Multiple damage to trees within group and deadwood throughout. Still provides significant screening and landscape feature along boundary with motorway.	Retain and manage group to remove dangerous trees where retained close to development.	B2	8.4
G2	Beech, sycamore, Scots pine, hawthorn, ash,	YM-MM	18	6	6	6	6	1	300-500	F	F-P	30+	Line of trees along drainage ditch, mix of mature and semi mature trees with varying sizes due to competition. Number of	Retain and manage group to remove dead and dangerous trees if retained near to development.	B2	4.8

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
													dead and dying trees within group and various degrees of damage. Unmanaged area. Provides good level of screening from motorway and significant area of mature canopy.			
G3	Ash, sycamore	YM	15.5	5	5	5	5	1	200-300	G	G	30+	Line of trees along fence line adjacent to motorway. Mostly multi stemmed self-sown trees. Provide good screening against road. No obvious defects or signs of ill health identified.	Retain	B2	3.6
G4	Ash, sycamore, hawthorn, cherry, beech, horse chestnut	MM	20	7	7	7	7	1	500	F	F-P	20+	Group of mature trees along drainage ditch. Multiple dead and dying trees and 1 tree which has fallen over. Remaining tree area mix of large mature trees with younger and smaller understorey trees creating creep along motorway. Good landscape feature.	Retain and manage group to make dead and dangerous trees safe.	B2	6

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
G5	Sycamore, beech, horse chestnut	MM	19.5	7	7	7	7	1.5	700-1000	F	F	30+	Group of 4 large mature trees. 1x Sycamore is dead. Remaining trees showing varying degrees of damage with 1 x beech having failed upper stem which is caught in upper canopy. Group provides large area of mature canopy with surviving trees and is a significant landscape feature. Dead sycamore has fungal fruiting bodies indicative of Kretzschmaria deutzia adjacent to mature beech. Beech tree showing dieback in tips NE.	Retain and manage group to remove dead and dangerous trees or parts. Tree survey schedule to monitor vitality in beech every 24 months.	A2	12
G6	Sycamore, ash, cherry, poplar, hawthorn,	YM-MM	20	5	5	5	5	1.5	300	F	F	40+	Woodland group with a mix of tree sizes and conditions. Several fallen stems are located within the group. Good woodland structure with vegetation on all layers.	Retain	A2	3.6

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
													Provides large area of canopy and good habitat.			
G7	Poplar, ash, sycamore	YM	18	5	5	5	5	1	300	G	G	30+	Group of trees along boundary fence line adjacent to motorway. Provides screening and noise buffer for site.	Retain	B2	3.6
G8	Ash	MM	19	7.5	8	7	8.5	4	600	F	F	30+	2x mature ash on opposite side of access road and ditch. Large canopies with significant landscape impact.	Retain	A2	7.2
G9	Lime, hawthorn, field maple, ash, sycamore,	MM	15	5.5	5.5	5.5	5.5	0	400-600	G	G	30+	Line of trees along edge of field and adjacent disused road, Provides an avenue of continuous mature canopy. Good landscape impact with no obvious defects or signs of ill health identified.	Retain	A2	6
G10	Ash, lime, holly	MM	21	7.5	7.5	7.5	7.5	1.5	600-800	F	F	30+	Group of mature forming large area of mature canopy, located along edge of field adjacent to	Retain a managed group to removed dead and damaged parts.	A2	8.4

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
													disused road. Forms screen for site and significant landscape area. Some area of damage throughout trees and dense understory growth.			
G11	Oak	MM	18	8	8	8	8	2	750*	G	F	30+	Group of 5 mature oak trees on edge of disused road. Some minor damage through all trees with deadwood. Overall exhibit relatively good condition and provide significant area of mature canopy. High value landscape and environment feature. No obvious defects or signs of ill health identified.	Retain	A2	9
G12	Lime	MM	23	8	6	6	7	2.5	700	G	G	30+	2x mature lime adjacent to each other. Tall trees which together provide significant canopy area. Dense canopies with dense ivy growth	Retain	A2	8.4

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
													on stems provides high value habitat.			
G13	Beech, holly, birch, Scots pine, sycamore	MM	19.5	6	6	6	6	2.5	300-500	G	F	30+	Dense group of trees along boundary of private property. Multiple dead and dying stems within central areas of group. Provides dense area of mature canopy, high value landscape, habitat and environmental feature.	Retain	A2	6
G14	Sycamore, cherry, pine,	MM	15.5	7	7	7	7	0	200-400	F	F	20+	Group of trees located near junction following old fence, Edge line trees are mostly understorey scrub and large trees which have occluded parts of the fence within basal stem areas, potential for weakening of stems due to occlusions. Scots pine tree in poor physiological condition.	Retain majority of group, self-set sycamores on fence line may require removal if development proposed in close proximity. Remove Scots pine.	B2	3.6
G15	Scots pine, holly, laurel, cypress.	MM	19	6	6	6	6	0	300-500	F	F	20+	Dense area of mixed species trees, all are evergreen, giving all year-round screening.	Retain	B2	6

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
													Provides screen for private property. Dense area of mature canopy. various degrees of damage throughout.			
G16	Scots pine, birch sycamore, beech, cypress,	MM	19.5	5	5	5	5	2.5	550	G	G	30+	Shelter belt group of mixed woodland trees all exhibit good condition and are tall giving high value landscape feature as well as dense area of continuous mature canopy. Some dead stems throughout group which is good for high biodiversity,	Retain. Remove dead stems in falling distance of highways	A2	6.6
G17	Pine, maple, spruce	MM	18	4	4	4	4	1.5	350	G	G	20+	Group of mixed species trees forming part of shelter belt alongside of main road. Narrow crowns provide areas of open space, adjacent oaks dominate canopy area. Group is dominated by surrounding trees.	Retain or remove as per development plans.	C2	4.2

