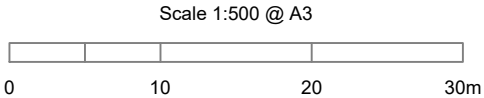


**KEY**

- Category U - Trees / Groups Unsuitable for Retention (BS 5837:2012)
- Category A - Trees / Groups of High Quality (BS 5837:2012)
- Category B - Trees / Groups of Moderate Quality (BS 5837:2012)
- Category C - Trees / Groups of Low Quality (BS 5837:2012)
- Hedgerow (Colour indicates BS5837:2012 Category)
- Root Protection Area (The RPA has been altered where appropriate to reflect underground constraints)
- T1 (A)  
G1 (A) Individual / Group Number and BS5837:2012 Category
- Indicative Shade Pattern (in accordance with BS5837:2012 where appropriate)



**NOTES**

All dimensions to be verified on site. Do not scale this drawing, use figured dimensions only. All discrepancies to be clarified with project Arboriculturalist. Drawing to be read in conjunction with Arboricultural Assessment and Appendix A - Tree Schedule.

Drawing has been produced in colour and is based on digital information in .dwg format, aerial images and/or GPS location where appropriate. A monochrome copy should not be relied upon. The exact position of individual trees or species included as part of a tree group, woodland or hedgerow should be checked and verified on site prior to any decisions for foundation design, tree operations or construction activity being undertaken. Further survey work would be required for calculating foundation depths.

Trees are living organisms that change over time, the condition of all trees illustrated herein, are to be checked by the project Arboriculturalist should works commence 12 months after the date of this survey.

SOME TREES MAY BE SUBJECT TO STATUTORY CONSTRAINTS. IT IS THEREFORE ADVISED THAT NO WORKS SHOULD BE UNDERTAKEN TO ANY TREES ILLUSTRATED HEREIN WITHOUT FIRST OBTAINING THE RELEVANT AUTHORISATION TO DO SO UNLESS AGREED AS PER THE APPROVED PLANS THROUGH PLANNING CONSENT.

This drawing is the property of FPCR Environment and Design Ltd and is issued on the condition it is not reproduced, retained or disclosed to any unauthorised person, either wholly or in part without written consent of FPCR Environment and Design Ltd. FPCR Environment and Design Ltd accept no liability for third party use.

Ordnance Survey material is used with the permission of The Controller of HMSO, Crown copyright 100019980.

-	14.05.24	First Issue	RG
A	27.06.24	Update Drawing	RG
rev	date	description	by

**fpcr**

- masterplanning
- environmental assessment
- landscape design
- urban design
- ecology
- architecture
- arboriculture

FPCR Environment and Design Ltd  
Lockington Hall  
Lockington  
Derby DE74 2RH

t: 01509 672772  
e: mail@fpcr.co.uk  
w: www.fpcr.co.uk

client  
**Lagan Homes**

project  
**Land West of Ratby  
Leicestershire**

drawing title  
**TREE RETENTION PLAN - Desford Lane Access**

scale  
**1:500 @ A3**

drawn/checked  
**RG**

date  
**June 2024**

drawing number  
**10783-T-03**

rev  
**A**

## Appendix A - Tree Schedule

Measurements	Age Classes	Quality Assessment of BS Category	ULE (relates to BS Category)
<b>Height</b> - Measured using a digital laser clinometer (m)	<b>YNG:</b> Establishing, typically with good vigour and fast growth rates and strong apical dominance; c. less than 1/3 life expectancy	<b>Category U</b> - Trees 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.	<10 years
<b>Stem Dia.</b> - Diameter measured (mm) in accordance with Annex C of the BS5837	<b>SM:</b> Semi-mature trees less than 1/3 life expectancy	<b>Category A</b> - Trees of high quality with an estimated remaining life expectancy of at least 40 years.	40+ years
<b>Crown Radius</b> - Measured using a digital laser clinometer radially from the main stem (m)	<b>EM:</b> Established, typically vigorous and increasing in apical height and lateral spread; 1/3 - 2/3 life expectancy. Offers landscape significance	<b>Category B</b> - Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.	20-40 years
<b>Abbreviations</b>  est - Estimated stem diameter avg - Average stem diameter for multiple stems upto - Maximum stem diameter of a group	<b>M:</b> Fully established over 2/3 life expectancy, generally good vigour and achieving full height potential with crown still spreading	<b>Category C</b> - Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.	10-20 years
	<b>OM:</b> Fully mature, at the extremes of expected life expectancy, vigour decreasing, declining or moribund	Sub-categories: (i) - Mainly arboricultural value (ii) - Mainly landscape value (iii) - Mainly cultural or conservation value	
	<b>V:</b> biological, cultural or aesthetic value comprising niche saproxylic habitat. Individuals of large proportions (stem girth) in comparison to trees of the same species/surviving beyond the typical age range for their species.	<b>The BS category particular consideration has been given to the following:</b> <ul style="list-style-type: none"> <li>• The presence of any structural defects in each tree/group and its future life expectancy</li> <li>• The size and form of each tree/group and its suitability within the context of a proposed development</li> <li>• The location of each tree relative to existing site features e.g. its screening value or landscape features</li> <li>• Age class and life expectancy</li> </ul>	

