Preliminary Arboricultural Impact Assessment

Land off Blackmoorfoot Road and Felks Stile Road, Huddersfield

31st July 2020

Tyler Grange

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Executive Summary

S.1. This report has been prepared by Tyler Grange on behalf of Empire Knight Group Limited to accompany an outline planning submission for residential development at land to the north of Blackmoorfoot Road and to the east of Felks Stile Road,Huddersfield, HD4 7AD (hereafter referred to as 'the site').

S.2. The site comprises an industrial / open storage area and distribution compound for a fireworks operator. Empire Knight Group Ltd is the freehold owner of fireworks site and also has control over the agricultural fields to the west and north. The site's location is included at **Appendix 1** to the rear of this report.

S.3. The report sets out the baseline findings of a BS5837 Tree Quality Survey and assesses the impact of the proposed outline development in relation to the existing surveyed tree stock.

S.4. The site's existing tree cover can be described as predominantly naturalised and unmanaged. The fireworks site is developed and includes widespread areas of naturalised / regenerative trees. Trees are also present at the boundaries and field boundary hedgerows associated with the surrounding agricultural fields beyond the footprint of the current industrial land uses on-site, which includes mature liens of established trees adjoining Blackmoorfoot Road and Felks Stile Road.

S.5. The proposed development comprises an outline planning application with details of points of access (matters of access, scale, layout, landscaping and appearance are reserved) for the development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors surgery of up to 350 sq m (Use Class D1); up to 500 sq m of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works.

S.6. An indicative masterplan (see **Appendix 2**) has been prepared to demonstrate how the site could be brought forward for development. The scheme shows how a layout can be designed around the principal boundary stock where possible, but would likely require the selected removal of the majority of the internal naturalised self-seeded tree cover to facilitate the proposed development. The site's internal tree cover is predominantly of low arboricultural value with limited amenity function. This owes to a lack of active tree management and new planting across the fireworks site, and limited tree cover within the internal parts of the agricultural fields. This has led to the onset of dense swaths and pockets of regenerative shrubs and young to semi-mature trees. The site's more valuable stock in terms of maturity and amenity potential is predominantly contained to the site boundaries that adjoin Blackmoorfoot Road and Felks Stile Road, and woodland groups located north beyond the application site. The potential removal of Category C and B trees are considered unavoidable due to direct conflicts with the proposed development layout but the extent of loss could be refined at the layer detailed planning and design stage once a fixed and fully detailed scheme is available.

S.7. As part of mitigating the removal of existing tree cover, the proposed layout at **Appendix 2** illustrates an indicative arrangement of Green Infrastructure and public open space which demonstrates the type of landscape solution that could be brought forward through the site's redevelopment. This demonstrates the opportunities for tree loss replacement and the incorporation of new tree planting throughout the site in areas of soft-landscaping as part of the proposed residential scheme. This enables a degree of compensatory re-planting to be implemented as part of the residential layout to balance the likely extent of tree losses. Whilst no detailed soft-landscaping designs have been prepared at this stage such inputs could be addressed via a suitably worded planning condition if required.

S.8. It is recommended that a detailed Arboricultural Method Statement is prepared in accordance with a suitably worded pre-commencement planning condition to provide details in terms of protecting retained trees during the course of the proposed development.

Section 1: Introduction

1.1. This Preliminary Arboricultural Impact Assessment (AIA) has been prepared by Tyler Grange Group Ltd (TG) on behalf of Empire Knight Group Limited. It sets out the findings of a tree survey and associated assessment of development impacts in relation to proposed re-development of an industrial / open storage area and distribution compound for a fireworks operator at land to the north of Blackmoorfoot Road and to the east of Felks Stile Road, Huddersfield, HD4 7AD (hereafter referred to as 'the site').

1.2. The site is located north of Blackmoorfoot Road and to the east of Felks Stile Road, Huddersfield, at postal code HD4 7AD and grid reference SE115147. The site covers 29.3 ha and comprises a fireworks manufacturing site (Black Cat Fireworks Ltd) with surrounding agricultural fields.