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
G18	Scots pine	MM	20	4	4	4	4	3	470	F	F	20+	2x mature pine. Tall narrow crowns, located at end of shelter belt and form Sporadic canopy along roadside. No obvious defects or signs of ill health identified.	Retain	B2	5.64
G19	Scots pine, cedar, birch, spruce.	MM	19.5	4	4	4	4	3	450	F	F-P	20+	Group of mixed species of trees along roadside forming open end of salter belt. Most trees in the group are dead with only the pine still living.	Retain or remove as per development plans.	C2	5.4
G20	Beech, birch, willow, maple, cypress, Thuja,	MM	20	7	7	7	7	0	600	G	G	30+	Mature woodland group of mixed species which generally exhibits good structure, some dead stems within woodland which is good for biodiversity. Good habitat and dense area of mature canopy.	Retain	A2	7.2
G21	Oak, ash, hawthorn,	YM	17	6.5	6.5	6.5	6.5	2.5	350	G	G	30+	Line of trees along hedge line adjacent to footpath. No obvious defects or signs of ill health identified. Forms	Retain	B2	4.2

No.	Species (common name)	Age class	Height	Crown spread				Crown clearance	Stem dia. (mm)	Physiological condition	Structural condition	Estimated Remaining contribution	Comments	Recommendations	Ret. Cat. (sub cat.)	RPA (m)
				W	N	S	E									
													avenue of canopy along East side of road.			
G22	Cypress	MM	17	2.5	2.5	2.5	2.5	0	200	G	G	10+	Dense conifer hedge at entrance to private property, provides screen for property.	Retain	C2	2.4
G23	Holly, hawthorn, cypress	MM	5	2	2	2	2	0	150	G	G	10+	Hedgerow of mostly holly following edge of path within canopy of larger trees	Retain	C2	1.8
HEDGEROWS																
H1	Leyland Cypress	MM	20	4	4	4	4	3	Up to 500	G	G	20+	Hedgerow planted as a visual screen and have become large trees.	Retain due to third party ownership	B2	113.1
H2	Hawthorn	YM	2	0.5	0.5	0.5	0.5	0	Up to 75	F	F	10+	Hedgerow along grass verge adjacent to road	Retain or remove as per development plans	C2	2.54

Key:

- Tree/ Group Ref No. – tree/group number, to be recorded on tree survey plan where necessary.
- Species – common and scientific names where possible.
- Age class – young (Y), young mature (YM), middle mature (MM), mature (M), over mature (OM).
- Height – overall height of tree in metres.
- Crown spread – in meters taken at the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan where necessary).
- Crown clearance – in meters above adjacent ground level to inform on ground clearance, crown stem ratio and shading.
- Stem Dia – stem diameter, in millimetres at 1.5m above adjacent ground level (on sloping ground to be taken on the upslope of the tree base) or immediately above the root flare for multi-stemmed trees. * denotes an estimated measurement where access was limited
- Physiological condition – e.g. good (G), fair (F), poor (P) and dead (D).
- Structural condition – e.g. collapsing, the presence of decay and any physical defect.
- Estimated remaining contribution – in years e.g. less than 10, 10-20, 20-40, more than 40.
- Management recommendations – including further investigations of suspected defects that require more detailed assessment and potential wildlife habitat. All tree work is based on current tree condition and the existing land use and will include work such as hazard abatement, encroachment pruning, thinning of groups/woods and good Arboricultural practice.
- Cat grade – category grade – U or A to C, to be recorded in plan on the tree survey plan where possible.
- RPA – Root protection area calculated from BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations in sq/m. Where indicated, dimensions of radius of circle or sides of square based around centre point of trunk calculated for design purposes.

4. CONCLUSIONS AND RECOMMENDATIONS

Recommendations

- 4.1 Tree cover is generally confined to the periphery of the Site within the southern section, with the majority of trees located around the private residence of Stretton Croft. The majority of trees within the Site are mature trees formed in groups and woodland belts with a range of species and conditions. Species found within the Site consist of oak *Quercus robur*, ash *Fraxinus excelsior*, lime *Tilia sp.*, poplar *Populus sp.*, beech *Fagus sylvatica*, sycamore *Acer pseudoplatanus*, birch *Betula pendula*, Scots pine *Pinus Sylvestris*, hawthorn *Crataegus monogyna* and horse chestnut *Aesculus hippocastanum*.
- 4.2 T1 and T2 are two very large trees located along the southern boundary and which are significantly taller than the surrounding trees along this boundary. Both exhibit relatively good condition and provide very high value landscape impact for the Site due to their significant size. Both are considered to be BS5837:2012 Category A.
- 4.3 G1 – G7 are groups of trees which are located along the southern boundary and form a corridor of mature tree canopy as well as a screen against the adjacent motorway. Together these groups provide a significant area of continuous mature tree canopy with high sequestration capability, as well as high screening impact for the Site and surrounding areas. A number of the groups contain some trees which are smaller than others, or trees with significant damage or decline. There are a number of dead trees within the groups along the length of the boundary. Those groups identified with damaged or dead trees have been categorised as Category B, with remaining groups being Category A.
- 4.4 Open areas within the groups are screened from the adjacent motorway by young ash and sycamore trees along the fence line within G3 and G7. All trees along the southern boundary are located along the small stream at the base of a small embankment. RPAs of trees within these groups do not pass beyond the line of the embankment and should therefore not pose a significant constraint upon development where the stream and embankment are retained.
- 4.5 G9 and G10 are an avenue of mature trees consisting of mostly lime trees. All exhibit good condition and provide an avenue of continuous canopy along the western boundary. These are tall trees and therefore provide significant landscape importance along this boundary and will screen the Site from adjacent land use. All are considered to be BS5837:2012 Category A. Consideration should be given within designs for a buffer along the boundary to ensure construction remains outside of the RPA.
- 4.6 G8, G11 and T4 - T6 are all located on the opposite side of Wolvey Road on adjacent properties. Along the disused section of the road, all trees are located on the western side of a drainage ditch. These trees and groups consist of a number of large oak and sycamore trees which have very large crowns and will provide high carbon sequestration capabilities within an area close to a major motorway. Due to the position of the trees, it is unlikely that there will be any constraint upon development as rooting is unlikely to be within the Site. All are considered to be BS5837:2012 Category A and B.

