

Land North of Station Road,
Market Bosworth

British Standards 5837:2012 Tree
Survey: Arboricultural Impact
Assessment, Method Statement and
Tree Protection Plan



Client:

Richborough Estates Limited

Report Reference:

RSE_8306_R2_V3_ARB

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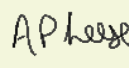
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Project:	Land North of Station Market Bosworth
Reference	RSE_8306_R2_V3_ARB
Report Title	BS 5837:2012 Tree Survey, Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) & Tree Protection Plan (TPP)

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1 EXECUTIVE SUMMARY

- i RammSanderson Ecology Ltd was instructed by Richborough Estates Limited to carry out an assessment of trees at Land North of Station Market Bosworth which follows the guidance of British Standards 5837:2012 'Trees in relation to design, demolition and construction – Recommendations', and to provide a report on the arboricultural implications to the proposed development of the site.
- ii The current development proposals are for residential development, associated roads and cycleways.
- iii A current topographical survey of the site in AutoCAD format has been provided and this formed the basis for the Tree Constraints Plan.
- iv Following consultation with the project Architects regarding the arboricultural constraints, a site layout plan has been produced which is considered represent the most appropriate integration between the proposals and existing trees. A provided AutoCAD copy of this proposed site plan (Drawing Reference: P24-1644_DE_005_01 Parameter Plan 1000) has been considered during the Arboricultural Impact Assessment and used to produce Tree Protection Plan.
- v The content and scope of this report is listed below:
 - BS 5837:2012 Tree Survey and Categorisation
 - Arboricultural Impact Assessment
 - Arboricultural Method Statement
 - Tree Protection Plan

1.1 Findings and Recommendations

- i The survey assessed 47 individual trees, 1 tree group, 10 hedgerows and 1 woodland. Most of the individual trees were of moderate quality (Category B). With the main arboricultural features on site relating to an area of high quality (Category A) woodland and a high-quality veteran ash tree (T22).
- ii There are currently 2 tree preservation orders (TPO) at this location although the site is not situated within a conservation area. Therefore, some of the trees detailed within this report are protected at the time of writing this report. For full details please see section 5.2. Statutory Tree Protection to be read in conjunction with Appendices E, F and G.
- iii There were 3 trees surveyed that were classified category U status and unsuitable for retention in their current form. These trees pertain to T2, T15 and T17. These trees should be removed in the interests of good arboricultural management.
- iv The proposed development will require the removal of 5 moderate quality (Category B) trees, 1 low-quality (Category C) tree, and 4 sections of low-quality (Category C) hedgerows.
- v New hard surfacing is proposed within the RPAs of trees T20, T26, T33, T35, T36 and T37 this is considered acceptable in these instances, providing appropriate mitigation is applied to ensure the new hard surfacing is constructed in such a way as to minimise impacts to the tree root system. Please see section 6.13 for more details. With regards to trees T20, T26 and T33 the incursion from the proposed hard surfacing is at a minor level and located at the outer extremity of the RPA that it negates the need for specialised three-dimensional confinement system in this case, however annual monitoring should be carried out for all trees affected by the proposed new hard surfacing so that they can be appropriately managed in the unlikely event of their decline.
- vi There will be moderate reduction in amenity and landscape value due to these losses, especially from the removal of 5 moderate quality trees. It is therefore recommended that substantial compensatory planting is implemented through an effective landscape design.
- vii It is recommended that temporary protective fencing is erected in order to create a construction exclusion zone which adequately protects the retained trees from damage during the construction works. This fencing should

be erected at the outset of the development before any activities are carried out or materials/ plant is brought onto the site. For full details see the Tree Protection Plan (Appendix D).

viii A two-stage site visit by the project arboriculturist is to be carried out as a number of retained trees are to be affected by the proposed developments as further detailed in section 7.5.

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2 INTRODUCTION AND BACKGROUND

2.1 Purpose and Scope of this Report

- i This report has been prepared following the guidance within BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations' Its purpose is to assess the likely arboricultural implications to the development proposals for the site and to be submitted in support of a planning application to the Local Planning Authority seeking consent for these proposals. It also provides arboricultural guidance on how the proposed development can be achieved while minimising any potential detrimental impacts to retained trees.
- ii In preparing this report, consideration has been given to the proposed layout, the condition of the trees, and the final use of the site with a focus on providing a harmonious, balanced environment between the trees, buildings, and the end users of the site.
- iii Whilst not definitive, the findings and any associated recommendations detailed within this report are considered reasonable, practicable, sustainable, and in the interests of promoting good arboricultural management.
- iv Recommendations included within this report are the professional opinion of an experienced Arboriculturist and are the view of RammSanderson Ecology Ltd. This is based on a review of the information provided by the Client, the brief, and a survey of the site. This report pertains to these results only.
- v This report and the survey(s) on which it depends have been carried out by a competent Arboriculturist.

2.2 Regulatory and Policy Framework

- i Part VIII of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 enable a local planning authority to make a Tree Preservation Order (TPO) to protect specific trees, groups of trees, or woodlands in the interests of amenity. A TPO prohibits the cutting down, toppling, lopping, uprooting, wilful damage, and wilful destruction of protected trees without the local planning authority's written consent.
- ii Section 211 of the Town and Country Planning Act 1990 makes provisions to protect trees which are within a conservation area, but not the subject of a TPO. These provisions require anyone intending to carry out works to a tree within a conservation area to give the local planning authority 6 weeks' notice before carrying out certain works unless an exemption applies.
- iii The Forestry Act (1967) requires that a Felling Licence, issued by the Forestry Commission, is obtained before felling trees, unless an exemption applies; such exemptions include felling small quantities of trees (less than 5m³ of timber in any calendar quarter) or felling in specific areas (e.g. gardens).

2.3 Ancient Woodland and Trees

- i Ancient Woodland - Government guidance defines Ancient Woodland as *"any area that's been wooded continuously since at least 1600 AD. It includes:*
 - *Ancient semi natural woodland mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.*
 - *Plantations on ancient woodland sites – replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi.*
 - *Wood pastures identified as ancient; and*
 - *Historic parkland, which is protected as a heritage asset in the NPPF."*
- ii Ancient Trees - Ancient Trees are defined as individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. The Woodland Trust states that *"a tree is defined as ancient if it is:*

- In the third or final stage of its life (this stage can go on for decades or centuries);
- Old relative to others of the same species;
- Interesting biologically, aesthetically or culturally because of its great age."

iii Veteran Trees - The Woodland Trust states that all "ancient trees are **Veteran Trees**, but not all veteran trees are old enough to be ancient." And that, "Veteran trees are usually only in their second or mature stage of life." Government guidance states that, "*a veteran tree may not be very old, but it has decay features, such as branch death and hollowing. These features contribute to its biodiversity, cultural and heritage value.*"

2.4 Site Location and Context

- i Site address: Land north of Station Road, Market Bosworth, Nuneaton, Warwickshire, CV13 0LE.
- ii Central Grid Reference: SK 39412 03227.
- iii The site comprises of various grassed area compartments divided by a private access track to Wharf Farm. The access track itself is lined with established individual trees, however most of the tree cover on site is located around the boundary of the site with a significant wooded area to the east.
- iv To the west and south of the site lies additional residential properties and Station Road.

Figure 1: Site Location Plan



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3 SURVEY METHODOLOGY

3.1 Survey Methods

- i The site was visited on Tuesday the 25th of June 2024 to carry out an assessment in accordance with BS 5837:2012 – Trees in relation to Design, Demolition and Construction - Recommendations.
- ii The weather at the time was dry, bright, clear and still and considered to be adequate for conducting the survey during which, the following information was collected:

- Sequential reference number (recorded on the tree survey plan), including reference to type (tree, group, woodland, or hedgerow).
- Species, listed by common name (a key to scientific names is provided at Appendix B).
- Height.
- Stem diameter measured @ 1.5m height (for trees with more than one stem, the combined stem diameter is recorded as per BS5837:2012 Section 4.6).
- Branch spread (measured at the four cardinal points).
- Existing height above ground level of first significant branch.
- Life stage:

Y – Young,
 SM – Semi Mature,
 EM – Early Mature,
 M – Mature,
 OM – Over Mature.

- General observations, particularly of structural and/or physiological condition, and/or preliminary management recommendations as appropriate.
- Estimated remaining contribution (future life expectancy) in years (<10, 10+, 20+, 40+);
- Tree quality assessment category grading as per Section 4.5 and Table 1 of BS5837:2012. 'U' or 'A' to 'C' grading with the subcategory 1, 2 or 3 reflecting arboricultural, landscape or cultural values, respectively.

Notes: Only individual trees with a stem diameter of 75mm or greater are included in the survey. It is not always practical or necessary to record individual details for every tree within a group or woodland. Only basic details (height and species) for domestic hedgerows and significant shrubs were recorded. More substantial hedgerows (including evergreen screens) are generally recorded in a similar manner to groups of trees.

- iii The measurement conventions used were as follows:
 - Height, crown spread, and crown clearance was recorded to the nearest half metre for dimensions up to 10m and to the nearest whole metre for dimensions over 10m.
 - Stem diameter was recorded in millimetres, rounded to the nearest 10mm.
 - Any estimated dimensions (for offsite or otherwise inaccessible trees where accurate measurements cannot be taken) were clearly identified as such in the tree schedule (Appendix A).
- iv The survey includes all trees plotted on the provided topographical survey. Should any relevant trees on or adjacent to the site have been missed on the topographical survey, these have been included where appropriate. However, the positions indicated on any plans included within this report for all trees not included on the provided topographical survey have been approximated for the purposes of identification only, and if accurate locations are required these should be confirmed on site.