1.3. An outline planning application, with details of points of access (matters of access, scale, layout, landscaping and appearance are reserved) for the development of up to 770 residential dwellings (Use Class C3), including up to 70 care apartments (Use Classes C2/C3) with doctors surgery of up to 350 sq m (Use Class D1); up to 500 sq m of Use Class A1/A2/A3/A4/A5/D1 floorspace (dual use), vehicular and pedestrian access points off Blackmoorfoot Road and Felks Stile Road and associated works is to be submitted to Kirklees Council. A summary of Kirklees Council's applicable local planning policies relating to arboricultural matters is provided at **Appendix 3**.

1.4. The purpose of this report is to:

- Set out the findings of a baseline / pre-development tree survey of the site which has been undertaken in accordance with British Standard BS5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations' (hereafter referred to as BS5837); and

- Provide a preliminary assessment of the outline development layout / indicative masterplan to ascertain the extent of likely tree removal works needed to accommodate the proposed layout, and the likely implications for development in relation to the retained tree cover within the site. The proposed layout is not fixed and shows a way in which the site could be brought forward for development and as such the potential tree losses remain subject to a detailed planning and design phases to confirm the definitive extent of loss and retention.

Section 2: Baseline Information

Tree Survey Summary

2.1 The site was originally surveyed by Tyler Grange in September 2017. A full tree survey of the site was also undertaken in June 2020 to ensure an up to date baseline.

2.2 The survey was completed in accordance with BS5837 and the methodology as detailed at **Appendix 3** to the rear of this report. In accordance with the above recommendations, the tree survey included all trees within / in influence of the site and the site boundaries that were over 75mm diameter at breast height (dbh).

2.3 Measured topographical survey data was used to inform the locations and surrounding context of the sites individual and groups of trees. Any trees not included within the topographical survey have been approximated using measurements taken during the tree survey and further informed by aerial photography.

2.4 A total of 32no. individual trees, 38no. groups of trees and 1no. woodland area were identified during the tree survey of the site. The survey findings are illustrated on the **Tree Constraints Plan (TCP 10925/P01b)** located at the rear of this report. The **TCP** shows the distribution of the trees surveyed together with details of their constraints to new development in accordance with BS5837, including:

- Tree Quality Gradings;[1]
- Root Protection Areas (RPA's);[2]
- Tree canopy spreads;[3]
- Tree Shading.[4]

2.5 Findings for each of the trees surveyed are detailed in the **Tree Survey Schedule** (see **Appendix 6**). This provides a tabulated record of the trees surveyed, including reference numbers, species composition, tree dimensions, life stage, physiological and structural condition, and the arboricultural value of each survey entry.

2.6 Surveyed tree cover is established throughout the fireworks manufacturing site and the surrounding agricultural fields, including:

- Wide-spread regenerative tree and shrub growth throughout the fireworks site, predominantly comprising low value pioneer species such as Goat Willow and Silver Birch (G1).

1 The value of arboricultural features surveyed in accordance with the methodology set-out in Appendix 3.

2 A layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority. See further explanation at Appendix 3.

3 Dimensions of the trees crown spread and clearance from ground level. See further explanation at Appendix 3.

4 Shade cast by existing trees which may affect the availability of sunlight and daylight within a new development. See further explanation at Appendix 3.

- Strips and parcels of unmanaged buffer / screening planting and naturalised stock established towards the firework site boundaries (G2, G3, G6, G7, G8, G23, G24, G24, G26, G28, G29 and G34).

- Areas of ornamental planting and hedgerows likely associated with the existing development's soft-landscaping scheme (G4, G5, G9 and T1).

- Areas of ornamental tree cover associated with the residential curtilages to the west of the existing fireworks site access (T2, G10 and G12).

- Ornamental trees located off-site to the west of the existing access point (G35).