- 4.7 Trees within G13, G15 and G20 are all within the curtilage of Stretton Croft and their retention will therefore be required. All are groups of large mature trees which provide significant areas of mature canopy within an area that is predominantly urban or agricultural with little dense canopy cover and are therefore important for a range of landscape, habitat and environmental features. Both G13 and G20 are considered to be BS5837:2012 Category A with G15 being Category B due to a number of damaged and dead trees within the group. RPA encroachment within the developable area must be taken into account during designs to limit construction requirements within the RPA. Trees within both G15 and G20 are subject to a tree preservation order under order number 88/00005/TPORD. Trees within G13 are subject to a tree preservation order under order number 18/00012/TPORD.
- 4.8 Along the eastern boundary and adjacent to Watling Street are trees within G16 along with T9 – T11. G16 is a group of mature trees of mixed species forming an avenue of mature canopy between the road and private property of Stretton Croft. This group contains tall trees which provide a significant landscape feature along Watling Street with high visibility from surrounding areas. T9 – T11 are three mature oaks along the edge of Watling Street immediately adjacent to the path. These provide wide crowns which overhang the road and are a significant visual feature along the road. All trees within G16 and T9 – T11 are considered to be BS5837:2012 Category A and are subject to a tree preservation order under order number 88/00005/TPORD.
- 4.9 Continuing along Watling Street to the south are a number of tree groups, G17 – G19, all of which contain some smaller trees or those which are damaged or dead in areas. G17 is a group of smaller trees which are generally suppressed by the larger neighbouring trees of T9-T11 and are therefore not as significantly visible from both external and internal areas of the Site. G19 contains a high proportion of dead trees and standing stems of birch with a small number of Scots pine remaining alive within the group along the boundary. G18 contains two Scots pine with open spacing between them. Trees within these groups do not form dense canopy due to positioning and the presence of dead trees with lost crown and are therefore considered to be Category B and C due to lower impact they provide and poorer condition. All are however subject to the TPO order 88/00005/TPORD.
- 4.10 Three trees are located within the Site adjacent to the groups along Watling Street. T12 – T14 are three large mature oak trees, which are in open grown crown form. Both T12 and T14 exhibit good condition and provide large crowns and are considered to be Category A trees. T13 is a smaller tree than its neighbours and exhibits damage throughout the crown from a number of failed limbs and is therefore considered to be Category B. All three trees however will provide significant carbon sequestration potential. Where possible these trees should be retained, due to the higher sequestration potential of open grown full crown trees. Where removal would be required, consideration of replanting with larger planting stock such as semi-mature trees should be considered in order to mitigate the loss of a significant area of open grown mature canopy. T12 and T14 are considered to be Category A and T13 is considered to be Category B. All are subject to TPO order 88/00005/TPORD. The RPA of these trees, where retained, must be taken into account during designs to reduce the need for construction within the RPA.

- 4.11 Trees within G14 are subject to a TPO under order number 77/00002/TPODR. These trees form part of a woodland shelter belt group and border the open grasses area and footpath adjacent to the junction between Wolvey Road and Watling Street. Edge line trees are relatively sparse with open areas and consist of a number of small self-sown trees of mostly cherry with two mature sycamore trees. The two sycamores are both multi-stemmed self-sown trees which have occluded around the old metal fence. The occlusion of the fence at the base of the trees is likely to lead to a weakening of the structure at the base of the trees and their removal would be suitable if development is required in close proximity. The removal of these trees would not have a detrimental effect on the overall woodland group. G14 is considered to be Category B.
- 4.12 Along the Eastern side of Watling Street are several trees within G21, as well as T17, T19 and T20 which are considered to be Category B trees. Trees within G21 are not considered to present significant constraint upon development due to the existing road layout where rooting is unlikely. However, sections of the footpath close to the stems were cracked and lifted indicating rooting beneath the thin surface layers of tarmac. Any removal of surfacing materials would need to be carried out carefully and all roots retained to prevent weakening the stability of the trees. T17 is a large oak and T20 is an early mature holly tree where a new entrance driveway has been constructed close to the stems. The method of construction indicated the potential for severing of roots and therefore any construction should be kept away from this tree to prevent any further root loss.
- 4.13 Where tree removal is required, this must be mitigated for by replacement planting. This must be suitable replacement in either size or numbers to compensate for the loss of canopy. Where large mature trees are removed, it may be necessary to replace with larger planting stock such as semi-mature trees, in order to provide an instant impact back into the Site. Suitable after planting care must be provisioned to ensure survival of replacement trees to promote longevity of future canopy.
- 4.14 Where possible all construction should remain outside of retained trees RPA, however where construction is necessary, suitable mitigation measures to protect the soils and roots within the RPA must be carried out.