4 LIMITATIONS

4.1 Survey

- i Each of the surveyed trees has been plotted and recorded as an individual tree or a tree group in accordance with the criteria detailed in section 4.4.2.5 of BS 5837:2012.
- ii The information contained within this report is based on the author's knowledge and experience in respect of tree related issues. Whilst the appropriate level of skill and care have been used, no investigative method can eliminate the possibility of obtaining partially imprecise, incomplete, or not fully representative information.
- iii Any survey work undertaken will have been subject to natural limitations, including seasonal and phenological aspects.
- iv Trees were assessed from ground level using the Visual Tree Assessment (VTA) method. The trees included in the survey were not climbed, no samples were removed, and no detailed internal investigation of decay was made.
- v Where other vegetation (e.g. ivy or dense ground cover) prevented full access to any tree, this is noted in the tree survey schedule (Appendix A). Dense ivy cover can prevent full access to a tree and so obscure the presence of cavities or other defects. Any such situations are noted in the tree survey schedule with, where appropriate, recommendations for the ivy to be removed and a re-inspection carried out. No ivy was removed from any tree during the survey.
- vi No liability can be accepted by RammSanderson Ecology Ltd. in respect of the trees unless the recommendations of this report are carried out under their supervision and within their recommended timescales. Acceptance of this report represents an agreement with the guiding principles and the terms listed.
- vii The findings and recommendations contained within this report are, assuming its recommendations are observed, valid for a period of twelve months from the date of survey. Trees are living organisms and their condition can change significantly over a relatively short period of time – good practice dictates they are inspected on a regular basis for reasons of safety.
- viii Any hedgerows within the survey area were assessed solely for their general arboricultural condition and value. Further detailed assessment, following the Hedgerow Regulations 1997, is outside the scope of this report and no attempt has been made during this assessment to classify any hedgerow under the criteria within those Regulations.
- ix Tree rooting characteristics and soils are both enormously variable as are their interactions. This makes any attempts to quantify tree related subsidence risk assessment impossible. No attempt has been made to assess subsidence risk potential nor should any be construed.
- x The report relates only to the trees included within the Tree Schedule (Appendix A).

5 RESULTS

5.1 Surveyors

- i The survey was carried out by:
 - Alfie Slater FdSc, TechArborA, is a technician member of the arboricultural association and has 4 years of combined experience within the arboricultural sector as an Arborist and an Arboriculturist.
- ii The survey was completed during suitable conditions as detailed in the table below.

Table 1: Summary of conditions during survey

Abiotic Factor	Survey 1
Survey type	BS 5837:2012 Tree Survey
Date completed	25/06/24
Temperature	26 °C
Wind speed (Beaufort Scale)	1
Cloud cover	15%
Precipitation	0

5.2 Statutory Tree Protection

- i Hinckley and Bosworth Borough Council confirmed via their online planning portal on 21st of March 2025 that trees detailed within this report are cover by two separate TPOs (Tree Preservation orders). These TPOs relate to orders “14/0001/TPORD” as confirmed on 14/08/2014 and order “75/00011/TPORD” as confirmed on 02/12/1975. Please see appendices E, F and G for further details.
- ii With regards to TPO order “14/0001/TPORD”, this pertains to trees T19, T25, T33, T34, T37, T35 and T36 detailed within this report.
- iii With regards to TPO order “75/00011/TPORD”, the Hinckley and Bosworth Borough Council have highlighted areas that are covered by this TPO as shown in Appendix G, which covers considerably more trees than highlighted within the actual TPO document (Appendix F). Therefore, as an act of caution, individual trees T1-T21, T25-T37, T45-T47, Trees within G1 and W1, along with hedgerows H3, H4, H5, H8, H9, H10 and the southern section of H2 should be treated as being protected by the above TPO.
- iv Hinckley and Bosworth Borough Council confirmed via their online planning portal on the 21st of October 2024 that the site is not within a conservation area.
- v The trees on the site are therefore not currently subject to any statutory protection and there are no restrictions on tree works being carried out at this location. However, it is recommended that immediately prior to carrying out any future tree works, further confirmation is obtained from Leicestershire County Council and Hinckley and Bosworth Borough Council that the trees remain unprotected.

5.3 Tree Survey

- i The survey assessed 47 individual trees, 1 groups of trees, 10 hedgerows and 1 woodland, the quality and value of which are summarised in the table below whilst full results of the tree survey are provided in the Tree Schedule (Appendix A).

- ii The site was made up of mostly moderate quality (Category B) mature trees, with the addition of a few high quality (Category A) individual specimens. The most notable of which being tree T22; a veteran ash tree located in the eastern section of the site.
- iii Of the 10 hedgerows surveyed, 9 were deemed to be of low quality (Category C), with the remaining hedgerow being of moderate quality.
- iv An area of high-quality mature woodland (Category A) was surveyed at the southeastern part of the site.
- v The survey assessed 3 individual trees that were classed as category U, and therefore unsuitable for retention in their current form.

Table 2: Survey Results

BS5837:2012 Tree Quality Assessment Category		Trees	Groups	Hedgerows	Woodlands	Total
A	Trees of high quality which are healthy and attractive with high visibility and no significant defects, and which can make a substantial contribution for a minimum of 40 years	6	0	0	1	7
B	Trees of moderate quality which are healthy and attractive but with some remediable defects such that they are in a condition to be able to make a significant contribution for a minimum of 20 years	25	0	1	0	26
C	Trees of low quality which are unremarkable, of limited merit and that are easily replaced, small-growing, young species which have a relatively low potential amenity value, and low landscape benefits. These trees typically include self-seeded trees of limited life span, small (below 150mm stem diameter) and young trees and trees of poor form and limited amenity value.	13	1	9	0	23
U	Trees which are in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years and/or are considered to be unsuitable for retention in the proximity of new dwellings or areas of public open space.	3	0	0	0	3
Total		47	1	10	1	59

6 ARBORICULTURAL IMPACT ASSESSMENT

6.1 Introduction

- i The arboricultural constraints, both above and below ground, identified during the tree survey (Section 5) and illustrated on the Tree Constraints Plan (Appendix A), have been used, through consultation with the Client, to inform the proposed site layout design.
- ii The following arboricultural impact assessment evaluates the direct and indirect effects of the proposed design, with recommendations for appropriate mitigation where necessary. It takes account of the effects of any tree loss required to implement the design and any proposed construction activities which may have the potential to damage retained trees.

6.2 Trees Suitable for Retention

- i Where possible, it is generally considered desirable for any Category 'A' and Category 'B' trees to be retained and appropriately integrated within the layout for new developments. Category 'U' trees are unsuitable for retention other than for the very short-term or exceptionally for their conservation value and therefore should not be considered to be a constraint to development.
- ii In assessing the probable impact of the proposed development on the trees and vice versa, and therefore identifying which trees are suitable for retention and integration within the context of the proposed layout, the following factors have all been considered:
 - Root Protection Areas for Retained Trees
 - Shading
 - Direct Damage
 - Construction Activity
 - Demolition/Ground Works
 - Future Pressure for Tree Removal and Pruning
 - Seasonal Nuisance
 - Infrastructure
 - Future Management

6.3 Root Protection Areas (RPAs)

- i Recommended Root Protection Areas (RPA) for all individual trees on or immediately adjacent to the survey area are detailed within the Tree Schedule (Appendix A) and illustrated on the Tree Constraints Plan (Appendix C).
- ii These RPAs have been calculated following the recommendations within BS5837:2012 Section 4.6 and are represented on the Tree Constraints Plan as a circle centred on the base of the tree's stem. Should any deviation from this circular RPA be considered appropriate, for example where previous site conditions (the presence of roads, structures, and underground apparatus), topography, or soil type/structure will have influenced root growth, any modifications to the RPA will be clearly explained and reflect a soundly based arboricultural assessment of the likely root distribution for the individual tree. Any such modified RPA will be of an overall area which is equivalent to the BS5837:2012 recommendation.
- iii Recommendations for RPAs for any groups of trees, woodlands, or hedgerows, where the positions of individual trees are not included on the provided topographical survey, also reflect a soundly based arboricultural assessment of the likely collective root distribution of the constituent trees.

6.4 Recommendations for Tree Removals

- i The survey identified 3 trees which are unsuitable for retention due to their condition, these trees pertain to T2 – A small sycamore adjacent to T1, T15 – an uprooted downy birch in close proximity to the adjacent road

- and T17 – a Bhutan pine with a significant lean and causing damage to the adjacent tree T14. These trees are recommended for removal in the interests of good arboricultural management.
- ii In addition, 6 individual trees and 4 sections of hedgerow have been identified as requiring removal solely to accommodate the proposed new site layout. These trees pertain to T38, T39, T40, T41, T42 and T43 all of which are horse chestnut. The sections of hedgerow proposed for removal pertain to a 3-metre section of H1, and three individual sections of H2 measuring approximately 5 metres, 8 metres and 30 metres. It should be noted the southern section of H2 is covered under TPO “75/00011/TPORD”, therefore permissions must be sought before removal.
 - iii Table 5 (section 7.1) below provides a summary of all recommended tree works (pruning and removals).
 - iv All Arboricultural work should be carried out by qualified and competent Arborists working to BS 3998:2010 ‘Tree Work – Recommendations’.

6.5 Tree Loss Evaluation

- i There will be a moderate reduction in amenity / landscape contribution as a result of the proposals, due to the losses of; 5 moderate quality (Category B) trees, 1 low quality tree (Category C) and 4 sections of low quality (Category C) hedgerows.
- ii It is therefore considered that the proposed development will result in a moderate loss of arboricultural/amenity value given the removal of a significant number of established mature moderate quality trees.
- iii As a result, any arboricultural losses which do result from the proposed tree removals should be mitigated against through appropriate replacement planting as part of the landscaping scheme for the development.
- iv Any arboricultural and amenity losses should be balanced against the overall benefits of the development and mitigated against/compensated for through appropriate new tree planting, as part of the overall landscaping scheme for the development with the aim of maintaining an appropriate amount of tree cover whilst improving the long-term arboricultural value of the site.