- Boundary tree planting with areas of naturalised stock along Blackmoorfoot Road and Felks Stile Road (G13, G14, G16, G17, G19, G20, G21, T9, T10, T11, T12, T13, T18 and T19).

- Linear groups and scattered trees that define the agricultural field patterns site boundaries (G15, G18, G22, G36, G37, G38, T3, T4, T5, T6, T6, T7, T8, T15, T16, T17, T27, T28, T29, T30, T31 and T32).

- Areas of unmanaged natural regeneration groups established towards the south of the site (G11 and G13).

- Intermittent groups / trees located sporadically throughout the agricultural fields within the application site and open grassland within the allocation boundary to north of the application site (G27, G31, G32, G33, T14, T20, T21, T22, T23, T24, T25 and T26).

- Areas of woodland / mature tree groups across the open grassland towards the north of the application site (G30 and W1).

Tree Grading Summary

2.7 The trees surveyed have been categorised using the 'cascade chart for tree quality assessment' (see **Appendix 5**) recommended by the BS5837. Grading subcategories (1, 2 and 3) are intended to reflect the arboricultural, landscape and cultural values, respectively. The grading system allows informed decisions to be made concerning the design and impact of potential development in relation to the arboricultural value of the trees surveyed.

2.8 Surveyed trees are predominantly Low Value (Category C) specimens with a number of Category B (Moderate Value / Quality) trees also present.

2.9 The woodland area (W1) and G30 have been surveyed as a 'Category A' (High Value / Quality) features. W1 and G30 are located to the north of application site and function as areas of mature mixed species woodlands. G30 predominantly comprises mature English Oak, and W1 offers a mix of both

broadleaved and coniferous species of high conservational merit as collectives. These will be unaffected by the proposed development.

2.10 In terms of the trees associated with the red line site boundary, Category B trees are denoted by a 'Blue' tree canopy outline as illustrated on the **TCP**. This level of classification has often been assigned to trees which attract a higher collective rating than they might as individuals, particularly in terms of their visual appearance where contributing to a cohesive group of trees. Category B trees predominantly include specimens or groups with maturity and / or good future potential, whilst not representing a tree or groups of trees with notable or distinct arboricultural functions. Moderate value tree cover is predominantly contained to the boundaries of the site, including buffer strips of semi-mature planting (G2, G3, G4, G26, G28), mature stock that adjoins Blackmoorfort Road and Felks Stile Road (G13, G14, T10, T11, G16, T13, G20, G21, T18), open-grown specimens with a level of maturity (T3, G18, T21, T22, T26, T24, T26, T29) and internal stock with ornamental merit (G12, G4).

2.11 All remaining trees aside from W1 represent largely unremarkable examples of the species and are classed as Category C specimens. Category C trees are denoted by a 'Grey' tree canopy outline as illustrated on the TCP. All remaining trees are considered to represent unremarkable examples of the species and provide limited or transient benefits in the existing site context which may be readily replaced. Such low value trees predominantly include the site's regenerative tree and shrub cover which is established densely in areas throughout the fireworks site, and more sporadically across the surrounding agricultural fields. This existing arrangement of tree cover is considered to lack an amenity function with poor conservational value given the limited diversity in species and age.

Tree Preservation Orders

2.12 Tree Preservation Orders (TPOs) have been identified on the site. The TPO map is included at **Appendix 7** and includes four Sycamore trees located along Felks Stile Road. The exact locations of the TPOs are uncertain when cross-referencing the locations with tree survey information. On review, the following trees are considered to subject to a tree preservation order.

- TPO ref. 32/90/t4 is considered to relate TG tree ref. T10
- TPO ref. 32/90/t3 is considered to relate to TG tree ref. T13
- TPO ref. 32/90/t2 is considered to relate to a tree within TG group ref. G21
- TPO ref. 32/90/t1 is considered to relate to a tree within TG group ref. G21

2.13 Tyler Grange tree survey data is based on topographical tree survey information, while Kirklees Council's TPO map appears to be based on OS mapping with approximated TPO tree locations. It will therefore be prudent for Kirklees Council to confirm whether the trees considered to be subject to TPOs as described above is correct.