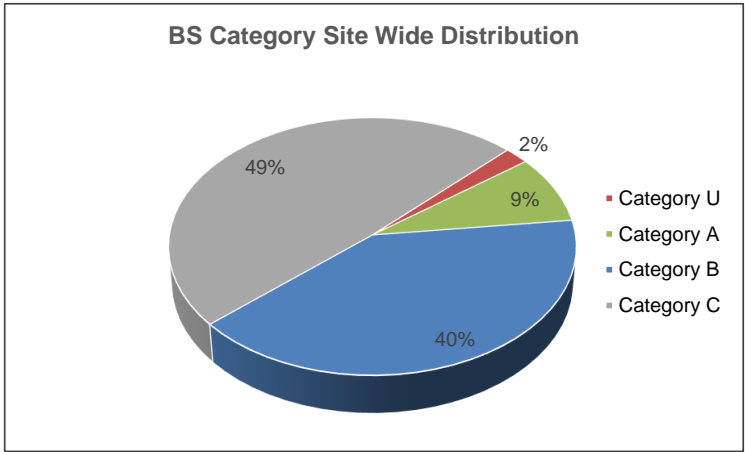
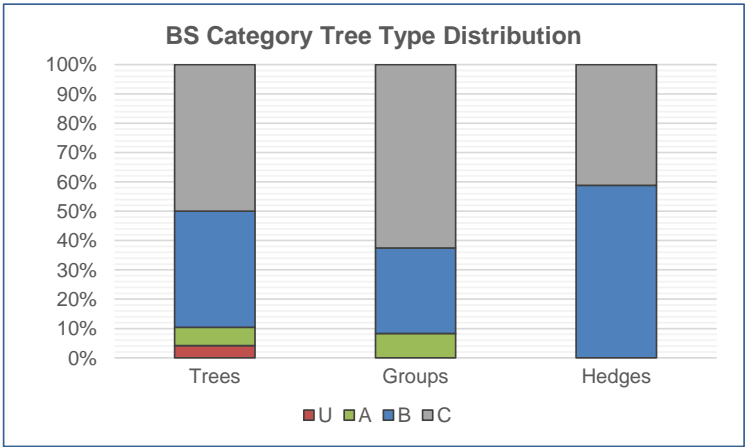
Structural Condition	Physiological Condition	Root Protection Area (RPA)
<b>Good</b> - No significant structural defects	<b>Good</b> - No significant health problems	<ul style="list-style-type: none"> <li>• The RPA Radius column provides the extent of an equivalent circle from the centre of the stem (m).</li> <li>• The RPA is calculated using the formulae described in paragraph 4.6.1 of British Standard 5837: 2012 and is indicative of the rooting area required for a tree to be successfully retained. Tree roots extend beyond the calculated RPA in many cases and where possible a greater distance should be protected.</li> <li>• Where veteran trees have been identified the RPA has been calculated in accordance with Natural England guidance i.e. 15x the stem diameter, uncapped.</li> </ul>
<b>Fair</b> - Structural defects that can be remediated	<b>Fair</b> - Symptoms of ill-health that can be remediated	
<b>Poor</b> - Significant defects beyond remediation, present a risk of failure in the foreseeable future	<b>Poor</b> - Significant ill-health. Unlikely the tree will recover in the long term	
<b>Dead</b> - Dead tree with structural integrity of tree severely compromised	<b>Advanced Decline / Dead</b> - Advanced state of decline and unlikely to recover or Dead	

Appendix Summary

	Individual Trees	Totals	Tree Groups and Hedgerows	Totals
Category U	T9, T46	2		0
Category A	T12, T19, T25	3	G1, G2, W2, W3, W5	5
Category B	T2, T3, T4, T5, T7, T11, T14, T16, T18, T20, T21, T22, T23, T24, T30, T31, T32, T33, T34	19	G5, G6, G8, G9, G11, G14, G19, H2, H3, H4, H6, H7, H8, H9, H10, H11, H13, W1, W4	19
Category C	T1, T6, T8, T10, T13, T15, T17, T26, T27, T28, T29, T35, T36, T37, T38, T39, T40, T41, T42, T43, T44, T45, T47, T48	24	G3, G4, G7, G10, G12, G13, G15, G16, G17, G18, G20, G21, G22, G23, G24, H1, H5, H12, H14, H15, H16, H17	22
	Total	48	Total	46

**BS Category Tree Type Distribution** displays the proportion of trees assessed in each type to enable a better understanding of the category distribution.

**BS Category Site Wide Distribution** shows the proportion of trees assessed in each category across the whole site which allows an interpretation of the site's overall quality.



Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
<b>INDIVIDUAL TREES</b>										
T1	Ash Fraxinus excelsior	11	550	6	M	F	Basal cavity observed Branch stubs evident Broken branches evident Characteristic for species Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Situated offsite Signs of ABD Possibly off site	137	6.6	C (ii)
T2	Ash Fraxinus excelsior	18	820	9	M	G	Basal cavity observed Characteristic for species Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Pruning wounds noted Expand on cavity presence Basal thickening	304	9.8	B (ii)
T3	Ash Fraxinus excelsior	22	850	12	M	F	Basal cavity observed Branch socket cavities observed Branch stubs evident Broken branches evident Characteristic for species Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Potential Roost Features (PRF) Storm damage present Large limb failure on North side Lowest lateral remains as a 3m stub and fallen limb	327	10.2	B (ii)
T4	Ash Fraxinus excelsior	12	710	7	M	G	Branch socket cavities observed Characteristic for species Established ivy cover Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Possible early ADB	228	8.5	B (ii)

Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
T5	Ash Fraxinus excelsior	22	1350	12	M	F	Branch stubs evident Characteristic for species Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Potential Roost Features (PRF) Storm damage present Typical crown form Woodpecker holes observed	707	Capped at 15m	B (ii)
T6	Ash Fraxinus excelsior	17	860	N - 4 S - 7 E - 7 W - 6	M	P	Bark wounds noted Established ivy cover Limited future potential Minor dead wood evident in the crown (<75mm) Potential Roost Features (PRF) Structural failure at 4m from large limb loss Open wound facing North Single remaining upright stem	335	10.3	C (ii)
T7	Ash Fraxinus excelsior	20	900	8	M	F	Branch socket cavities observed Light ivy cover Minor dead wood evident in the crown (<75mm) Potential Roost Features (PRF) Storm damage present Storm damage to south Inonotus hispidus Shaggy bracket	366	10.8	B (i)
T8	Ash Fraxinus excelsior	12	700	7	M	P	Basal cavity observed Branch stubs evident Broken branches evident Dieback of the crown observed Light ivy cover Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Potential Roost Features (PRF) Potential habitat tree Not much life expectancy	222	8.4	C (i)

Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
T9	Ash Fraxinus excelsior	17	850	5	M	D	Dead trees noted Minor dead wood evident in the crown (<75mm) Woodpecker holes observed	N/A	N/A	U
T10	Ash Fraxinus excelsior	15	550	N - 5 S - 2 E - 7 W - 4	M	P	Branch socket cavities observed Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Potential Roost Features (PRF) Sparse / thinning crown Woodpecker holes observed Inonotus hispidus Shaggy bracket	137	6.6	C (i)
T11	Ash Fraxinus excelsior	25	900	9	M	F	Branch socket cavities observed Dieback of the crown observed Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Early signs of dieback Inonotus hispidus Shaggy bracket	366	10.8	B (i)
T12	English Oak Quercus robur	16	800	6	M	G	Branch socket cavities observed Branch stubs evident Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Pruning wounds noted Ground disturbance around base	290	9.6	A (i)
T13	Ash Fraxinus excelsior	20	est 800	8	M	P	Base obscured Branch stubs evident Characteristic for species Dense ivy cover on main stem Dieback of the crown observed Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Situated offsite Sparse / thinning crown Specimen in extensive decline Unable to gain access ADB	290	9.6	C (ii)

Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
T14	Ash Fraxinus excelsior	25	est 1100	10	M	F	Branch stubs evident Characteristic for species Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Potential Roost Features (PRF) Pruning wounds noted Situated offsite Storm damage present Typical crown form Woodpecker holes observed Inonotus hispidus brackets visible in crown	547	13.2	B (ii)
T15	Ash Fraxinus excelsior	23	est 900	10	M	P	Branch socket cavities observed Branch stubs evident Broken branches evident Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Situated offsite Sparse / thinning crown Storm damage present	366	10.8	C (ii)
T16	Ash Fraxinus excelsior	25	est 1200	11	M	F	Branch socket cavities observed Branch stubs evident Broken branches evident Characteristic for species Dieback of the crown observed Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Potential Roost Features (PRF) Situated offsite Owl box Bifurcated stem at 5m Very early signs of ADB	651	14.4	B (ii)
T17	Ash Fraxinus excelsior	17	est 700	7	M	P	Characteristic for species Dense ivy cover on main stem Dieback of the crown observed Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Pruning wounds noted Hollowing stem resulting from major stem cavity	222	8.4	C (ii)



Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
T18	Ash Fraxinus excelsior	19	1500	12	M	G	Branch socket cavities observed Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Multi leadered form Potential Roost Features (PRF)	707	Capped at 15m	B (ii)
T19	English Oak Quercus robur	13	880	10	M	G	Characteristic for species Epicormic growth evident within the crown Even crown form Light ivy cover Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Pruning wounds noted Typical crown form Part of group on southernmost edge	350	10.6	A (ii)
T20	Ash Fraxinus excelsior	16	650	8	M	F	Branch socket cavities observed Branch stubs evident Dense ivy cover on main stem Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm)	191	7.8	B (i)
T21	Ash Fraxinus excelsior	16	670	8	M	F	Branch socket cavities observed Branch stubs evident Dense ivy cover on main stem Established ivy cover Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Storm damage present Dieback evident	203	8.0	B (i)
T22	Ash Fraxinus excelsior	16	600	9	M	F	Branch socket cavities observed Branch stubs evident Dense ivy cover on main stem Established ivy cover Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Sparse / thinning crown Storm damage present Dieback evident	163	7.2	B (i)



Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
T23	Ash Fraxinus excelsior	16	820	7	M	F	Branch socket cavities observed Dieback of the crown observed Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Potential Roost Features (PRF) Woodpecker holes observed	304	9.8	B (i)
T24	Ash Fraxinus excelsior	20	710	7	M	F	Branch socket cavities observed Dieback of the crown observed Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Potential Roost Features (PRF) Woodpecker holes observed Inonotus hispidus Shaggy bracket	228	8.5	B (i)
T25	English Oak Quercus robur	13	490 340 380 430 370	7	M	G	Branch stubs evident Low crown form Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Multi leadered form Multi stemmed from base	372	10.9	A (i)
T26	Hawthorn Crataegus monogyna	5	150 100 80	2	M	F	Low crown form Minor dead wood evident in the crown (<75mm) Multi leadered form	18	2.4	C (i)
T27	Holly Ilex aquifolium	6	est 200 150 50	3	M	F	Multi stemmed from base Covered in climbing plant	29	3.1	C (i)
T28	Hawthorn Crataegus monogyna	6	200	2	M	P	Established ivy cover Minor dead wood evident in the crown (<75mm) Pruning wounds noted	18	2.4	C (i)
T29	Ash Fraxinus excelsior	5	80 80 120 90	1	SM	P	Dieback of the crown observed Limited future potential Multi stemmed from base	16	2.3	C (i)

Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
T30	Silver Birch <i>Betula pendula</i>	11	250 200	5	M	G	Minor dead wood evident in the crown (<75mm) Situated offsite	46	3.8	B (i)
T31	Ash <i>Fraxinus excelsior</i>	17	est 600	7	M	G	Branch stubs evident Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Unable to gain access	163	7.2	B (i)
T32	Ash <i>Fraxinus excelsior</i>	18	1100	12	M	F	Basal cavity observed Branch stubs evident Broken branches evident Dieback of the crown observed Heartwood exposed Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Potential Roost Features (PRF) Pruning wounds noted Decay at base Ganoderma present Ganoderma applanatum ( <i>jipsiense</i> ) Artists bracket	547	13.2	B (ii)
T33	Crack Willow <i>Salix fragilis</i>	14	350 300 300 280	6	M	F	Minor dead wood evident in the crown (<75mm) Multi stemmed from base	172	7.4	B (i)
T34	Crack Willow <i>Salix fragilis</i>	14	450 300 300	6	M	F	Minor dead wood evident in the crown (<75mm) Multi stemmed from base	173	7.4	B (i)
T35	Ash <i>Fraxinus excelsior</i>	10	650	4	M	P	Stem failed at 5m with regrowth Decay throughout stem Dieback evident Good habitat bees nest	191	7.8	C (i)

Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
T36	Ash Fraxinus excelsior	17	700	7	M	P	Basal cavity observed Branch socket cavities observed Branch stubs evident Dense undergrowth at the base Heartwood exposed Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Potential Roost Features (PRF) Major stem decay at base	222	8.4	C (i)
T37	Ash Fraxinus excelsior	6	240	3	SM	F	Characteristic for species Dieback of the crown observed Established ivy cover Minor dead wood evident in the crown (<75mm)	26	2.9	C (i)
T38	Ash Fraxinus excelsior	6	Over ivy 320	3	SM	F	Characteristic for species Dense ivy cover on main stem Dieback of the crown observed Established ivy cover Minor dead wood evident in the crown (<75mm)	46	3.8	C (i)
T39	English Oak Quercus robur	7	est 550	N - 0 S - 4 E - 2 W - 1	M	P	Stem failed at 5m with one limb remaining to south Remaining limb looks healthy Not recent failure	137	6.6	C (i)

Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
T40	Ash Fraxinus excelsior	15	780	N - 5 S - 6 E - 7 W - 3	M	F	<p>Bark wounds noted</p> <p>Branch socket cavities observed</p> <p>Epicormic growth evident within the crown</p> <p>Light ivy cover</p> <p>Major dead wood evident in the crown (&gt;75mm)</p> <p>Minor dead wood evident in the crown (&lt;75mm)</p> <p>Pruning wounds noted</p> <p>Storm damage present</p> <p>Significant failure at union of main second lead stem SW resulting in a large wound scar at union with visible signs of softness and decay - this wound would need an aerial assessment to establish extent of any decay in the main body of the stem</p> <p>The resulting damage means the crown has a heavy bias to the E and is unbalanced in form</p> <p>Regrowth formed around failure point</p> <p>Visible branch socket cavity with opening facing E on S side of the failure point which could be a potential roost feature for bats</p> <p>Visible second branch socket cavity with opening facing N on N side of the failure point which could also be a potential roost feature for bats</p> <p>For the tree to safely retained, remedial pruning would need to be applied to rebalance the crown by a reduction in height and lateral spread to suitable growing points</p>	275	9.4	C (ii)
T41	Ash Fraxinus excelsior	13	est 500	5	M	P	<p>Base obscured</p> <p>Dense ivy cover on main stem</p> <p>Minor dead wood evident in the crown (&lt;75mm)</p> <p>Pruning wounds noted</p>	113	6.0	C (i)
T42	English Oak Quercus robur	14	320	3	SM	P	<p>Etiolated form</p> <p>Minor dead wood evident in the crown (&lt;75mm)</p> <p>Poor quality tree</p> <p>Pruning to lower crown to give clearance</p>	46	3.8	C (i)
T43	Field Maple Acer campestre	6	130	2	SM	P	<p>Next to footway</p> <p>Crown lifted to provide clearance</p>	8	1.6	C (i)
T44	Field Maple Acer campestre	6	180	3	SM	P	<p>Next to footway</p> <p>Crown lifted to provide clearance</p> <p>Suppressed crown underneath ash</p>	15	2.2	C (i)

Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
T45	Wild Cherry Prunus avium	6	250	N - 2 S - 4 E - 4 W - 2	EM	P	Established ivy cover Minor dead wood evident in the crown (<75mm) Pruning wounds noted	28	3.0	C (i)
T46	Ash Fraxinus excelsior	14	est 300 300 300 250	6	M	P	Branch stubs evident Dense ivy cover on main stem Dieback of the crown observed Major dead wood evident in the crown (>75mm)	N/A	N/A	U
T47	Sycamore Acer pseudoplatanus	14	est 250 250 250	5	M	P	Base obscured Dense ivy cover on main stem Minor dead wood evident in the crown (<75mm) Rooted 2m from footway	85	5.2	C (i)
T48	Field Maple Acer campestre	8	6x 100	3	M	F	Multi stemmed from base Situated on top of retaining wall	27	2.9	C (i)