6.6 Recommendations for Tree Pruning

- i Light pruning is expected to the southern edge of H2-C2 to facilitate the plans.
- ii Any recommendations within the Tree Survey Schedule (Appendix A) details pruning works **solely** in the context of the current use of the site that are recommended in the interest of good arboricultural management of the trees irrespective of any changes in use of the site. These recommendations should not be considered as necessary to implement or facilitate the proposed development.
- iii Any additional pruning which is recommended solely to accommodate the proposed site layout (e.g. access facilitation pruning) is detailed within Table 5 (section 7.1).
- iv All Arboricultural work should be carried out by qualified and competent Arborists working to BS 3998:2010 ‘Tree Work – Recommendations’.

6.7 Tree Protection Plan

- i The Tree Protection Plan (Appendix D), when read in conjunction with this report, details the required tree protection and mitigation measures for all trees proposed to be retained and integrated within the proposed layout.
- ii The Tree Protection Plan is superimposed on the proposed layout and includes details of;
 - Trees selected for retention and trees proposed for removal.
 - The precise location and specification of protective barriers to form a construction exclusion zone around the retained trees.

- The extent and type of any temporary ground protection, and/or any additional physical measures, that are recommended in association with any temporary access or other activities which are permitted within the construction exclusion zone.
- The position, extent and general construction specification of any new permanent new hard surfacing within the RPA.

6.8 Shading

- i Although there are circumstances where shade from trees could be considered beneficial, excessive shading of buildings by trees can be a problem, particularly where it affects rooms which require natural light. Similarly, it is often considered that open spaces such as gardens and sitting areas benefit from direct sunlight, for at least part of the day, and therefore that excessive shading of these areas by trees is undesirable.
- ii In this instance, no further investigation, illustration or mitigation is considered necessary due to the generally favourable layout orientation which means that the development is not considered likely to be subjected to an unreasonable level of shading from trees.

6.9 Direct Damage

- i All new developments should consider the likelihood of direct damage occurring to any new structures, hard surfacing or associated utilities from incremental tree stem/root growth or mechanical damage resulting from encroachment of branches.
- ii The proposed layout locates all new structures and services outside of the recommended RPAs.
- iii For any proposed new planting, Table 3 below, taken from Annex A of BS 5837:2012, provides recommendations that are advised as minimum distances from structures and services for new tree plantings.

Table 3: Minimum distance between young trees or new planting and structure to avoid direct damage to a structure from future tree growth

Type of structure	Minimum distance between young trees or new planting and structure, in metres (m)		
	Stem dia. ≤300mm ^{A)}	Stem dia. 300mm to 600mm ^{A)}	Stem dia. ≥600mm ^{A)}
Building and heavily loaded structures	---	0.5	1.2
Lightly loaded structures such as garages, porches etc.	---	0.7	1.5
Services			
≤1m deep	0.5	1.5	3.0
≥1m deep	---	1.0	2.0
Masonry boundary walls	---	1.0	2.0
In-situ concrete paths and drives	0.5	1.0	2.5
Paths and drives with flexible surfaces or paving slabs	0.7	1.5	3.0

A) Diameter of stem at 1.5m above ground level at maturity.

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6.10 Temporary Ground Protection

- i The proposed site layout does not include any conflict between the necessary construction working space and retained trees. Therefore, it is not considered that any temporary ground protection will be required to implement the development.
- ii British Standard 5837:2012 advises that temporary ground protection should be capable of supporting any traffic entering or using the site without being distorted or causing compaction to underlying soil and further provides the following note:

The ground protection might comprise one of the following:

a) for pedestrian movements only, a single thickness of scaffold boards placed either on top of a driven scaffold frame, so as to form a suspended walkway, or on top of a compression-resistant layer (e.g. 100 mm depth of woodchip), laid onto a geotextile membrane;

b) for pedestrian-operated plant up to a gross weight of 2 t, proprietary, inter-linked ground protection boards placed on top of a compression-resistant layer (e.g. 150 mm depth of woodchip), laid onto a geotextile membrane;

c) for wheeled or tracked construction traffic exceeding 2 t gross weight, an alternative system (e.g. proprietary systems or pre-cast reinforced concrete slabs) to an engineering specification designed in conjunction with arboricultural advice, to accommodate the likely loading to which it will be subjected.

- iii Final on-site measurements should be taken to ascertain the extent of any tree protection measures and provide an indication of whether incursions, which have not been anticipated, into the RPAs of retained trees might prove necessary.

6.11 Excavation/Ground Works

- i The installation of any protective mitigation measures, if necessary, prior to the commencement of any works on site, will allow excavations and ground works to take place whilst minimising any anticipated adverse effect and/or impact on the retained trees.
- ii All plant and vehicles engaged in ground works should either operate outside the RPAs, or run on appropriate ground protection, if necessary, in the proximity of retained trees.
- iii Where trees stand adjacent to hard surfaces and/or buildings to be removed, excavation should be undertaken inwards, from within the footprint of the existing hard surfacing, or outside of the RPAs.

6.12 Construction Within the Root Protection Area

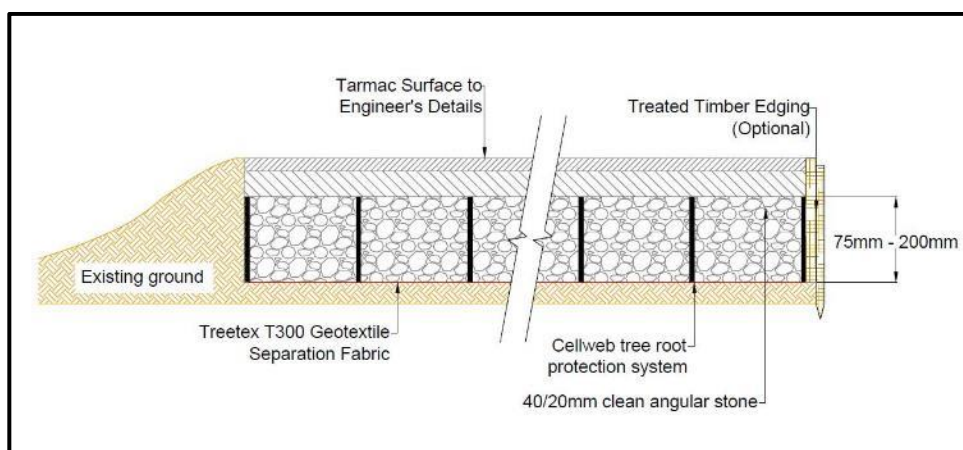
- i The use of traditional strip foundations can result in extensive root loss and should be avoided. However, BS5837:2012 recommends that the insertion of specially engineered structures within RPAs may be justified if it enables the retention of a good quality tree (usually category A or B) that would otherwise be lost.
- ii The foundation design should minimise any adverse impact on the trees and should take into consideration all relevant site-specific constraints. In order to arrive at a suitable solution, the combined advice of the project arboriculturist and an engineer will be required.
- iii BS5837:2012 recommends that root damage can be minimised by using piles, located optimally to avoid any structural roots, by means of hand tools or compressed air soil displacement, to a minimum depth of 600mm, or beams laid at or above ground level to avoid tree roots.

- iv Where piling is to be installed near to trees, the smallest practical pile diameter should be used to reduce the possibility of striking major tree roots. Temporary ground protection, appropriate to the size of the piling rig in use, should be used as detailed above in section 6.10.
- v It may be appropriate for slabs for minor structures (e.g. a shed base) to be formed within the RPA. It should however be placed on the existing ground level with no new excavation and should not exceed an area greater than 20% of the unsurfaced ground within the RPA.
- vi The proposed layout does not include any construction within the RPA and so there is no requirement for any specially engineered structures in this instance.

6.13 Hard Surfacing Within the Root Protection Area

- i New hard surfacing is proposed within the RPAs of trees T20-C2, T26-B2, T33-B2, T35-B2, T36-B2 and T37-B2. Hard surfacing is also proposed within the very outer edges of trees T20, T26 and T33. This along with additional rooting potential on other aspects is considered to negate the need for further mitigation in this instance. Following the construction of the proposed hard surfacing, the retained trees should be annually monitored for signs of stress and decline.
- ii Of the trees listed above, the installation of a 'no-dig three-dimensional cellular confinement system is to be installed within the RPA of trees T35, T36 and T37.
- iii This is considered to be acceptable in this instance, providing appropriate mitigation is applied to ensure that the driveway is constructed in such a way to minimise impacts to the tree root systems.
- iv It is therefore recommended that the installation of a 'no-dig' type hard surface, which incorporates a three-dimensional cellular confinement system will be necessary. General guidance on this type of 'no-dig' surfacing is provided below:
- v BS5837:2012 recommends that three-dimensional cellular confinement systems, incorporating geotextile or impermeable barriers as necessary, may be appropriate sub-base options for new hard surfacing within the RPA.
- vi A 'no-dig' design should be used which does not require excavation into the soil other than the removal, using hand tools, of any turf layer or other surface vegetation. The structure of the hard surface should be designed to avoid localised compaction and in all cases, the advice of a structural engineer should be sought to ensure that the design is suitable for the anticipated vehicle loads it will be subjected to.
- vii An assessment should be made to establish whether the existing site topography lends itself to the installation of a three-dimensional cellular confinement system. Final on-site measurements should be taken to ascertain the extent of any incursions into the RPA and provide subsequent guidance on the extent of any 'no-dig' installation.
- viii The new hard surfacing should be resistant to deformation by tree roots and should be set back from the tree's stem and above ground buttresses by a minimum distance of 500mm to allow for growth and movement. Where no-dig installations are proposed to be located particularly close to the main stems of retained trees then it is recommended that consideration is given to realigning the hard surfacing in order to reduce the total area (m²) of RPAs affected in order to reduce the likelihood for future pruning pressure and minimise the potential for any detrimental impact on the retained trees.
- ix It is recommended that the total area for all new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA.
- x Indicative cross-sectional drawings of a suitable three-dimensional cellular confinement system (CellWeb™) are shown below (Figure 2).

Figure 2: Cross section illustrating a permeable tarmac surface finish



6.14 Construction Activity

- i The installation of any recommended protective or mitigation measures prior to the commencement of any works on site will allow the development to take place whilst minimising any anticipated adverse effect and/or impact on the retained trees.
- ii All plant and vehicles engaged in construction works should either operate outside the RPA, and/or run-on appropriate ground protection.