2.14 A TPO is a written order made by a local planning authority (e.g. a borough, district or unitary council or a national park authority) which, in general, makes it an offence to cut down, top, lop,

uproot, wilfully damage or wilfully destroy a tree protected by that order without the authority's permission. If you deliberately destroy a protected tree, or damage it in a manner likely to destroy it, you could be liable to an unlimited fine. You could also be fined if you cause or permit such work. Other offences can lead to fines of up to £2,500.

2.15 The site is not located within a Conservation area. As shown on the magic.gov.uk website, none of the surveyed trees are identified as Ancient Woodland.

Section 3: Preliminary Arboricultural Impact Assessment

3.1. This Preliminary Arboricultural Impact Assessment has been undertaken to predict the likely tree losses and impacts in response to the outline development proposals prepared by Planit I.E. Limited (see **Appendix 2**). The assessment has been undertaken to predict the likely tree losses and impacts associated with the indicative masterplan layout. Approval is not being sought for the site layout through the outline planning application and as such the tree losses are not definitive and are based only on the indicative masterplan option rather than a fixed and fully detailed layout. The assessment is informed by a composite of the tree survey findings and the proposed drawings with the potential tree losses described below.

Expected Tree Retention and Removal

3.2. In accordance with BS5837, potential tree losses to implement the indicative masterplan are illustrated on the **Tree Retention and Removal Plan (Ref. 10925/P02a) (TRRP)** located to the rear of this report. The potential tree removals are also listed in the table below.

Reference	Category Grading	Description of Potential Loss
G2 (Mixed species)	B2	Removal of semi-mature screening planting established on existing soil bund to accommodate proposed residential development areas.
G3 (Mixed species)	B2	Removal of semi-mature screening planting established on existing soil bund to accommodate proposed residential development areas.
G4 (Mixed species)	B2	Partial removal of ornamentally established buffer planting to accommodate residential development areas. Potential to retain selective specimens within area of new open space provision.
G12 (Mixed species)	B2 / C12	Partial removal to accommodate a new internal access road. Potential for retention of selective specimens with adjacent area of open space.
G13 (Mixed species)	B12 / C12	Partial removal of southern parts of group to accommodate new primary access point from Blackmoorfoot Road, including widening of the road and realignment of associated footpaths that extend north into the tree group. Partial removal of naturalised younger trees to north of group to accommodate proposed internal access road.
G18 (English Oak)	B2	Removal of early-mature field boundary trees to accommodate proposed Extra Care Centre.

Reference	Category Grading	Description of Potential Loss
G20 (Mixed species)	B2	Partial removal of southern section of boundary group to accommodate the proposed access point from Felks Stile Road. As part of any detailed design proposals, it is recommended that the to realign the access from further south east, which is likely to limited trees removals along this boundary to lower value tree stock.
G21 (Mixed species)	B2	Loss to trees required to accommodate residential areas of development.
G26 (Mixed species)	B2	Removal of majority of boundary screening planting to accommodate residential development areas. Potential for selective retention of specimens at site boundary within area of new open space provision.
G28 (Mixed species)	B2	Potential partial removal of group to accommodate new footway link within area of open space provision. The majority of the group will be retained and likely subject to enhancement works, including thinning of naturalised understory stock to increase amenity potential.
T2 (Holly)	C12	Removal of low value ornamental planting to accommodate proposed residential development areas. Opportunities for retention adjacent to proposed dwellings may be achievable as part of detailed design.
T16 (Elder)	C12	Removal of low value shrub to accommodate residential areas of development.
T17 (Ash)	C12	Removal of self-set semi-mature tree to accommodate residential areas of development.
T27 (Elder)	C12	Removal of low value shrub to accommodate residential areas of development.
T30 (Sycamore)	C12	Removal of self-set boundary tree to accommodate
G1 (Mixed species)	C12	Removal of majority of wide-spread regenerative tree and shrub growth to accommodate proposed residential areas. Selective retention of pockets of groups is possible where practical and of benefit to a final scheme, though removal with replacement planting of higher-quality landscaping is likely to be a preferable option in terms of longer-term amenity provision.
G5	C12	Removal of likely self-set Sycamore with understory shrubs to accommodate proposed residential development areas.