Summary

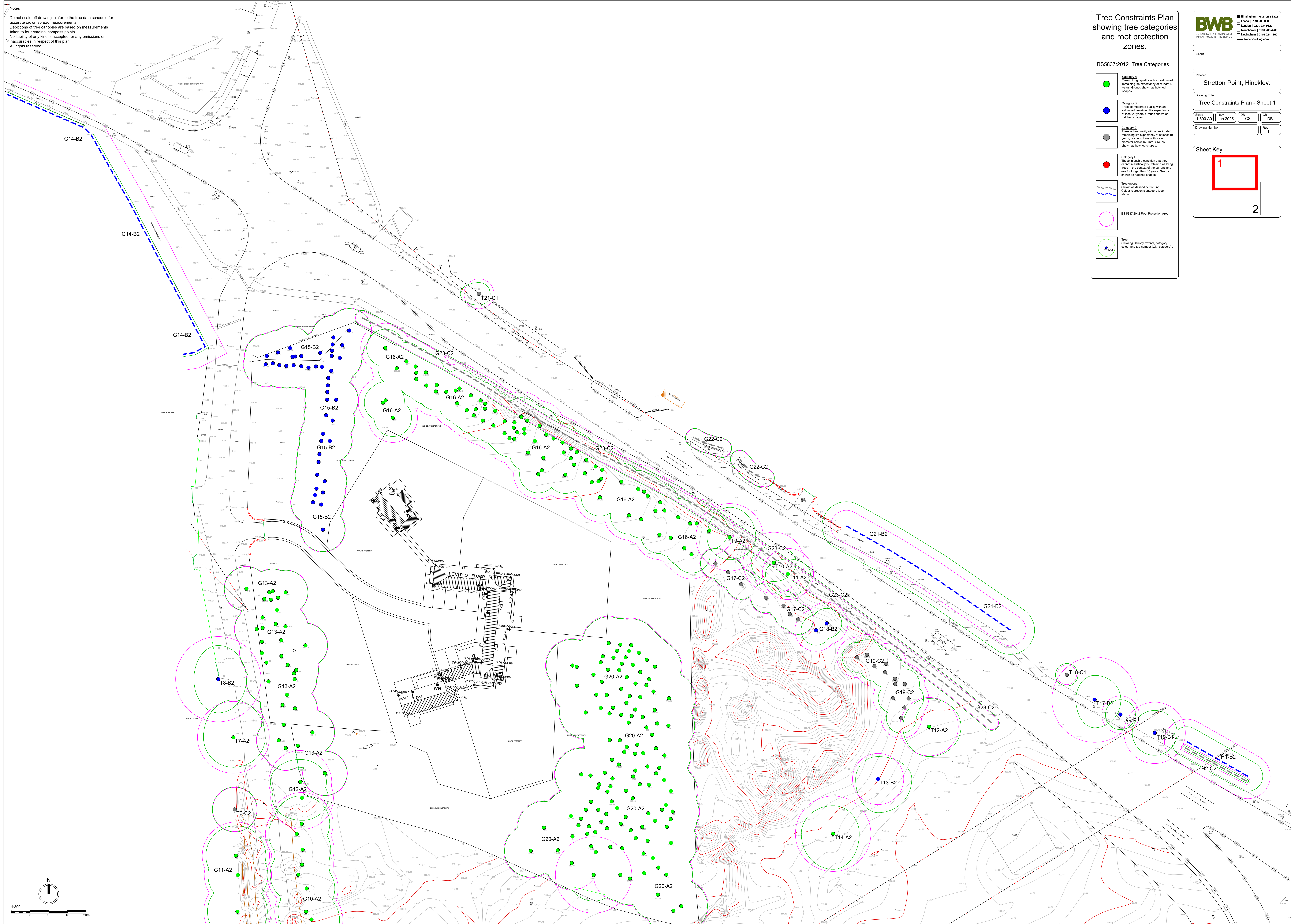
- 4.15 Trees along the southern boundary provide a high value woodland screen with good woodland structure. Due to the location at the base of the embankment and stream there is unlikely to be significant constraint posed by these trees.
- 4.16 Trees along the western boundary provide high value landscape impact and should be retained, and a buffer planned to prevent the need for construction within the RPA. Trees along the western side of Wolvey Road are unlikely to present constraint upon the development due to the road and ditch limiting root growth.
- 4.17 Trees within the curtilage of Stretton Croft will require retention and the encroachment of their RPA should be taken into account during proposal designs.

- 4.18 Trees along the eastern boundary provide significant screening to Stretton Croft, however, tree groups at the southern end are lower in quality and a high proportion are dead.
- 4.19 Large open grown trees provide very high value due to large dense crowns and the high carbon sequestration capability. Any proposed removal of large open grown trees must be mitigated for with replacement planting of suitable size and number of trees. In some cases, the planting of larger semi mature trees should be considered to provide higher mitigation value.
- 4.20 All trees and groups that are Category A or B should be retained where possible and consideration must be given to the encroachment of their RPA into the Site during designs. Any removal must be mitigated for through suitable replacement planting.
- 4.21 Works to trees which are covered by a Tree Preservation Order (TPO) require permission or consent from the Local Planning Authority (LPA). However, full planning consent will override the need for a separate application, providing details of all tree works were included in the submission and subsequently approved by the LPA.

APPENDICES

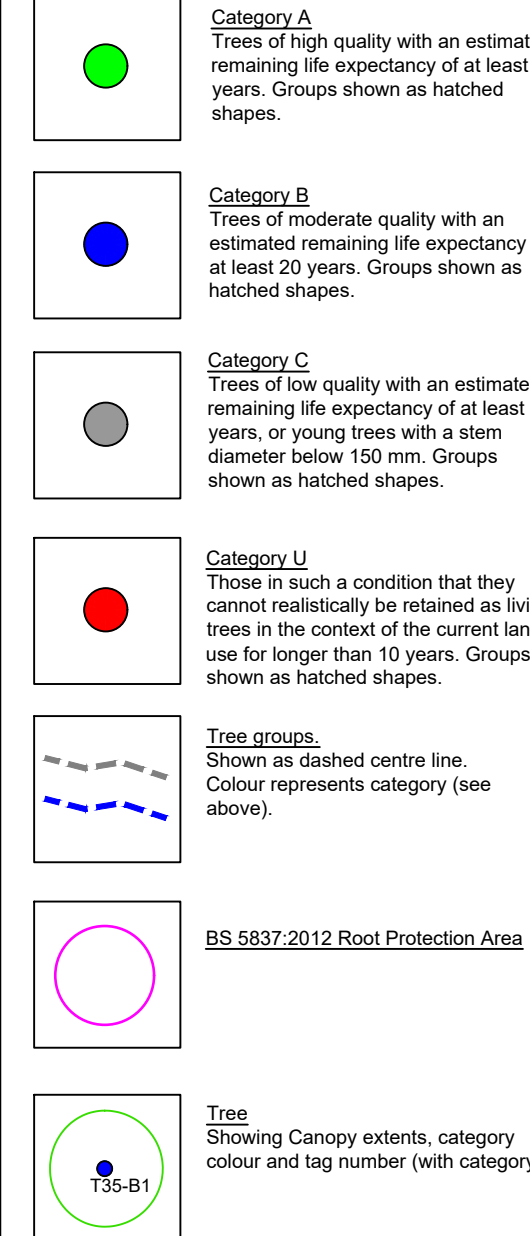
APPENDIX 1: Tree Constraints Plan

Do not scale off drawing - refer to the tree data schedule for accurate crown spread measurements.
 Depictions of tree canopies are based on measurements taken to four cardinal compass points.
 No liability of any kind is accepted for any omissions or inaccuracies in respect of this plan.
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Tree Constraints Plan showing tree categories and root protection zones.

BS5837:2012 Tree Categories



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Client

Project

Stretton Point, Hinckley.