6.15 Future Pressure for Tree Pruning/Removal

- i Whilst the presence of retained trees can often enhance the immediate environment upon completion, any proposed layout should provide sufficient space that will allow for future tree growth and to provide a subsequently reduced need for future, frequent remedial pruning.
- ii The tree works detailed in Table 5 are considered, in this instance, to provide an environment and layout juxtaposition that will allow for the future growth of the retained trees whilst minimising any immediate future pruning pressures.

6.16 Seasonal Nuisance

- i Foliage, fruit, and cone fall can be considered by some to be a nuisance and requests to Local Planning Authorities to carry out pruning works to negate these issues are often refused due in part to their brief, seasonal nature of the problem.
- ii Providing a suitable juxtaposition when considering new layouts will help in minimising issues experienced by people living in proximity to trees.
- iii A certain level of leaf fall in the autumn will be inevitable due to the generally deciduous nature of the existing trees on the site. This it is however not considered to be unreasonable in the context of the site's use.

6.17 Infrastructure

- i Infrastructure requirements have been considered and there no evidence to suggest that retained trees will have an impact on lighting, signage, CCTV sightlines or visibility splays.
- ii Where the installation of any underground apparatus and drainage is considered necessary then particular care should be taken in its routeing and methods of installation and wherever possible be routed outside RPAs.
- iii Where routeing services outside RPAs is not possible then detailed plans showing the proposed routeing should be drawn up in conjunction with the project Arboriculturist. Trenchless insertion methods are

considered appropriate for this purpose and British Standards 5837:2012 details solutions for differing utility apparatus requirements (see table 4 below).

- iv British Standards 5837:2012, Section 7.7.2 suggests that in the event roots can be retained and appropriately protected during exposure, then excavation using hand-held tools might be acceptable for shallow service runs. The National Joint Utilities Group's publication 'NJUG Volume 4' contains further guidelines on the installation of new underground services in proximity to trees.

Table 4: Trenchless solutions for differing utility apparatus installation requirements

Method	Accuracy	Bore dia. ^{A)}	Max sub. ^{B)} length	Applications	Not suitable for
Micro tunnelling	≤20	100 to 300	40	Gravity-fall pipes, deep apparatus, watercourse/roadway undercrossing	Low-cost projects due to relative expense
Surface-launched directional drilling	≈100	25 to 1,200	150	Pressure pipes, cables including fibre optic	Gravity-fall pipes, e.g. drains and sewers ^{C)}
Pipe ramming	≈150	150 to 2,000	70	Any large-bore pipes and ducts	Rocky and other heavily obstructed soils
Impact moling ^{D)}	≈50 ^{E)}	30 to 180 ^{F)}	40	Gas, water and cable connections, e.g. from street to property	Any application that requires accuracy over distances in excess of 5m

A) *Dependent on strata encountered.*

B) *Maximum subterranean length.*

C) *Pit-launched directional drilling can be used for gravity fall pipes up to 20m subterranean length.*

D) *Impact moling (also known as thrust-bore) generally requires soft, cohesive soils.*

E) *Substantial inverse relationship between accuracy and distance.*

F) *Figures given relate to single pass up to 300mm bore achievable with multiple passes.*

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6.18 Landscaping

- i BS 5837:2012 advises that any new tree planting and associated landscaping proposals should consider the ultimate height and spread, form, habit and colour, density of foliage, and maintenance implications, in relation to both the built form of the new development, and the retained landscape features.
- ii Consideration should also be given to the advice detailed in section 6.4 in respect of distances of newly planted trees in relation to new structures.
- iii For all new tree planting, the guidance within BS 8545:2014 'Trees: from nursery to independence in the landscape – Recommendations' should be followed.
- iv Ultimately, the Local Planning Authority will decide on site specific planting guidance based on the number of trees removed, and the appropriate planting ratio to compensate for the losses.

6.19 Issues to be addressed by an Arboricultural Method Statement

- i The Arboricultural Method Statement (Section 7) details the general methodology for the implementation of those aspects of the proposed development that have the potential to result in damage to the retained trees.

7 ARBORICULTURAL METHOD STATEMENT

7.1 Recommended Tree Works/Removals

- i Tree works tabled below (Table 5) have been identified as a result of one or more of the following reasons:
- to directly implement the proposal,
 - to facilitate the implementation and construction of the proposals,
 - to assist in the creation of a balanced and desirable layout juxtaposition and
 - in the interests of reasonable arboricultural management.
- ii All tree works should be carried out by qualified and competent Arborists working to BS 3998:2010 'Tree Work – Recommendations'.

Table 5: Summary of Recommended Tree Works

Tree No.	Species	BS5837:2012 Category	Recommended Works
T2	Sycamore	U	Remove - due to the condition of the trees, in the interests of good arboricultural management.
T15	Downy birch		
T17	Bhutan pine		
T38	Horse chestnut	B2	Remove - to accommodate the proposed development.
T39	Horse chestnut	B2	
T40	Horse chestnut	B2	
T41	Horse chestnut	B2	
T42	Horse chestnut	B2	
T43	Horse chestnut	C2	
H1	Mixed	C2	Remove approximately 3 metres of H1, 5 metres of H2, 8 metres of H2 and 30m of H2 to accommodate the proposed development. Locations of proposed removals are shown on the Tree Protection Plan Appendix D. Permissions must be south before the removal of the southern section of H" due to TPO.
H2	Mixed	C2	
T5	Sycamore	C2	Sever and remove ivy at base of main stem.

7.2 Summary of Mitigation

- i The table below summaries the mitigation methods required for the site, specific to any trees where their RPA may be subject to impact by the proposed development.
- ii Each specific requirement is detailed further in the subsequent sections of this report.

Table 6: Summary of Mitigation Requirements

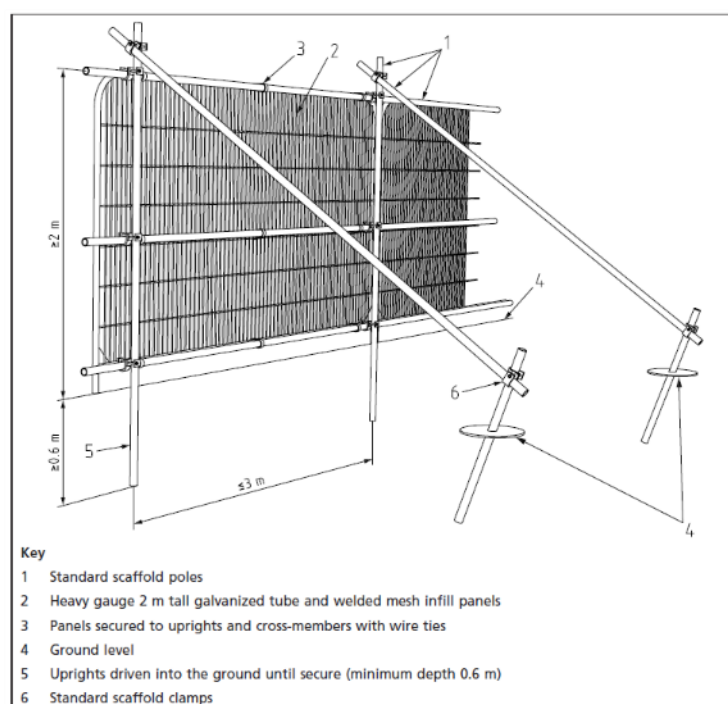
Tree No.	Species	Works effecting	Mitigation Required
Throughout the site		Retained trees in general proximity to the proposed construction works	Create a construction exclusion zone, by erecting and maintaining temporary tree protection fencing for the duration of the construction works.

Tree No.	Species	Works effecting	Mitigation Required
			The tree protection fencing should be installed as detailed on the Tree Protection Plan (Appendix D).
T35	Horse chestnut	A small percentage of the RPA is within the proposed hard standing.	The specification for the new hardstanding should follow the guidance in Section 6.13 with a 'no-dig' construction method and three-dimensional cellular containment system to be used within the RPA. Temporary protective fencing should be installed at the edge of the new hardstanding for the duration of the construction works, as shown in the Tree Protection Plan (Appendix D). The areas enclosed by the protective should be maintained as a total exclusion zone to all construction activity. No working activity, storage of materials, ground level changes, excavations or vehicular access is permitted within the protected area. Annual monitoring to take place to assess for signs of stress and decline, with further mitigation requirements proposed at this time should they be required.
T36	Horse chestnut		
T37	Horse chestnut		

7.3 Erection of Protective Fencing

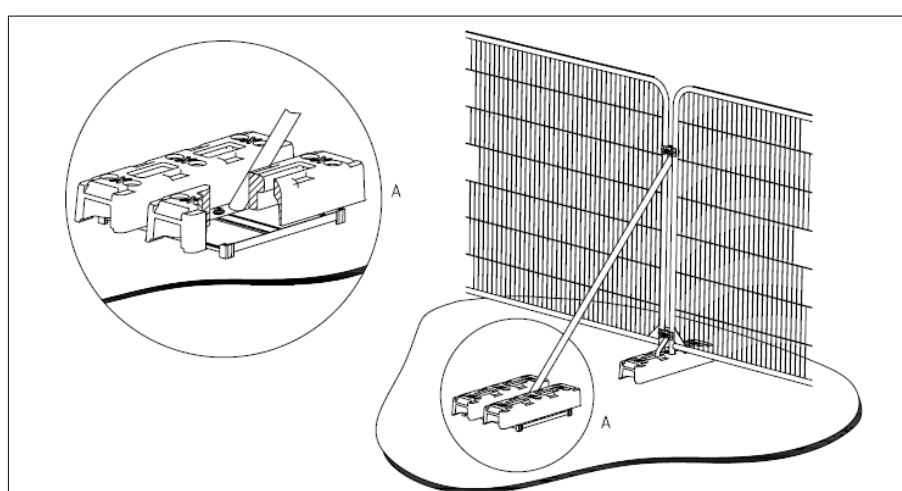
- i It is recommended that temporary protective fencing should be erected in order to create a construction exclusion zone which adequately protects the retained trees from damage during the construction works. This fencing should be erected at the outset of the development works before any activities (including demolition and ground works) are carried out and materials/ plant are brought onto site.
- ii The recommended position for protective fencing is detailed on the Tree Protection Plan (Appendix D).
- iii The fencing should consist of a vertical and horizontal scaffold framework which is well braced to resist impacts as seen below in Figure 3.