Reference	Category Grading	Description of Potential Loss
G6	C12	Partial removal of unmanaged / regenerative tree and shrub cover to accommodate proposed residential areas. Potential for selective retention of groups within new open space provision, though removal with replacement planting of higher-quality landscaping is likely to be a preferable option to achieve longer-term amenity provision.
G7	C12	Partial removal of unmanaged / regenerative tree and shrub cover to accommodate proposed residential areas. Potential for selective retention of groups at site boundary and within new open space provision, though removal with replacement planting of higher-quality landscaping is likely to be a preferable option to achieve longer-term amenity provision.
G8	C12	Partial removal of unmanaged / regenerative tree and shrub cover to accommodate proposed residential areas. Potential for selective retention of groups at boundary of proposed residential plots.
G9	C12	Removal of internal tree stock to accommodate proposed residential areas of development.
G10	C12	Partial removal of group to accommodate proposed residential areas of development.
G11	C12	Removal of regenerative trees / shrubs and linear Leyland Cypress planting to accommodate proposed residential areas of development.
G13	C12	Removal of low value to accommodate proposed pedestrian connections / site access arrangement.
G19 (Mixed species)	C12	Removal of low value self-set trees to accommodate proposed access point from Felks Stile Road.
G22 (Mixed species)	C12	Partial removal of semi-mature self-set field boundary trees to accommodate proposed areas of residential development.
G23 (Mixed species)	C12	Removal of self-set shrubs to accommodate proposed residential areas of development.
G24 (Mixed species)	C12	Removal of buffer planting established don existing soil bund to accommodate proposed residential area of development.

Reference	Category Grading	Description of Potential Loss
G25 (Mixed species)	C12	Removal of buffer planting established don existing soil bund to accommodate proposed residential area of development.
G27 (Mixed species)	C12	Partial removal of low value to accommodate proposed pedestrian connections / site access arrangement.
G29 (Mixed species)	C12	Removal of naturally regenerated trees and shrubs to accommodate proposed residential areas of development.
G34 (Mixed species)	C12	Partial removal of group to accommodate proposed residential areas of development.

Table 3.1. *Potential Tree Losses Required to Implement Outline Scheme Proposals*

3.3. The proposed outline scheme does not require the removal of high value (Category A) trees. Woodland W1 and group G1 located within the wider land ownership boundary are to be incorporated into open space provision.

3.4. The likely loss of moderate value tree cover established within the fireworks site, including the removals (G2, G3, G4 and G28) is considered necessary given the loss in the arboricultural function of the tree groups when considered in the context of a reconfigured residential development layout. These types of tree groups are considered to be of moderate value as collective features, and function as semi-mature screening and buffer planting. Integrating such tree groups into a new residential scheme is therefore not considered suitable and does not allow for a new arrangement of green infrastructure that compliments a residential scheme across the site.

3.5. There is potential for integration of moderate value tree cover into pockets of proposed open spaces and parks across the site. The level of retention will need to be informed by the future potential of such trees that can be retained in these areas, and whether this value outweighs the benefits of removing existing trees and replacing them as part of a new soft-landscaping schemes.

3.6. The removal of moderate value trees that adjoin Blackmoorfoot Road and Felks Stile Road is considered necessary at this outline stage to accommodate new access point from both roads. The new access arrangement from Blackmoorfoot Road requires widening of the existing road footprint, resulting in likely loss of several trees with G13. Given the extension of G13 into the site, there is potential to retain a number of trees at the revised road edge to retain a continuous tree presence along the boundary.