Drawing Title

Tree Constraints Plan - Sheet 1

Scale 1:300 A0	Date Jan 2025	DB CS	CB DB
Drawing Number			Rev 1

Sheet Key

1

2

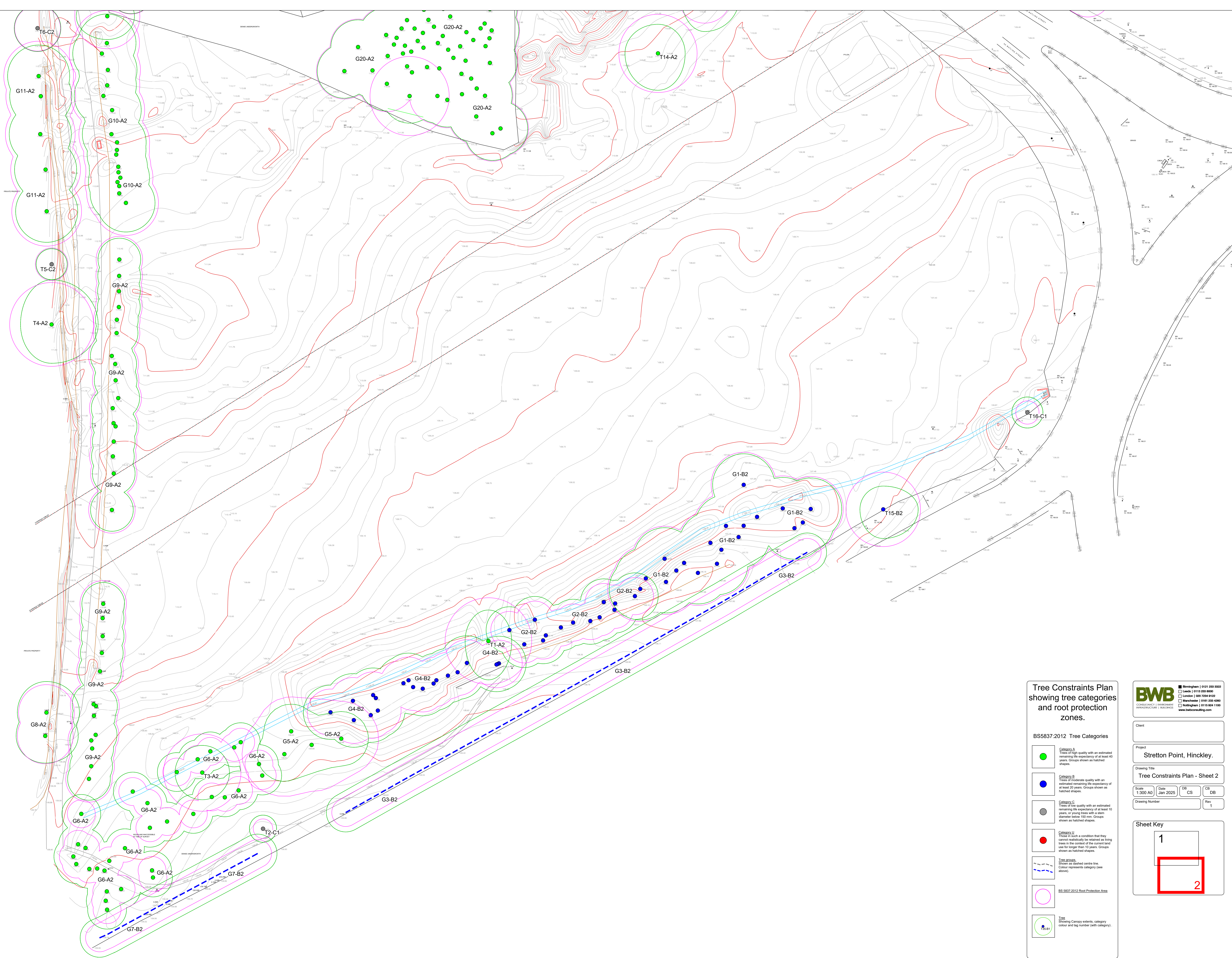
Notes

Do not scale off drawing - refer to the tree data schedule for accurate crown spread measurements.

Depictions of tree canopies are based on measurements taken to four cardinal compass points.

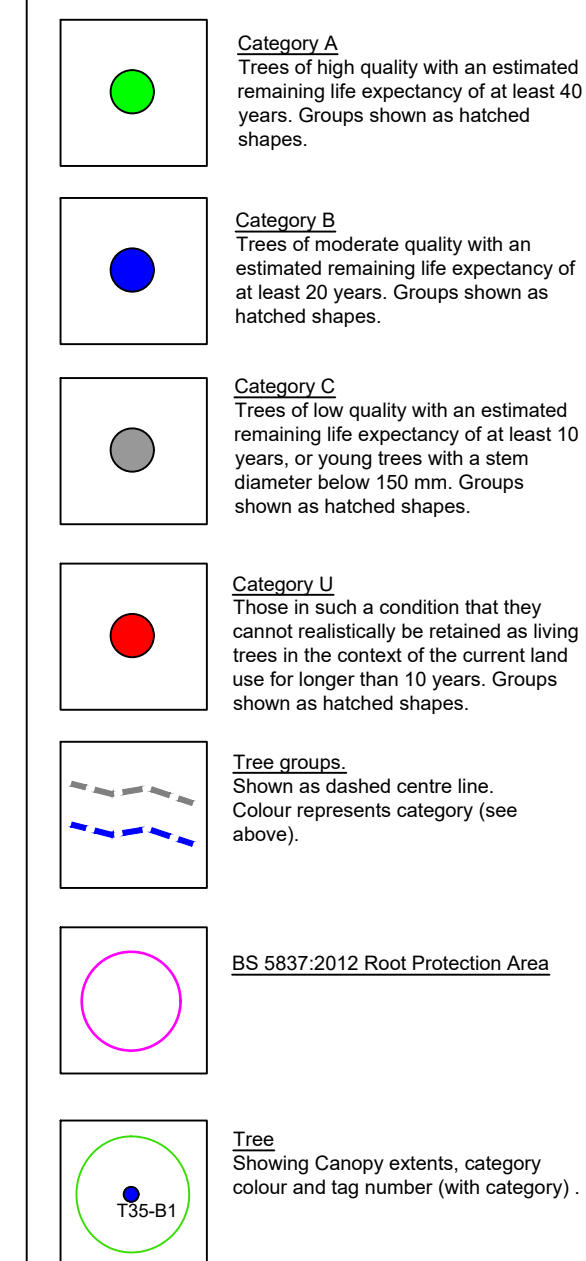
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Tree Constraints Plan showing tree categories and root protection zones.