Figure 3: Default specification for protective barrier © British Standards Institute



- iv All-weather warning notices should be attached to the fencing to clearly identify the area as a tree protection exclusion zone into which access is not permitted
- v Once erected, the protected area should be regarded as sacrosanct and the fencing should not be removed or altered unless recommended by the project Arboriculturist and, where necessary, approval from the local planning authority.
- vi Where the site circumstances and associated risk of damaging incursion into the RPAs do not necessitate the default level of protection, an alternative specification may be considered to be appropriate. For example, 2m tall-welded mesh panels on rubber or concrete feet as illustrated below in Figure 4.

Figure 4: Alternative Specification for Protective Fencing © British Standards Institute



- vii In this instance, it is considered that the associated risks to trees from the proposed development do not necessitate the default specification and therefore that use of the alternative specification will be appropriate.

7.4 Additional General Precautions Outside of the Exclusion Zone

- i Fires on site should be avoided wherever possible. Where they are unavoidable, they should be kept well away from the exclusion zone, and only lit in positions where heat will not affect foliage or branches. The potential size of a fire and wind direction should be taken into account, and it should be attended at all times until safe to leave.
- ii Any materials, fuel, or chemicals whose accidental spillage would cause damage to a tree should be stored and handled well away from the exclusion zone.

7.5 Site Monitoring

- i Following consideration of the likely arboricultural impacts to the development, together with the recommended mitigation options, it is considered necessary for the proposed works to be monitored as a number of retained trees are likely to be impacted by construction activities.
- ii A two-stage visit must be arranged with the Arboricultural Consultant at:
 - **Phase one:** prior to any works. to arrange the checking of the installed protective barrier (prior to any construction activity). A visit should be arranged to check the installed protective barriers are in line with the detail in Appendix D, Tree Protection Plan
 - **Phase two:** nearing completion.
A visit should be arranged for the Arboricultural Consultant to monitor the site nearing completion to assess the installed mitigation. Also discuss the aftercare and monitoring that will take place.
- iii Random site monitoring can take place throughout the duration of the construction to check that all guidelines are being adhered to.
- iv Retained trees impacted by the proposed new hard standing are to be annually monitored for signs of stress and decline so that they can be appropriately managed.

7.6 Ground Works, Demolition & Construction Works

- i Installation of all recommended protective mitigation measures prior to the commencement of any works, combined with use of temporary ground protection and/or the retention of existing hard surfacing within the RPAs, will allow the ground works to take place whilst minimising any adverse effect or impact on the retained trees.
- ii All plant and vehicles engaged in ground works should either operate outside the RPA or run-on temporary ground protection or existing hard standing, where appropriate.
- iii During ground works and demolition, the utmost caution should be used to not sever any roots, especially those measuring $\geq 25\text{mm}$ in diameter. Any roots uncovered roots should be wrapped/covered to prevent them from desiccation and rapid temperature changes (any wrapping should be removed prior to backfilling).
- iv In the case where plant or wide/tall loads are being used, it must be ensured that all parts of the equipment remain outside of the RPAs, in order that they can operate without coming into contact with any of the on-site or adjacent trees. All works must have appropriate supervision by a banksman, to ensure that adequate clearance from trees is maintained at all times.

- v Access facilitation pruning should not be necessary on site but if it does become necessary to maintain a safe clearance. All work must be approved by the project Arboriculturist and carried out by a qualified and competent Arborist working to BS 3998:2010.
- vi If damage occurs to part of a tree during the works, the project Arboriculturist must be contacted without delay.

7.7 Soil Compaction and Remediation Measures

- i Soil that has been compacted will not provide suitable conditions for the survival and growth of vegetation, whether existing or new, and is a common cause of post-construction tree loss on development sites.
- ii Compacted soil will adversely affect drainage, gas exchange, nutrient uptake, and organic content, and will seriously impede or restrict root growth.
- iii Soil compaction should be avoided around existing vegetation, including trees, and in areas where new planting or seeding is proposed.
- iv Where soil compaction has occurred near to existing trees, remedial works might include sub-soil aeration using compressed air, and the addition of other materials, preferably of a bulky, organic nature (but excluding peat), to improve structure.
- v Heavy mechanical cultivation such as ploughing or rotavating should not occur within the RPA.
- vi Any cultivation operations should be undertaken carefully by hand to minimize damage to the tree, particularly the roots.
- vii Decompaction measures include forking, spiking, soil augering and tilled radial trenching. Care should be taken during such operations to minimize the risk of further damage of tree roots.

7.8 Contractors Storage, Parking & Access

- i Provision should be made for welfare facilities, the site office, contractor parking, storage for materials, plant and spoil, and space for mixing, all outside of the RPAs of retained trees.
- ii In this instance, it is considered that there is sufficient space for provision of the above, without placing significant constraints on the working space available for the construction and its associated activities.

7.9 Completion

- i At the completion of the construction works, before removal of any of the tree protection measure at the completion of the project, it is recommended that the advice of the project Arboriculturist is sought regarding whether a re-survey of the retained trees is necessary for signs or symptoms of damage and/or stress that the construction may have caused.
- ii The protective fencing and ground protection measures should remain in position until its use is considered unnecessary and any risk of damage to the retained trees and/or their respective RPAs e.g. soil compaction from vehicular plant or machinery, has completely passed.

7.10 Tree Planting & After Care

- i When planning or implementing any new tree planting scheme, it is recommended that the guidance within BS 8545:2014 'Trees: from nursery to independence in the landscape – Recommendations' is followed.
- ii The following points summarise good after care for newly planted trees with an additional consideration to any necessary formative, corrective and maintenance pruning:
- iii Water the trees immediately after planting and weekly throughout the first growing season by allowing 10 – 20 litres of water for each tree. This is especially important during prolonged periods of dry weather in which case the frequency of watering may need to be increased.

- iv Do not allow weeds or grass to grow within a 500mm radius of the stem.
- v Maintain an organic mulch (e.g. composted woodchip or bark) to a minimum depth of 75mm for a radius of 500mm around the base of new trees.
- vi At the end of each growing season, check that tree-ties are not damaging the tree stems and loosen if necessary.
- vii Ensure that the tree stakes remain firm while the new planting becomes established and only remove when the tree can support itself, usually after a period of 2 -3 years.
- viii Carry out formative pruning to the young trees by removing dead, weak, and crossing branches, epicormic growth, and suckers arising from the roots.

7.11 Contacts

- i RammSanderson Ltd. 0115 930 2493, info@rammsanderson.com

Appendix A: Tree Schedule

June 2024

Tree N°	Species	Age	Height (m)	Dia. (mm)	Crown Spread (m)				Life Exp.	Cat.	Cond.	General Observations	Preliminary Management Recommendations	RPA (m²)	RPA Radius (m)
					N	E	S	W							
T1	Scots Pine	M	25	740	4	7	6	2	20+	B2	Fair	Poor form due to crowding.	No work recommendations.	249	8.9
T2	Sycamore	SM	8	180	3	3	3	3	<10	U	Fair	Small self-set at base of T1.	Remove to prevent damage to T1.	15	2.2
T3	Scots Pine	M	23	520	6	3	5	4	20+	B2	Fair	Poor form due to crowding.	No work recommendations.	121	6.2
T4	Scots Pine	M	22	520	1	3	5	4	20+	B2	Fair	Poor form due to crowding.	No work recommendations.	121	6.2
T5	Sycamore	M	22	220	1	4	5	3	10+	C2	Poor	Dense ivy cover preventing visual tree inspection. Stem diameter estimated.	Sever and remove ivy.	21	2.6
T6	Sycamore	M	18	460	5	6	6	5	20+	B2	Fair	No notable features.	No work recommendations.	95	5.5
T7	Sycamore	M	17	500	6	5	4	5	20+	B2	Fair	Tree located on woodland edge.	No work recommendations.	113	6
T8	Sycamore	M	16	420	5	4	4	3	20+	B2	Fair	Tree located on woodland edge. Estimated stem diameter due to ivy cover.	No work recommendations.	79	5
T9	English Oak	M	16	680	7	5	5	6	20+	B2	Fair	Significant deadwood throughout the crown.	No work recommendations.	211	8.2
T10	English Oak	OM	20	1080	12	12	6	10	40+	A2	Fair	Significant deadwood throughout the crown.	No work recommendations.	531	13
T11	English Oak	M	18	760	4	10	8	7	40+	A2	Fair	No notable features.	No work recommendations.	260	9.1
T12	English Oak	M	15	510	6	2	4	6	20+	B1	Fair	No notable features.	No work recommendations.	117	6.1
T13	Downy Birch	M	10	240	3	3	3	3	10+	C2	Fair	No notable features.	No work recommendations.	26	2.9