Group No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
GROUPS OF TREES										
G1	Ash Fraxinus excelsior Blackthorn Prunus spinosa Elder Sambucus nigra Field Maple Acer campestre Hawthorn Crataegus monogyna Silver Birch Betula pendula Wild Cherry Prunus avium Alder Alnus glutinosa English Elm Ulmus procera Hazel Corylus avellana Scots Pine Pinus sylvestris Dogwood Cornus sanguinea Guelder Rose	18	upto 420 360 340 360	6	M	F / G	Characteristic for species Dense ivy cover on main stem Interlocking crowns Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm)	249	8.9	A (ii)

Group No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
G2	Ash Fraxinus excelsior Blackthorn Prunus spinosa Common Lime Tilia x europaea Crack Willow Salix fragilis Elder Sambucus nigra English Oak Quercus robur Field Maple Acer campestre Hawthorn Crataegus monogyna Silver Birch Betula pendula Alder Alnus glutinosa English Elm Ulmus procera Hazel Corylus avellana Rowan Sorbus aucuparia Scots Pine Pinus sylvestris Dogwood Cornus sanguinea Guelder Rose	18	upto 400	5	M	F / G	Characteristic for species Dense ivy cover on main stem Interlocking crowns Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm)	72	4.8	A (ii)
G3	Ash Fraxinus excelsior	10	est 400	4	EM	D / P	Dense ivy cover on main stem Dieback of the crown observed Epicormic growth evident within the crown Limited future potential Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Unable to gain access Western Tree dead	72	4.8	C (ii)



Group No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
G4	Ash Fraxinus excelsior	18	est 500	7	M	P	Dense ivy cover on main stem Dieback of the crown observed Limited future potential Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Situated offsite Unable to gain access	113	6.0	C (ii)
G5	Ash Fraxinus excelsior Blackthorn Prunus spinosa Elder Sambucus nigra Hawthorn Crataegus monogyna Alder Alnus glutinosa	12	upto 450	4	EM / M	F / G	Dense ivy cover on main stem Minor dead wood evident in the crown (<75mm) Multi leadered form Group along water course Ash dieback evident	92	5.4	B (ii)
G6	Elder Sambucus nigra English Oak Quercus robur Field Maple Acer campestre Hawthorn Crataegus monogyna Silver Birch Betula pendula Hazel Corylus avellana Dogwood Cornus sanguinea	9	upto 150	3	EM / M	G	Dense ivy cover on main stem Minor dead wood evident in the crown (<75mm) Multi leadered form	10	1.8	B (ii)

Group No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
G7	Ash Fraxinus excelsior	17	avg 600	6	M	P / F	Base obscured Branch socket cavities observed Branch stubs evident Broken branches evident Dieback of the crown observed Limited future potential Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Storm damage present Northern tree in very poor condition Inonotus hispidus Shaggy bracket	163	7.2	C (ii)
G8	Ash Fraxinus excelsior	16	upto 550	7	M	P / F	Base obscured Branch socket cavities observed Branch stubs evident Dense ivy cover on main stem Dieback of the crown observed Interlocking crowns Major dead wood evident in the crown (>75mm) Minor dead wood evident in the crown (<75mm) Southern tree in poor condition	137	6.6	B (ii)
G9	Ash Fraxinus excelsior Field Maple Acer campestre Norway Maple Acer platanoides	14	avg 500	5	EM / M	G	Minor dead wood evident in the crown (<75mm) Poached ground at the base Pruning wounds noted Situating offsite Located within pub car park	113	6.0	B (ii)
G10	Ash Fraxinus excelsior Blackthorn Prunus spinosa Hawthorn Crataegus monogyna	5	upto 200	2	M	P	Dense ivy cover on main stem Dense undergrowth at the base Established ivy cover Interlocking crowns Minor dead wood evident in the crown (<75mm) Multi leaved form Scrappy group at top end of car park	18	2.4	C (ii)

Group No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
G11	Ash Fraxinus excelsior Blackthorn Prunus spinosa Hawthorn Crataegus monogyna	15	est 450	5	M	F	Dense undergrowth at the base Established ivy cover Minor dead wood evident in the crown (<75mm) Multi leadered form Some specimens situated off site in gardens	92	5.4	B (ii)
G12	Ash Fraxinus excelsior Blackthorn Prunus spinosa Hawthorn Crataegus monogyna English Elm Ulmus procera	6	est 150	2	SM / EM	D / P / F	Base obscured Dead trees noted Dense undergrowth at the base Flail damage evident Failed trees Gaps present in hedgerow Minor dead wood evident in the crown (<75mm) Group along boundary trees and Unmanaged hedgerow	10	1.8	C (ii)
G13	Leyland cypress Cupressocyparis leylandii	5	200	2	M	F	Topped conifer group at end of garden	18	2.4	C (ii)
G14	Ash Fraxinus excelsior Hybrid Black Poplar Populus x canadensis Silver Birch Betula pendula Sycamore Acer pseudoplatanus Apple Malus domestica	12	upto 350	4	EM	F	Dieback of the crown observed Interlocking crowns Minor dead wood evident in the crown (<75mm) Multi leadered form	55	4.2	B (ii)