3.7. The current location of the access from Felks Stile Road is based on the sketch illustrative Masterplan, which illustrates potential removal of moderate value trees with G20. It is noted that the position of the access is considered to be optimal in terms of highway standards and may not change position during detailed design stages; however, if an opportunity arose to reposition the

junction slightly south east of its current position, the impact on moderate value trees would improve, instead resulting in the loss of lower value trees.

3.8. There is potential for integration of moderate value tree cover into pockets of proposed open spaces and parks across the site. The level of retention will need to be informed by the future potential of such trees that can be retained, and whether this value outweighs the benefits of removing existing trees and replacing them with an improved soft-landscaping scheme.

3.9. Low quality tree cover is established throughout the site and predominantly comprises regenerative shrubs and small stature trees that have become self-set following inactive tree and vegetation management across the site. The majority of these trees will be removed as part of the proposals to accommodate new development. There is potential to retain lower quality specimens where they hold a level of screening function at the site boundaries, or where they can be integrated into the public open space with the potential to mature.

Potential Works within Root Protection Areas

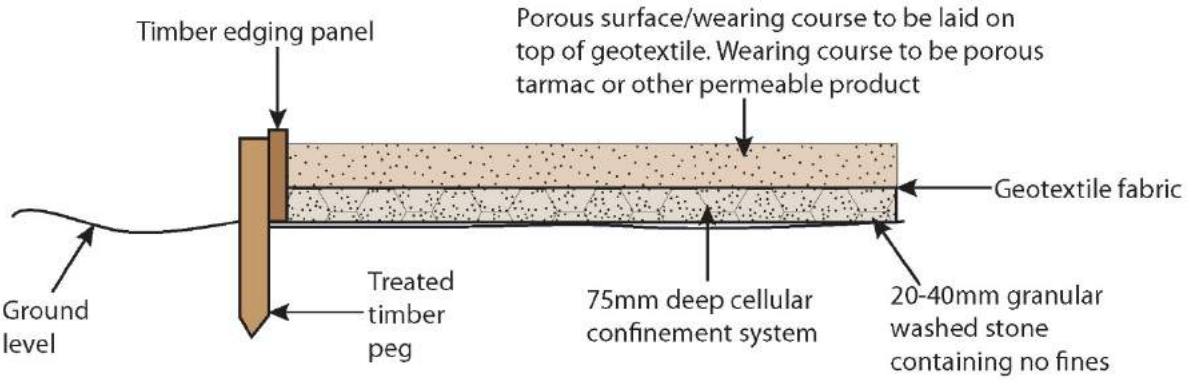
3.10. The most testing conflict in terms of RPA incursions is likely to be found at the proposed access from Blackmoorfoot Road where the road is being widened towards G13 and where the access traverses G13 into the site. It is recommended that additional topographical survey information is provided as part of the detailed design stage to allow for individual trees to be identified across G13. This will inform the final alignment of this access point, which can be refined using RPA and canopy spread information for individual trees within the group.

3.11. There are also instances across the indicative masterplan where new footways and plot boundaries are shown within the RPAs of retained trees. Whilst the layout is only an indication of the type of development which could be taken forward on-site, the commentary below sets out the principles for working within the RPAs in this way.

3.12. There is scope for refining the arrangement of plots and hardstanding further in relation to the calculated RPAs at the later detailed planning and design stages, but where minor built form is required to be positioned in the RPAs as currently shown, such works will need to utilise a no-dig technique. Such works would be fully detailed and specified within an Arboricultural Method Statement (AMS), which would be prepared to discharge suitably worded pre-commencement planning conditions to safeguard existing tree stock during the construction phase of development, but the principle of implementing such works is set out below.

3.13. Footpaths within RPAs can be created using a granular wearing course and sub-base system, retained by non-invasive timber edging. The surface treatment can utilise permeable tarmac or permeable block paving (or similar) to maintain water and aeration in relation to the calculated site-side RPAs. A no-dig solution using 75mm – 150mm Cellweb Tree Root Protection systems (or similar; example images below) will require that only turf layers and other vegetation need to be removed from the surface as the Cellweb system does not require excavation into the soil, therefore avoiding damage to tree roots. Construction will need to be undertaken by hand and with care not to damage the adjacent canopies or to disrupt the ground condition within the surrounding RPA.