Tree N°	Species	Age	Height (m)	Dia. (mm)	Crown Spread (m)				Life Exp.	Cat.	Cond.	General Observations	Preliminary Management Recommendations	RPA (m²)	RPA Radius (m)
					N	E	S	W							
T14	Silver Birch	M	10	390	2	3	4	3	20+	B2	Fair	No notable features. T15 and T17 both caught up within crown.	No work recommendations.	69	4.7
T15	Downy Birch	M	10	240	3	3	3	3	<10	U	Poor	Partially uprooted tree caught up in T14 but remains alive.	Remove due to steep decline and proximity to road.	26	2.9
T16	English Oak	M	20	850	9	8	6	8	40+	A2	Fair	No notable features.	No work recommendations.	327	10.2
T17	Bhutan Pine	M	9	240	3	3	3	3	<10	U	Poor	Tree at a significant lean which has progressed over time. Partial uprooting and causing damage to T15 and T14.	Remove due to proximity to road and declining vigour.	26	2.9
T18	Sycamore	M	16	630	5	5	6	5	20+	B2	Fair	No notable features.	No work recommendations.	181	7.6
T19	Horse Chestnut	OM	16	1100	9	9	7	8	40+	A1	Fair	Burls about 1m up stem and minor deadwood within crown.	No work recommendations.	547	13.2
T20	Sycamore	M	16	460	2	2	2	2	10+	C2	Poor	Very poor condition large cavity/split in stem.	No work recommendations.	95	5.5
T21	Hawthorn	M	4	316	3	3	3	3	10+	C2	Fair	Scrub tree with bramble and nettle mixed in with canopy.	No work recommendations.	45	3.8
T22	Ash	V	18	1740	8	6	8	7	40+	A1	Fair	Significant cavity on northeastern side of stem. A smaller cavity on the east side. Significant deadwood within the crown with cracks and hollows throughout. Bare buttress roots on west side of the stem. Many veteran features throughout the tree as a whole.	No work recommendations.	2140	26.1 (15 x DBH)

Tree N°	Species	Age	Height (m)	Dia. (mm)	Crown Spread (m)				Life Exp.	Cat.	Cond.	General Observations	Preliminary Management Recommendations	RPA (m²)	RPA Radius (m)
					N	E	S	W							
T23	Hawthorn	M	7	350	4	4	4	4	10+	C2	Fair	Scrub tree. Bramble and nettle mixed in.	No work recommendations.	55	4.2
T24	English Oak	EM	7	250	3	3	3	3	10+	C2	Fair	Estimated stem diameter due to no access. Location estimated as tree is not plotted on topographical plan.	No work recommendations.	28	3
T25	English Oak	M	13	500	6	6	6	6	20+	B2	Fair	No notable features.	No work recommendations.	113	6
T26	Horse Chestnut	M	13	650	6	6	6	6	20+	B2	Fair	No notable features.	No work recommendations.	191	7.8
T27	Ash	Y	4	149	1	1	1	1	10+	C2	Fair	Small self-set.	No work recommendations.	10	1.8
T28	Ash	Y	4	75	1	1	1	1	10+	C2	Fair	Small self-set. Not plotted on topographical plan.	No work recommendations.	3	0.9
T29	English Oak	M	14	810	4	3	6	8	20+	B2	Fair	Pocket of decay at 2m on the south-eastern side of the stem.	No work recommendations.	296	9.7
T30	Silver Birch	M	17	450	5	4	5	4	20+	B2	Fair	Estimated stem diameter due to no access.	No work recommendations.	92	5.4
T31	Sycamore	EM	12	250	3	3	3	4	20+	B2	Fair	Estimated stem diameter due to no access.	No work recommendations.	28	3
T32	Hybrid Black Poplar	OM	23	1250	6	12	14	10	40+	A1	Fair	Uneven crown, significant lean over road of roughly 20 degrees. Dense ivy cover. Location estimated as it is not plotted on topographical plan.	No work recommendations.	707	15
T33	Horse Chestnut	M	15	670	6	5	5	5	20+	B2	Fair	No notable features.	No work recommendations.	201	8

Tree N°	Species	Age	Height (m)	Dia. (mm)	Crown Spread (m)				Life Exp.	Cat.	Cond.	General Observations	Preliminary Management Recommendations	RPA (m²)	RPA Radius (m)
					N	E	S	W							
T34	Sycamore	M	12	390	4	4	4	4	20+	B2	Fair	No notable features.	No work recommendations.	69	4.7
T35	Horse Chestnut	M	16	850	6	6	5	6	20+	B2	Fair	No notable features.	No work recommendations.	327	10.2
T36	Horse Chestnut	M	17	840	6	5	5	6	20+	B2	Fair	No notable features.	No work recommendations.	321	10.1
T37	Horse Chestnut	M	12	530	5	5	5	5	20+	B2	Fair	Within suitable tree guard.	No work recommendations.	129	6.4
T38	Horse Chestnut	M	8	400	4	4	4	4	20+	B2	Fair	Within suitable tree guard.	No work recommendations.	72	4.8
T39	Horse Chestnut	M	9	350	4	4	4	4	20+	B2	Fair	Within suitable tree guard.	No work recommendations.	55	4.2
T40	Horse Chestnut	M	8	350	4	4	4	4	20+	B2	Fair	Within suitable tree guard.	No work recommendations.	55	4.2
T41	Horse Chestnut	SM	8	280	3	3	3	3	10+	B2	Fair	Within suitable tree guard. Pocket of decay on stem on south side.	No work recommendations.	36	3.4
T42	Horse Chestnut	M	9	350	4	4	4	4	20+	B2	Fair	Within suitable tree guard.	No work recommendations.	55	4.2
T43	Horse Chestnut	M	7	320	3	3	3	3	10+	C2	Fair	Within suitable tree guard.	No work recommendations.	45	3.8
T44	Horse Chestnut	M	6	370	3	4	3	3	10+	C2	Fair	Within suitable tree guard. Bleeding canker of horse chestnut (<i>Pseudomonas syringae</i> pv. <i>Aesculi</i>).	No work recommendations.	61	4.4
T45	Sycamore	SM	15	350 (Est)	5	5	3	5	10+	C2	Fair	Estimated stem diameter due no access. Location estimated as it is not plotted on topographical plan.	No work recommendations.	55	4.2
T46	Norway Spruce	SM	7	150 (Est)	2	2	2	2	10+	C2	Fair	Estimated stem diameter due no access. Location	No work recommendations.	10	1.8

Tree N°	Species	Age	Height (m)	Dia. (mm)	Crown Spread (m)				Life Exp.	Cat.	Cond.	General Observations	Preliminary Management Recommendations	RPA (m²)	RPA Radius (m)
					N	E	S	W							
												estimated as it is not plotted on topographical plan.			
T47	Norway Spruce	SM	10	250 (Est)	2	2	2	2	10+	C2	Fair	Estimated stem diameter due no access. Location estimated as it is not plotted on topographical plan.	No work recommendations.	28	3
G1	Elder, Hawthorn, Norway Spruce	EM	9 (Avg)	200 (Avg)	/	/	/	/	10+	C2	Fair	Group of low value trees and lower-level scrub. Location estimated as it is not plotted on topographical plan.	No work recommendations.	/	2.4
H1	Hawthorn, Blackthorn	M	4 (Avg)	150 (Avg)	/	/	/	/	10+	C2	Fair	No notable features.	No work recommendations.	/	1.8
H2	Hawthorn, Blackthorn, Field Maple, Ash	M	4 (Avg)	200 (Avg)	/	/	/	/	10+	C2	Fair	No notable features.	No work recommendations.	/	2.4
H3	Hawthorn, Blackthorn	M	1 (Avg)	100 (Avg)	/	/	/	/	10+	C2	Fair	No notable features.	No work recommendations.	/	1.2
H4	Ash, Holly	EM	2 (Avg)	150 (Avg)	/	/	/	/	10+	C2	Fair	Scrub hedge	No work recommendations.	/	1.8
H5	Ash, Hawthorn, Holly, Sycamore	EM	2 (Avg)	150 (Avg)	/	/	/	/	10+	C2	Fair	Scrub hedge	No work recommendations.	/	1.8
H6	Hawthorn, Hornbeam, Field Maple, Common Alder, Elder, Blackthorn	M	5 (Avg)	250 (Avg)	/	/	/	/	20+	B2	Fair	Scrub hedge	No work recommendations.	/	3
H7	Hawthorn, Blackthorn	M	3 (Avg)	200 (Avg)	/	/	/	/	10+	C2	Fair	No notable features.	No work recommendations.	/	2.4

Tree N°	Species	Age	Height (m)	Dia. (mm)	Crown Spread (m)				Life Exp.	Cat.	Cond.	General Observations	Preliminary Management Recommendations	RPA (m²)	RPA Radius (m)
					N	E	S	W							
H8	Hawthorn, Blackthorn, Ash	M	4 (Avg)	200 (Avg)	/	/	/	/	10+	C2	Fair	No notable features.	No work recommendations.	/	2.4
H9	Hawthorn	M	1 (Avg)	100 (Avg)	/	/	/	/	10+	C2	Fair	No notable features.	No work recommendations.	/	1.2
H10	Hawthorn	M	2 (Avg)	150 (Avg)	/	/	/	/	10+	C2	Fair	No notable features.	No work recommendations.	/	1.8
W1	Scots Pine, Sycamore, Hawthorn, English Oak	M	22 (Avg)	600 (Avg)	/	/	/	/	40+	A2	Fair	Woodland area. Large mature oak, sycamore and pine. Smaller hawthorn and sycamore self-set below.	No work recommendations.	/	7.2

Tree Schedule Key:

Reference:	Description:
Tree No.	Sequential reference number as recoded within the Tree Constraints Plan (and subsequent plans). T: Individual Tree G: Group of trees H: Hedgerow W: Woodland
Species	Common name (list of scientific names will be included within the appendix within the arboricultural impact assessment or can be provided upon request).
Age	Y: Young (usually self-seeded or recently planted) SM: Semi-mature (within its first one third of life expectancy) M: Mature (within its final one third of life expectancy) OM: Over-mature (having reached its maximum life span and now in declining)
Height	Estimated height calculated in metres
Diameter	Stem diameter measured to the nearest 10 millimetres at approximately 1.5m above ground level. For trees with more than one stem, the combined diameter is recorded as per BS5837:2012 Section 4.6. (Avg.): Average stem diameter for a group of trees (Est.): Estimate stem diameter due to no access for exact measuring (e.g. offsite or inaccessible)
Crown Spread	Radial crown spread measured to the nearest metre from the centre of the trunk, for each of the four cardinal points
Life Expectancy	An estimate of the remaining life expectancy of the tree, given its condition during the survey taking into account the context of the site <10: Less than 10 years 10+: More than 10 years 20+: More than 20 years 40+: More than 40 years
Category	Quality and value grade classification according to the British Standard 5837:2012 as per section 4.5 and Table 1