Group No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
G15	Ash Fraxinus excelsior Blackthorn Prunus spinosa Elder Sambucus nigra Field Maple Acer campestre Hawthorn Crataegus monogyna Apple Malus domestica	6	est 150	2	M	F	Group forming boundary to development Sections of hedgerow with trees outgrown	10	1.8	C (ii)
G16	Ash Fraxinus excelsior	6	120 100 100 80	3	SM	P	Dieback of the crown observed Minor dead wood evident in the crown (<75mm) Multi stemmed from base	18	2.4	C (ii)
G17	Ash Fraxinus excelsior Hawthorn Crataegus monogyna	7	upto 200	3	EM	P	Base obscured Dieback of the crown observed Minor dead wood evident in the crown (<75mm) Multi leadered form	18	2.4	C (ii)
G18	Blackthorn Prunus spinosa Hawthorn Crataegus monogyna Crab Apple Malus sylvestris	8	upto 250	2	EM / M	P / F	Crossing and rubbing branches Dense ivy cover on main stem Dense undergrowth at the base Interlocking crowns Minor dead wood evident in the crown (<75mm) Multi leadered form Situated offsite	28	3.0	C (ii)
G19	Ash Fraxinus excelsior Blackthorn Prunus spinosa Hawthorn Crataegus monogyna Crab Apple Malus sylvestris	12	est 300	4	EM / M	F	Interlocking crowns Light ivy cover Minor dead wood evident in the crown (<75mm) Trees within hedgerow	41	3.6	B (ii)

Group No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
G20	Ash Fraxinus excelsior	8	150	2	SM	F	Self seeded trees on fenceline	10	1.8	C (ii)
G21	Ash Fraxinus excelsior Blackthorn Prunus spinosa English Oak Quercus robur Goat Willow Salix caprea Hawthorn Crataegus monogyna	9	upto 250	4	EM / M	F	Flail damage evident Failed trees Outgrown hedgerow with semi mature oak within group	28	3.0	C (ii)
G22	Blackthorn Prunus spinosa Elder Sambucus nigra Field Maple Acer campestre Hawthorn Crataegus monogyna Alder Alnus glutinosa Hazel Corylus avellana	7	upto 150	2	EM / M	P	Base obscured Characteristic for species Dense ivy cover on main stem Dense undergrowth at the base Group of poor quality trees set behind fenceline.	10	1.8	C (ii)

Group No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
G23	Ash Fraxinus excelsior Blackthorn Prunus spinosa Elder Sambucus nigra Field Maple Acer campestre Hawthorn Crataegus monogyna Sycamore Acer pseudoplatanus Hazel Corylus avellana Dogwood Cornus sanguinea	16	avg 400	5	SM / EM / M	P / F	Base obscured Dense ivy cover on main stem Dense undergrowth at the base Larger ash located central within group. Unmanaged group mostly poor quality trees	72	4.8	C (ii)
G24	Ash Fraxinus excelsior Blackthorn Prunus spinosa Field Maple Acer campestre Goat Willow Salix caprea Hawthorn Crataegus monogyna Hazel Corylus avellana Holly Ilex aquifolium	7	est 150	2	SM / EM / M	P	Predominantly an area of scrub with tress around the edges Heavily overgrown with brambles No trees of quality	10	1.8	C (ii)

Hedge No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
<b>HEDGEROWS</b>										
H1	Ash Fraxinus excelsior Blackthorn Prunus spinosa Field Maple Acer campestre Hawthorn Crataegus monogyna	2	upto 90	1	EM	F	Un-maintained hedgerow Gaps present in hedgerow	4	1.1	C (ii)
H2	Ash Fraxinus excelsior Blackthorn Prunus spinosa Elder Sambucus nigra Hawthorn Crataegus monogyna	4	avg 100 80 40	2	M	G	Outgrown hedgerow Eastern side lower quality Unmanaged condition	8	1.6	B (ii)
H3	Blackthorn Prunus spinosa Elder Sambucus nigra Hawthorn Crataegus monogyna	4	avg 80 58 80	1	M	G	Un-maintained hedgerow	7	1.5	B (ii)
H4	Ash Fraxinus excelsior Blackthorn Prunus spinosa Elder Sambucus nigra Hawthorn Crataegus monogyna	4	avg 80 58 80	1	M	G	Un-maintained hedgerow	7	1.5	B (ii)



Hedge No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
H5	Ash Fraxinus excelsior Hawthorn Crataegus monogyna	2	upto 120	1	M	G	Un-maintained hedgerow Gaps present in hedgerow Low quality Random coppice stumps	7	1.4	C (ii)
H6	Ash Fraxinus excelsior Blackthorn Prunus spinosa Elder Sambucus nigra Hawthorn Crataegus monogyna Common Privet	2	avg 80 58 80	1	M	G	Maintained hedgerow	7	1.5	B (ii)
H7	Ash Fraxinus excelsior Blackthorn Prunus spinosa Elder Sambucus nigra Hawthorn Crataegus monogyna	2	avg 80 50 80	1	M	G	Maintained hedgerow	7	1.5	B (ii)
H8	Ash Fraxinus excelsior Blackthorn Prunus spinosa Elder Sambucus nigra Hawthorn Crataegus monogyna	4	avg 6x 60	1	M	F	Maintained hedgerow Unmanaged top	10	1.8	B (ii)