BS5837:2012 Tree Categories



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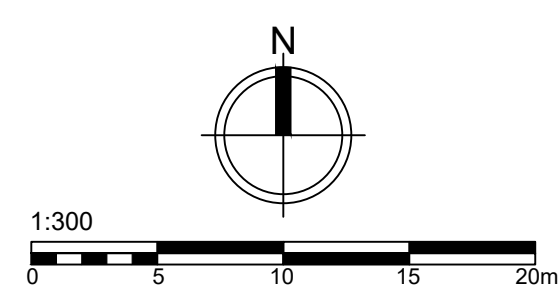
Stretton Point, Hinckley.

Drawing Title			
Tree Constraints Plan - Sheet 2			
Scale	Date	DB	CB
1:300 A0	Jan 2025	CS	DB
Drawing Number			Rev
			1

Sheet Key

1

2



APPENDIX 2: Site Photographs

Photo 1: G1



Photo 2: T15



Photo 3: T3



Photo 4: Dead stems in G2



Photo 5: G3



Photo 6: G15



Photo 7: G14



Photo 8: Looking South along Watling Street to tall trees within G16.



Photo 9: Trees within the woodland group G14



Photo 10: Looking North along Watling Street to T9 – T11 with large canopy overhang.



APPENDIX 3: Tree Preservation Orders

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Min No. 637
(23-11-76)

TOWN AND COUNTRY PLANNING ACT 1971
AND ALL OTHER AMENDING ENACTMENTS

THE BOROUGH COUNCIL OF HINCKLEY & BOSWORTH

BURBAGE (STRETTON HOUSE)

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, 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>
T1 T2 T8 T25 T26 T27 T28 T29	Sycamore	Stretton House, Watling St. Burbage.
T3 T12 T17	Ash	" " " " "
T4 T7 T10 T11	Lime	" " " " "
T5 T6 T9	Acer	" " " " "
T13 T14 T15 T16 T18 T19 T20 T21 T22	Oak	" " " " "
T23 T24	Cedar	" " " " "

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>
None		

Groups of Trees

(Within a broken black line on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
G1	All those trees of whatever species within the broken line G1.	Stretton House, Watling Street, Burbage.

Woodlands

(Within a continuous black line on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
K11	All those trees of whatever species within the continuous black line W1.	Stretton House, Watling Street, 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

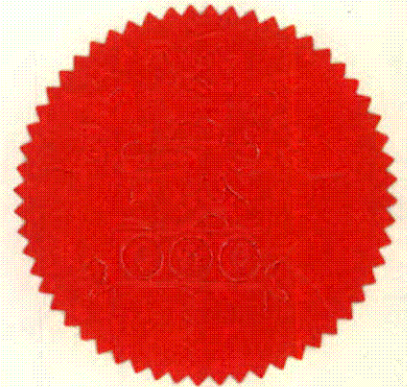
was hereunto affixed on the *twenty-fourth*

day of *January* One Thousand

nine hundred and seventy-seven

in the presence of :-

Paul Gibbs
General Manager, Administration.

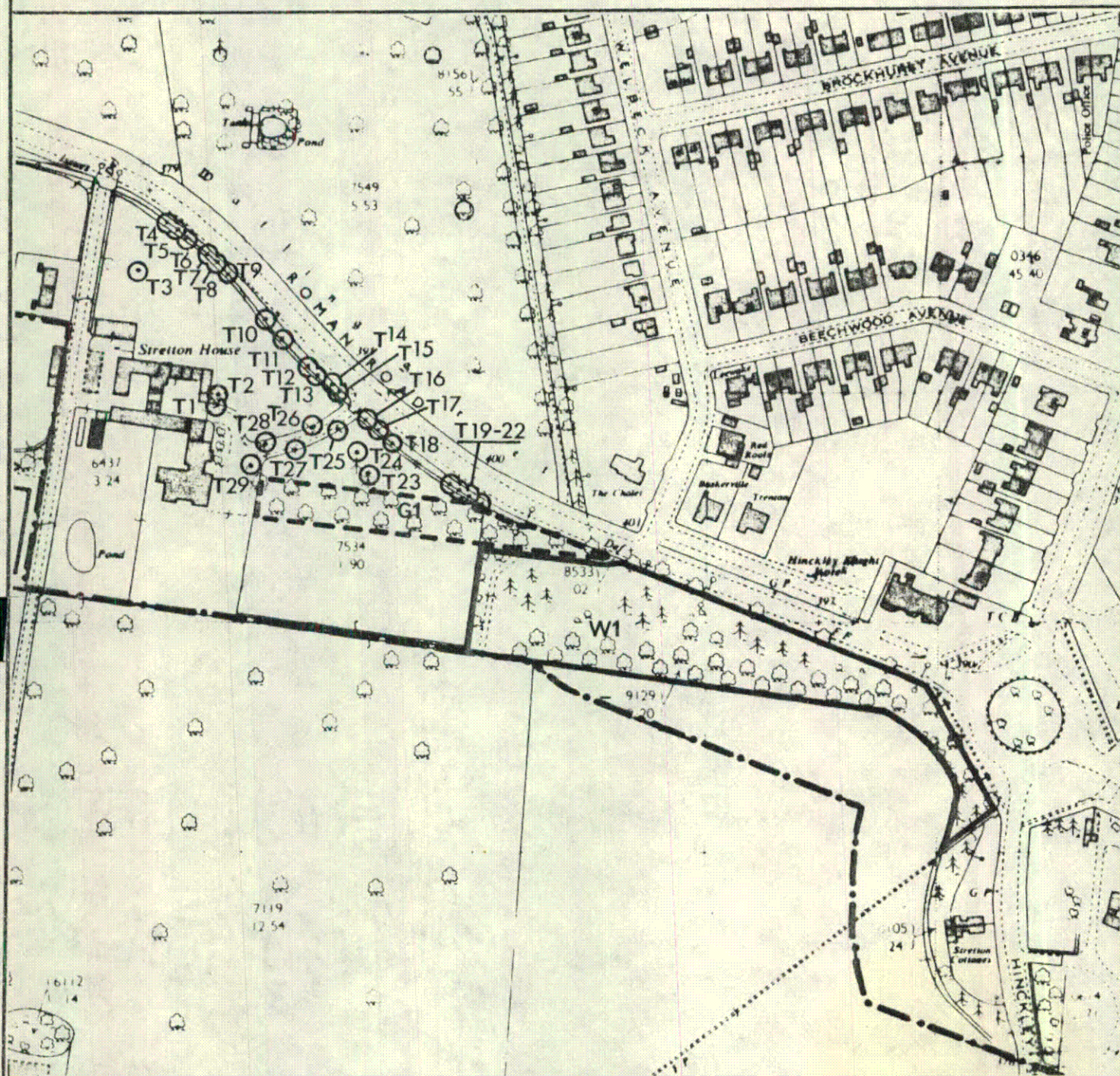


859

Town and Country Planning Act 1971

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

Tree Preservation Order 1977



Scale 1:2500

Extract from O.S. sheet SP4291-4391

The Common Seal of the Borough Council of Hinckley & Bosworth was hereunto
affixed this *twenty-fourth* day of *January* One thousand
nine hundred and seventy *seven* in the presence of:-