Category (continued)	A: Trees of high arboricultural value (typically with 40+ years life expectancy) B: Trees of moderate arboricultural value (typically with 20+ years life expectancy) C: Trees of low arboricultural value (typically with 10+ years of life expectancy) U: Trees unsuitable for retention (typically due to poor condition with <10 years of life expectancy) Subcategory: 1: Mainly arboricultural qualities 2: Mainly landscape/ amenity qualities 3: Mainly cultural values/ habitat value/ conservation value
Condition	A visual assessment considering both the physiological and structural condition of the tree, categorised as per the below: Fair: Generally in good health given the age and context of the tree with no significant defects Poor: Generally poor health (including structurally) which can't be remediated Dead: Dead tree
General Observations	Comments on the tree resulting from the visual tree inspection
Preliminary Management Recommendations	In light of the condition, location, and context of the tree, preliminary management recommendations may be provided resulting from the visual tree inspection. These are recommended solely in the context of the current site use and are considered to be good arboricultural management irrespective of any development proposals which may be in place on the site, or currently being considered.
RPA	Root Protection Areas are calculated in square metres (m ²) following the recommendations within BS5837:2012 Section 4.6. They are detailed on the Tree Constraints Plan as a circle centred on the base of the stem
RPA Radius	The Root Protection Area Radius is calculated in metres and is the distance from the base of the tree to the edge of the root protection area

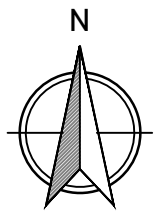
NOTES:

- i. Any survey work undertaken will have been subject to natural limitations, including seasonal and phenological aspects.
- ii. Trees were assessed from ground level using the Visual Tree Assessment (VTA) method. The trees included in the survey were not climbed, no samples were removed, and no detailed internal investigation of decay was made.
- iii. Where other vegetation (e.g. ivy or dense ground cover) prevented full access to any tree, this is noted in the tree survey schedule. Dense ivy cover can prevent full access to a tree and so obscure the presence of cavities or other defects. Any such situations are noted in the tree survey schedule with, where appropriate, recommendations for the ivy to be removed and a re-inspection carried out. No ivy was removed from any tree during the survey.
- iv. Tree rooting characteristics and soils are both enormously variable as are their interactions. This makes any attempts to quantify tree related subsidence risk assessment impossible. No attempt has been made to assess subsidence risk potential nor should any be construed.
- v. Only individual trees with a stem diameter of 75mm or greater are included in the survey. It is not always practical or necessary to record individual details for every tree within a group or woodland. Should any relevant trees on or adjacent to the site have been missed on the topographical survey, these have been included where appropriate. However, the positions indicated on any plans included within this report for all trees not included on the provided topographical survey have been approximated for the purposes of identification only, and if accurate locations are required these should be confirmed on site.

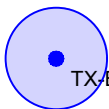
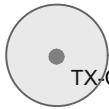
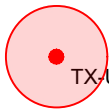
Appendix B: Key to Species Scientific Names

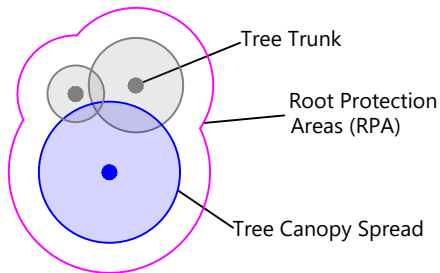
Common Name	Scientific Name
Alder	<i>Alnus glutinosa</i>
Ash	<i>Fraxinus excelsior</i>
Bhutan pine	<i>Pinus wallichiana</i>
Blackthorn	<i>Prunus spinosa</i>
Downy birch	<i>Betula pubescens</i>
English oak	<i>Quercus robur</i>
Elder	<i>Sambucus nigra</i>
Field maple	<i>Acer campestre</i>
Hawthorn	<i>Crataegus monogyna</i>
Holly	<i>Ilex aquifolium</i>
Hornbeam	<i>Carpinus betulus</i>
Horse chestnut	<i>Aesculus hippocastanum</i>
Hybrid black poplar	<i>Populus spp.</i>
Norway spruce	<i>Picea abies</i>
Scots pine	<i>Pinus sylvestris</i>
Silver birch	<i>Betula pendula</i>
Sycamore	<i>Acer pseudoplatanus</i>

Appendix C: Tree Constraints Plan – RSE_8306_TCP_V1



LEGEND:

-  Category A - Trees of High Quality
-  Category B - Trees of Moderate Quality
-  Category C - Trees of Low Quality
-  Category U - Trees Unsuitable for Retention



Client :
Richborough Estates Limited

Project:
Land North of Station Market Bosworth

Drawing Title :
Tree Constraints Plan

Drg No.	Rev :
RSE_8306_TCP	V1

Dwn By :	Scale :	Date :
AS	1:1500@A3	28/06/2024

RammSanderson Ltd
East Midlands: Osprey House, Merlin Way, Ilkeston, DE7 4RA T: 0115 930 2493
West Midlands: Chase View Barn, Dunston Business Village, Stafford, ST18 9AB T: 01785 711 575
Yorkshire: The Former Library, 10 Leeds Road, Sheffield, S9 3TY
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Appendix D: Tree Protection Plan - RSE_8306_TPP_V2



Hard Surfacing Within the Root Protection Area

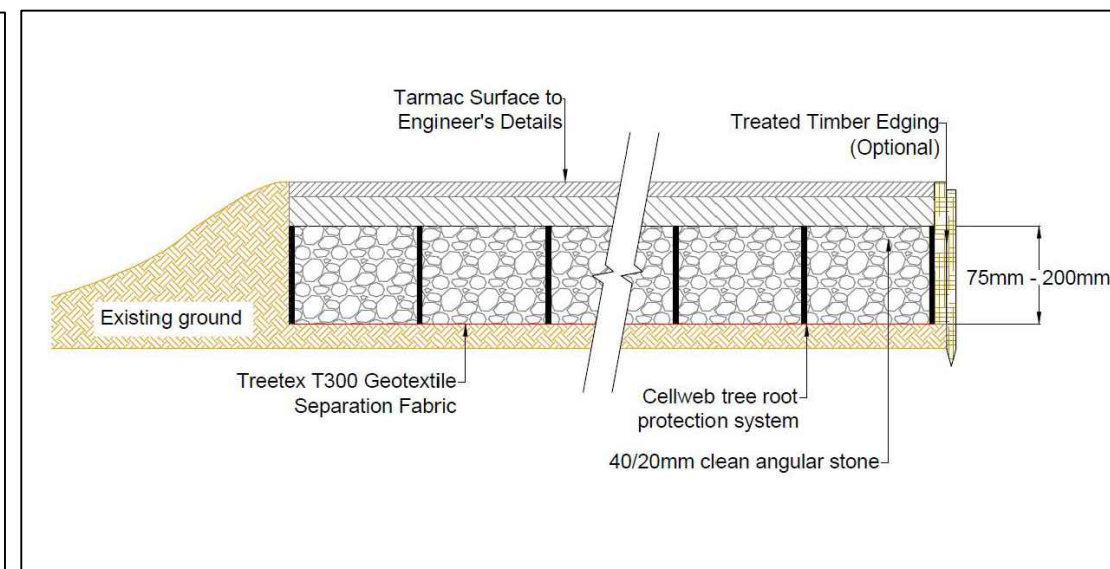
All new hard surfacing within the root protection area (RPA) is to be constructed using a three-dimensional cellular confinement system (for example Cellweb TRP), incorporating geotextile or impermeable barriers as appropriate and installed using a 'no-dig' technique, as detailed in BS837:2012 Section 7.4.

For areas of new hard surfacing, the design will not permit excavation into the soil other than the removal, using hand tools, of any turf layer or other surface vegetation.

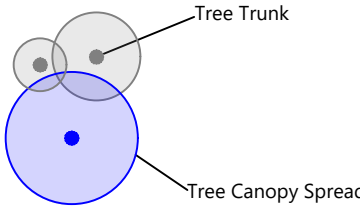
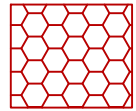
The removal of any existing hard surfaces will be carried out with care, using hand tools as much as possible. Where this is not practicable, a small excavator will be used to remove the top surface, working backwards from the existing tarmac in order that no vehicles drive on the underlying soil, once exposed.

For new hard surfaces, the underlying soil structure will be protected from compaction during construction by a combination of appropriate temporary ground protection and by 'rolling out' the new surface by working forward from the surface as it is constructed.

The structure of the hard surface will be designed to avoid localised compaction and in all cases, a structural engineer should confirm that the design is suitable for the anticipated vehicle loads it will be subjected to. The finished tarmac surface will be permeable and able to resist deformation by tree roots.



LEGEND:

-  TXA Category A - Trees of High Quality
-  TXB Category B - Trees of Moderate Quality
-  TXC Category C - Trees of Low Quality
-  TXU Trees Proposed for Removal
- 
-  Tree Protection Fencing
-  'No-dig' / 3D cellular confinement system to be used for new hardstanding.