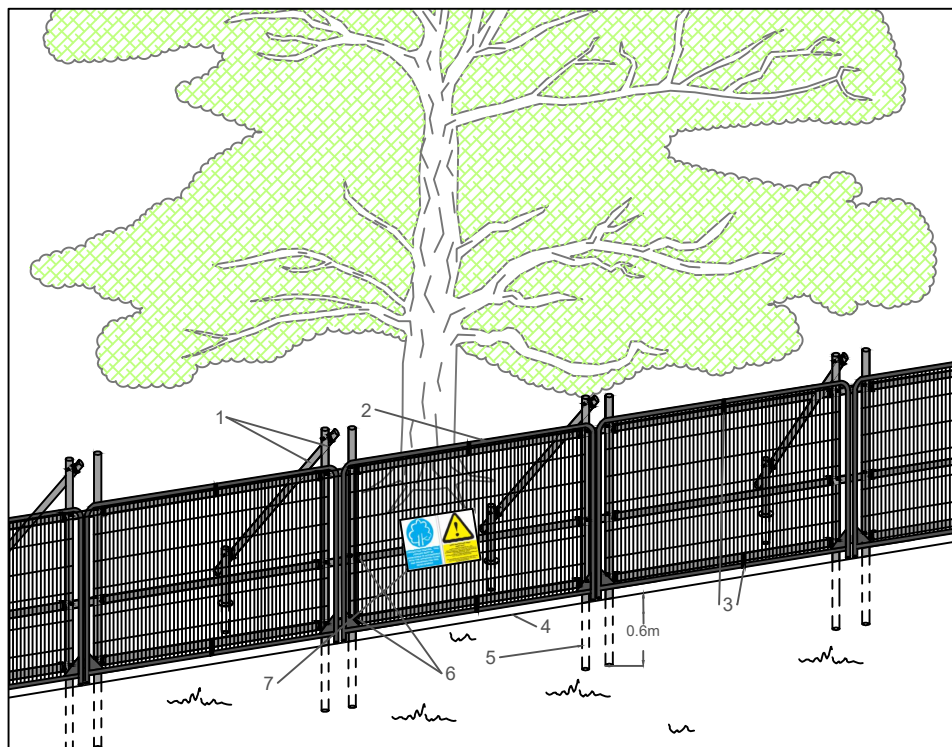
Hedge No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
H9	Ash Fraxinus excelsior Blackthorn Prunus spinosa Elder Sambucus nigra Hawthorn Crataegus monogyna	4	avg 6x 60	1	M	F	Maintained hedgerow Unmanaged top	10	1.8	B (ii)
H10	Ash Fraxinus excelsior Blackthorn Prunus spinosa Elder Sambucus nigra Hawthorn Crataegus monogyna	4	avg 6x 60	1	M	F	Maintained hedgerow Unmanaged top	10	1.8	B (ii)
H11	Hawthorn Crataegus monogyna	1.5	est 6x 50	0.5	M	G	Maintained hedgerow On car park boundary	7	1.5	B (ii)
H12	Ash Fraxinus excelsior Blackthorn Prunus spinosa Hawthorn Crataegus monogyna	2	avg 6x 50	1	M	P	Gaps present in hedgerow Maintained hedgerow	7	1.5	C (ii)
H13	Blackthorn Prunus spinosa Elder Sambucus nigra Field Maple Acer campestre Hawthorn Crataegus monogyna	2	avg 6x 50	1	M	G	Maintained hedgerow	7	1.5	B (ii)

Hedge No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
H14	Blackthorn Prunus spinosa Elder Sambucus nigra English Oak Quercus robur Hawthorn Crataegus monogyna	2	avg 6x 50	1	M	P	Gaps present in hedgerow Maintained hedgerow	7	1.5	C (ii)
H15	Ash Fraxinus excelsior Blackthorn Prunus spinosa Hawthorn Crataegus monogyna	2	avg 6x 50	1.5	M	G	Maintained hedgerow	7	1.5	C (ii)
H16	Ash Fraxinus excelsior Blackthorn Prunus spinosa Elder Sambucus nigra English Oak Quercus robur Hawthorn Crataegus monogyna	2	avg 6x 50	1	M	P / F	Gaps present in hedgerow Maintained hedgerow	7	1.5	C (ii)

Hedge No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
H17	English Oak Quercus robur Field Maple Acer campestre Hawthorn Crataegus monogyna Silver Birch Betula pendula Aspen Populus tremula Hazel Corylus avellana Holly Ilex aquifolium Lawson Cypress Chamaecyparis lawsoniana	1.5	upto 100 80 80	1	M	G	Gaps present in hedgerow Maintained hedgerow No major defects were noted Old laid forms	10	1.8	C (ii)