[Signature]

General Manager, Administration



Town and Country Planning Acts 1971-1985¹

Insert title of
Order

Borough Council of Hinckley & Bosworth
(Burbage [Stretton Croft, Watling Street])

TREE PRESERVATION ORDER, 1988 . (No. 1)

Insert name
of local
planning
authority

Hinckley and Bosworth Borough Council

in this Order called "the authority", in pursuance of the powers conferred in that behalf by section 60 [and 61*] of the Town and Country Planning Act 1971 as amended [†] [~~and section 2 of the Town and Country Planning Act 1984~~], and subject to the provisions of the Forestry Acts 1967 and 1979, hereby make the following Order:—

1. In this Order:—

"the Act" means the Town and Country Planning Act 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 Secretary of State" means the [Secretary of State for the Environment] ~~[Secretary of State for Wales]~~.

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

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

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

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

¹ NOTE: Where appropriate this Order has been updated to reflect statutory amendments which have resulted in the need to show substitutions or repeals of the prescribed form.

* Include only where Order contains a direction under section 61 of the Act.

[†] Section 60 is amended by section 10 of the Town and Country Amenities Act 1974 and Schedule 15 paragraph 13 and Schedule 34 Part X of the Local Government Planning and Land Act 1980. Section 61 is amended by Schedule 34 Part X and Schedule 15 paragraph 14 of the Local Government Planning and Land Act 1980.

§ Include only where Order relates to Crown Land.

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

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

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

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

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

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

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

- (a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or

(b) the authority with the approval of the Secretary of State dispense with replanting, the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provision of this Order and section 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 (hectare);
- (c) the erection and maintenance of fencing necessary for protection of the replanting;
- (d) the preparation of ground, draining, removal of brushwood, lop and top; and
- (e) protective measures against fire.

7.—On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by a water authority since 31st March 1974, by any other authority (whose functions are now exercised by a water authority) who at any time prior to 1st April 1974 exercised the functions in respect of which the byelaw was made, by a drainage board, or by the Greater London Council in the exercise of its functions in relation to maintenance, improvement or construction of watercourses or of drainage works, 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 water authority or the drainage 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 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
- (b) any injurious infection to any land of the owner which would result from the felling of the trees the subject of the claim.

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

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

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

13.—[(1) The provisions of section 61 of the Act shall apply to this Order and the Order shall take effect on 12th September 1988 .]*

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

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

If a tree is removed, uprooted or destroyed in contravention of an order or, except in the case of a tree to which the Order applies as part of a woodland, is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by section 60(6) of the Town and Country Planning Act 1971 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days previous notice of the removal, etc., should be given to the authority to enable the latter to decide whether or not to dispense with the requirement. In respect of trees in a woodland it is sufficient to replace the trees removed, uprooted or destroyed by planting the same number of trees either on or near the land on which the trees removed, uprooted or destroyed stood or on such other land as may be agreed between the authority and the owner of the land, and (in either case) in such places as may be designated by the authority.

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

† This provision may be included in relation to trees to be planted pursuant to a condition imposed under section 59 of the Act.

§ £2000 but subject to alteration by Order.

‡ £1000 but subject to alteration by Order.

FIRST SCHEDULE
TREES SPECIFIED INDIVIDUALLY*

(encircled in black on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation.</i>
T1	Scots Pine	Adjoining Wolvey Road, Burbage
T2	Oak	On the eastern boundary of the site
T3	Oak	Ditto

TREES SPECIFIED BY REFERENCES TO AN AREA*

(within a dotted black line on the map)

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

GROUPS OF TREES*

(within a broken black line on the map)

<i>No. on Map.</i>	<i>Description.</i>	<i>Situation.</i>
G1	Group containing 1 no. Pine, 16 no. Cypress and 12 no. Holly	Adjoining Wolvey Road, Burbage
G2	Group containing 2 no. Spruce, 3 no. Holly, 1 no. Lime, 46 no. Scots Pine, 26 no. Silver Birch, 13 no. Cypress, 1 no. Sycamore, 1 no. Beach and 4 no. Oak.	Adjoining Watling Street, Burbage
G3	Group containing 5 no. Spruce, 1 no. Deodar Cedar, 46 no. Birch, 3 no. Copper Beach, 6 no. Maple, 43 no. Thuja, 4 no. Holly, 1 no. Mountain Ash, 1 no. Blue Spruce, 1 no. Chestnut, 2 no. Cherry, 1 no. Crab Apple, 2 no. Atlantic Cedar.	Adjoining Stretton Croft, Burbage.

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

WOODLANDS*

(within a continuous black line on the map)

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

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

SECOND SCHEDULE

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

- (1) the cutting down of any tree on land which is subject to a forestry dedication covenant where
 - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
 - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.
- (2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under a grant scheme under section 1 of the Forestry Act 1979 except a scheme which applies to a forestry dedication covenant.
- (3) the cutting down, uprooting, topping or lopping of a tree
 - (a) by or at the request of the Post Office where the land on which the tree is situated is land which has been acquired for the purpose of the Post Office's undertaking and either works on such land cannot otherwise be carried out or the cutting down, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking; or the lopping in pursuance of the power conferred on any operator of a telecommunications code system by virtue of paragraph 19 of Schedule 2 to the Telecommunications Act 1984;
 - (b) by or at the request of
 - (i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, uprooting, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (ii) 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;
 - (iii) a water authority established under the Water Act 1973, or a drainage board constituted or treated as having been constituted under the Land Drainage Act 1976, where the trees interferes or would interfere with the exercise of any of the functions of such water authority or drainage 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 Transport, the Civil Aviation Authority, or in relation to any airport managed by a company to which any property, rights or liabilities have been transferred in pursuance of a scheme made under section 1 or 15 of the Airports Act 1986, the person for the time being having the management of the airport, where in the opinion of such Secretary of State, Authority or person the tree obstructs the approach of aircraft to, or their departure from, any airport or hinders the safe and efficient use of aviation or defence technical installations;
 - (c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;
 - (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden;

[Where the trees are within the Thames catchment area]
 - [(e) in pursuance of the powers of the Thames Water Authority under section 105 of the Thames Conservancy Act 1932.]

THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1971 as adapted and modified to apply to this Order.

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

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

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

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

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

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

36. **Appeals against decisions.**—(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 Secretary of State.

(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 Secretary of State may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Secretary of State, 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 Secretary of State 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 Secretary of State for the purpose.

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

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

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

(3) Where an authority submit an Order to the Secretary of State for his confirmation under this section, the authority shall furnish the Secretary of State 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 notice is served so requires, the Secretary of State, 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 Secretary of State 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 Secretary of State under subsection (2) of this section.

46. Unopposed revocation or modification of consent.—(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 Secretary of State 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 Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose and (b) the period (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 Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

(3) The authority shall also serve notices 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 Secretary of State, 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 Secretary of State as aforesaid and the Secretary of State 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 Secretary of State as required by section 45 of the Act.

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

GIVEN under the Common Seal of the Hinckley and Bosworth Borough Council

the 12th September 1988

S J Power

The foregoing Order was confirmed by
the Council the *TENTH* day of
NOVEMBER 1988

[Signature]
Principal Chief Officer and
Director of Administration & Finance.



Date 12th September

19 88 .

Borough Council of Hinckley and Bosworth

TOWN AND COUNTRY PLANNING ACTS 1971-85

TREE PRESERVATION ORDER

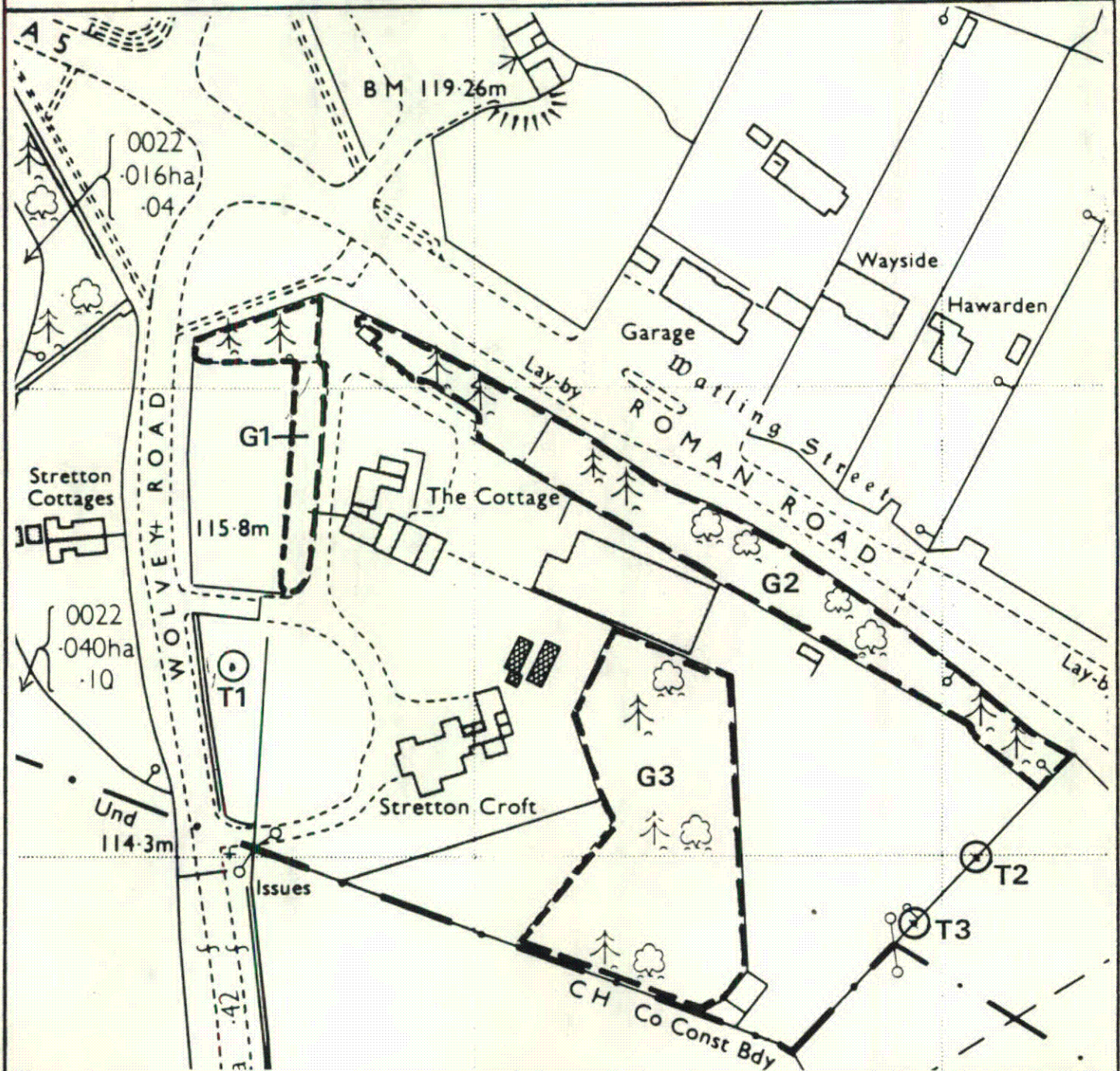
relating to

those trees at Stretton Croft at Burbage in
the County of Leicester as more
particularly identified by the plan
annexed hereto.

Town and Country Planning Act 1971

**THE BOROUGH COUNCIL OF HINCKLEY & BOSWORTH
BURBAGE (Stretton Croft, Watling Street)**

Tree Preservation Order (No.1) 1988



Scale 1:1250

Extract from O.S. sheet SP 4391-5

The Common Seal of the Borough Council of Hinckley & Bosworth
was hereunto affixed the TWENTY day of SEPTEMBER

One thousand nine hundred and eighty eight in the presence of:-

S J Purr

Director of Administration & Finance