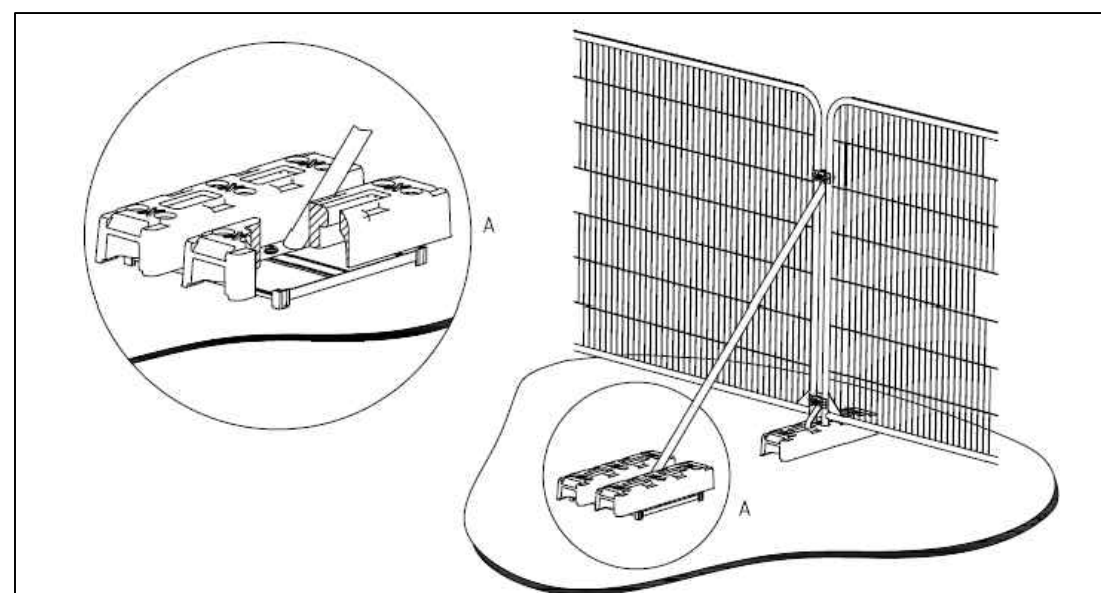


Tree Protection Fencing

Tree protection fencing is to be installed at the positions shown at the commencement of works, before any ground works or soil stripping are carried out and before vehicles or materials are brought onto site.

The fencing will consist of a robust framework which is well braced to resist impacts as shown. The areas enclosed are to be maintained as a total exclusion zone to all construction activity. All-weather warning notices will be attached to the fencing to clearly identify the area as a tree protection exclusion zone into which access is not permitted.

No working activity, storage of materials, ground level changes, excavations or vehicular access is permitted within the protected area. Once erected, the protected area are to be regarded as sacrosanct and the fencing must not be removed or altered unless recommended by the project Arboriculturist and, where necessary, approval from the local planning authority.



Client :
Richborough Estates Limited

Project:
Land North of Station Market Bosworth

Drawing Title :
Tree Protection Plan

Drg No.
RSE_8306_TPP

Rev :
V2

Dwn By :
LJB

Scale :
1:1250@A2

Date :
11/11/2024

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Appendix E: TPO 14/0001/TPORD

Town and Country Planning Act 1990

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

The Borough Council of Hinckley & Bosworth, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order-

Citation

1. This Order may be cited as The Borough Council of Hinckley & Bosworth (land at Station Road Market Bosworth) Tree Preservation Order 2014.

Interpretation

2.
 - (1) In this Order "the authority" means the Borough Council of Hinckley & Bosworth.
 - (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3.
 - (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
 - (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Station Road; Market Bosworth @ 1:2500 (O/s)

Original scale: 1:2500 Printed scale: Non-standard



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Application to trees to be planted pursuant to a condition

4.

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

Dated this 10 day of APRIL 2014

The Common Seal of the Borough Council of Hinckley & Bosworth
was affixed to this Order in the presence of—

Authorised Signatory





11396

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

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

Ed Lorenz

11442



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

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

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

Page 3

SCHEDULE
SPECIFICATION OF TREES

Article 3

Trees specified individually

(circled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	1 x Horse chestnut	Station Road Market Bosworth
T2	1 x Pedunculate oak	Station Road Market Bosworth
T3	1 x Horse chestnut	Station Road Market Bosworth
T4	1 x Sycamore	Station Road Market Bosworth
T5	1 x Horse chestnut	Station Road Market Bosworth
T6	1 x Horse chestnut	Station Road Market Bosworth
T7	1 x Horse chestnut	Station Road Market Bosworth

Trees specified by reference to an area

(within a dotted black line on the map)

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

Groups of trees

(within a broken black line on the map)

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

Woodlands

(within a continuous black line on the map)

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

Appendix F: TPO 75/00011/TPORD

THE BOROUGH COUNCIL OF HINCKLEY & BOSWORTHMARKET BOSWORTH (GODSONS HILL)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 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, T3, T5, T6, T8 T9, T11, T17	Horse Chestnut	Godsons Hill, Station Road, Market Bosworth.
T4, T10, T12	Sycamore	- ditto -
T13, T15, T16	Pine	- ditto -
T14, T18	Birch	- ditto -
T7	Oak	- ditto -

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>
A1	The Several Trees of whatever species standing in the area numbered A1 on the map.	Godsons Hill, Station Road, Market Bosworth

Groups of Trees

(Within a broken black line on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
None		

Woodlands

(Within a continuous black line on the map)

<u>No. of Map</u>	<u>Description</u>	<u>Situation</u>
None		

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 *second*

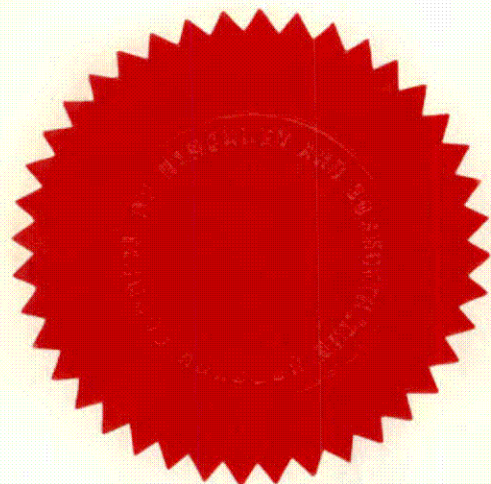
day of *December* One Thousand

nine hundred and seventy five

in the presence of :-

Peter Gibbs

GENERAL MANAGER - ADMINISTRATION

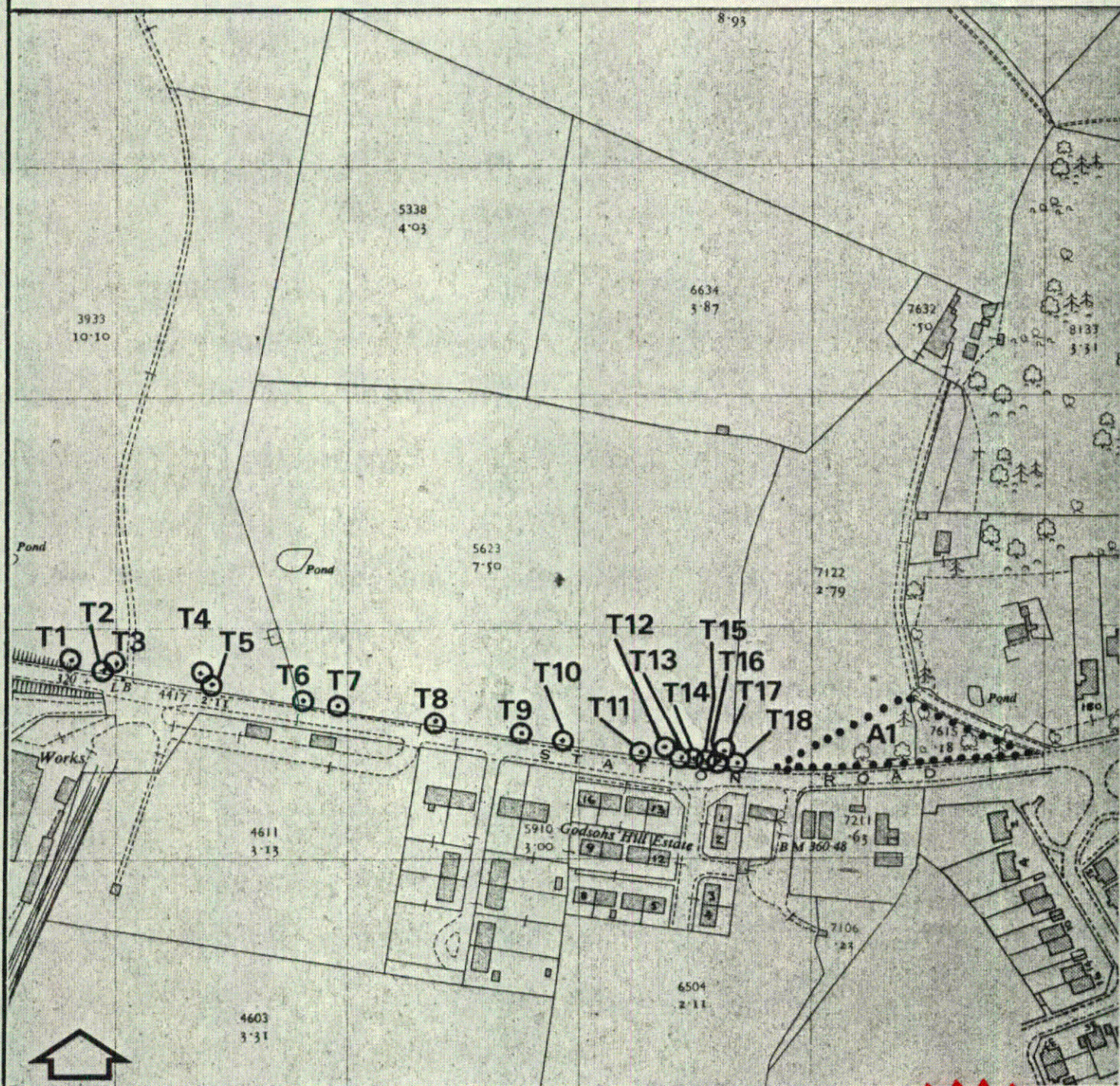


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Town and Country Planning Act 1971

THE BOROUGH COUNCIL OF HINCKLEY & BOSWORTH MARKET BOSWORTH (Godsons Hill)

Tree Preservation Order 1975



Scale 1:2500

Extract from O.S. sheet SK 3903

The Common Seal of the Borough Council of Hinckley & Bosworth was here

affixed this *second*... day of *December* One thousand

nine hundred and seventy *five* in the presence of:-

Peter G. G. G.

General Manager, Administration

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Appendix G: TPO Screenshot from Hinckley and Bosworth Borough Council.

Tree preservation order - online map

[Home](#) > Tree preservation order - online map