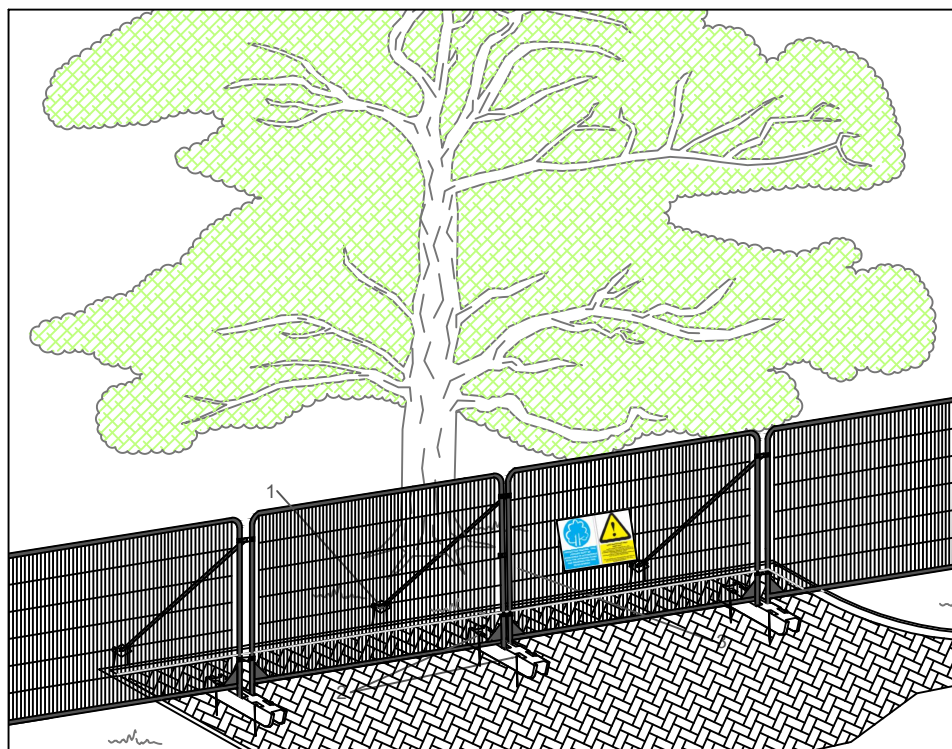
Wood No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
<b>WOODLANDS</b>										
W1	Ash Fraxinus excelsior Blackthorn Prunus spinosa Common Lime Tilia x europaea English Oak Quercus robur Field Maple Acer campestre Hawthorn Crataegus monogyna Silver Birch Betula pendula Wild Cherry Prunus avium Holly Ilex aquifolium Sweet Chestnut Castanea sativa Dogwood Cornus sanguinea	12	upto 300	3	SM	F	Densely planted group Ash dieback evident in young trees notably worse towards northern end by virtue of higher composition of Ash specimens	41	3.6	B (ii)
W2	Ash Fraxinus excelsior English Oak Quercus robur Field Maple Acer campestre Silver Birch Betula pendula Alder Alnus glutinosa Hazel Corylus avellana	7	avg 50x 10	3	SM / EM	F / G	Mainly Hazel coppice plantation	2	0.8	A (ii)

Wood No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
W3	Ash Fraxinus excelsior Blackthorn Prunus spinosa Crack Willow Salix fragilis English Oak Quercus robur Field Maple Acer campestre Goat Willow Salix caprea Hawthorn Crataegus monogyna Silver Birch Betula pendula Hazel Corylus avellana	15	avg 350	5	SM / EM	F / G	Mixed species woodland Woodland Trust ownership	55	4.2	A (ii)
W4	Ash Fraxinus excelsior English Oak Quercus robur	16	avg 150	2	SM	P / F	Mainly Ash plantation with some oak throughout Oak planted along boundary Ash dieback in young trees	10	1.8	B (ii)
W5	Elder Sambucus nigra Goat Willow Salix caprea Hawthorn Crataegus monogyna Rowan Sorbus aucuparia Osier Salix viminalis	10	upto 8x 200	5	EM / M	G	Biomass plantation Rotational coppice system Several larger trees retained around the boundaries	145	6.8	A (ii)



### Standard specification for protective barrier

1. Standard scaffold poles
2. Heavy gauge 2m tall galvanized tube and welded mesh infill panels
3. Panels secured to scaffold frame with wire ties
4. Ground level
5. Uprights driven into the ground until secure (min depth of 0.6m)
6. Standard scaffold clamps
7. Construction Exclusion Zone signs



### Above ground stabilising systems

1. Stabiliser strut with base plate secured with ground pins
2. Feet blocks secured with ground pins
3. Construction Exclusion Zone signs

### NOTES

This drawing is the property of FPCR Environment and Design Ltd and is issued on the condition it is not reproduced, retained or disclosed to any unauthorised person, either wholly or in part with written consent of FPCR Environment and Design Ltd.



masterplanning ■  
 environmental assessment ■  
 landscape design ■  
 urban design ■ FPCR Environment and Design Ltd  
 ecology ■ Lockington Hall  
 architecture ■ Lockington  
 arboriculture ■ Derby DE74 2RH

t: 01509 672772  
 f: 01509 674565  
 e: mail@fpcr.co.uk  
 w: www.fpcr.co.uk

drawing title

## APPENDIX B PROTECTIVE FENCING SPECIFICATIONS

CAD file: S:\Arb resources\Basic Templates\Tree Protection\Appendix B - Protective Fencing A4.dwg



## **Appendix C**

**Copy of Tree Preservation Order/Conservation Area Plan**

TOWN AND COUNTRY PLANNING ACT 1971  
AND ALL OTHER AMENDING ENACTMENTS

THE BOROUGH COUNCIL OF HINCKLEY & BOSWORTH  
RATEY, (BURROUGHS) ROAD  
Tree Preservation Order 1977

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

1. In this Order -  
"the Act" means the Town and Country Planning Act 1971;  
"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more and a mortgagee in possession; and  
"the Minister" means the Secretary of State for the Environment.
2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, cause wilful damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands if defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purpose of such definition as aforesaid prevail where any ambiguity arises between it and the specification in the said First Schedule.
3. An Application for consent made to the authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates and the operations for the carrying out of which consent is required.
4. (1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent:

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is 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.

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)).

- (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 refuses 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 directions relate 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 proceeding Article account shall be taken of:
  - (a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 60 of the Act or under the terms of any Interim Preservation Order made under section 8 of the Town and Country Planning (Interim Development) Act 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act 1932, and
  - (b) any injurious 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.

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.

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 & T4	Ash Trees	Rear of Bulls Head, Public House, Main St., Rathby.

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>
-------------------	--------------------	------------------

Groups of Trees

(Within a broken black line on the map)

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

Woodlands

(Within a continuous black line on the map)

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

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;
    - (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

\*NOTE: Section 62(1) of the Act requires, unless on the application of the owner the local authority dispense with the requirements, 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.

- (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), ensure 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 bring 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 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.

(5) 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