3.14. An illustrative cross section is included below. A separation fabric, using the Treetex T-300 Geotextile (Geosynthetics Ltd) will be laid directly onto the ground as a separation and filtration layer. Treetex T-300 also acts as a pollution control layer to protect the soils beneath. Angular 40/20mm stone will then be laid as a sub-base to allow for variable levels and soil conditions within the site. The specified depth of Cellweb Tree Root Protection system will then be laid and filled with the same stone as infill to provide a load-bearing and permeable structure suitable for pedestrian movements.



3.15. Any plot boundary fence posts can be hand dug and realigned if required to avoid principal tree roots with holes being sheathed with an impenetrable membrane to avoid contamination of concrete in relation to tree roots. Any paving slabs which are to be laid within the RPAs can be dry-jointed on a sharp sand, or coarse aggregate no-fines, foundation to allow air and moisture to penetrate to the rooting area.

3.16. Any requirement for excavation in close proximity to RPAs would also be overseen by a suitably qualified arborist to ensure that any identified tree roots are appropriately managed and protected. Site monitoring and full details of construction phase mitigation would be stipulated as part of a later Arboricultural Method Statement (AMS) report.

New Tree Planting Opportunities

3.17. The Illustrative Masterplan illustrates opportunities for replacement and additional tree planting as part of the new scheme. This includes aspirations for new 'linear park' arrangement, where two strips of open space will provide new tree planting opportunities and connectivity across other 'pocket parks' provided more informally throughout the scheme. Open spaces have also been

provided across the site boundaries, where existing tree cover of merit can be integrated into new soft-landscaping schemes to enhance the maturity and visual amenity potential of these areas.

3.18. In the absence of detailed soft-landscaping proposals at this outline stage, the indicative extent of new planting suggests that the scheme will offer a highly treed setting across the developed areas including reinforcement of the principal tree groups being retained within public open space. It is anticipated that the site's tree cover will be improved in the long-term by removing areas of predominantly low-quality trees and replacing these with trees of greater amenity potential, along with well-needed active management of the existing tree stock.

Construction Mitigation

3.19. Pursuant to Kirklees Council's local planning policy requirements and in accordance with best practice, it will be necessary to demonstrate how the above and below ground structures of retained tree cover will be protected during the demolition and construction phases of development in accordance with BS5837.

3.20. Given the outline nature of the proposed scheme, a tree protection strategy has not been prepared at this stage. It is therefore recommended that a full Arboricultural Method Statement (AMS) is prepared in response to detailed design proposals. This will set out a practical and robust strategy for the protection of retained trees during the site preparation and construction phases of development. An AMS could be requested by Condition, and is recommended to include:

- a schedule and specification of any tree works;
- specifications for barriers and ground protection;
- procedures for any specialist construction techniques and any supervised excavations within RPAs;
- phasing of work;
- an auditable system of site monitoring; and
- a Tree Protection Plan.

Conclusion

3.21. A BS5837 tree survey has been undertaken on behalf of Empire Knight Group Limited to accompany an outline planning submission for residential development at land to the north of Blackmoorfoot Road and to the east of Felks Stile Road, Huddersfield, HD4 7AD.

3.22. The site's existing tree cover includes mature tree lines established along the southern and eastern application site boundaries, with internal tree cover comprising predominantly low quality regenerative shrubs and small stature trees, with pockets of more established moderate quality tree groups that offer cohesive screening merit in the context of the existing fireworks site.

3.23. The change of use of the site to residential development requires a new arrangement of built-from and associated green infrastructure, resulting in a number of existing buffer / screening planting groups requiring removal due to their unsuitability within a new residential scheme and the impact on the aspirations for new green infrastructure. A high number of trees is therefore expected to be

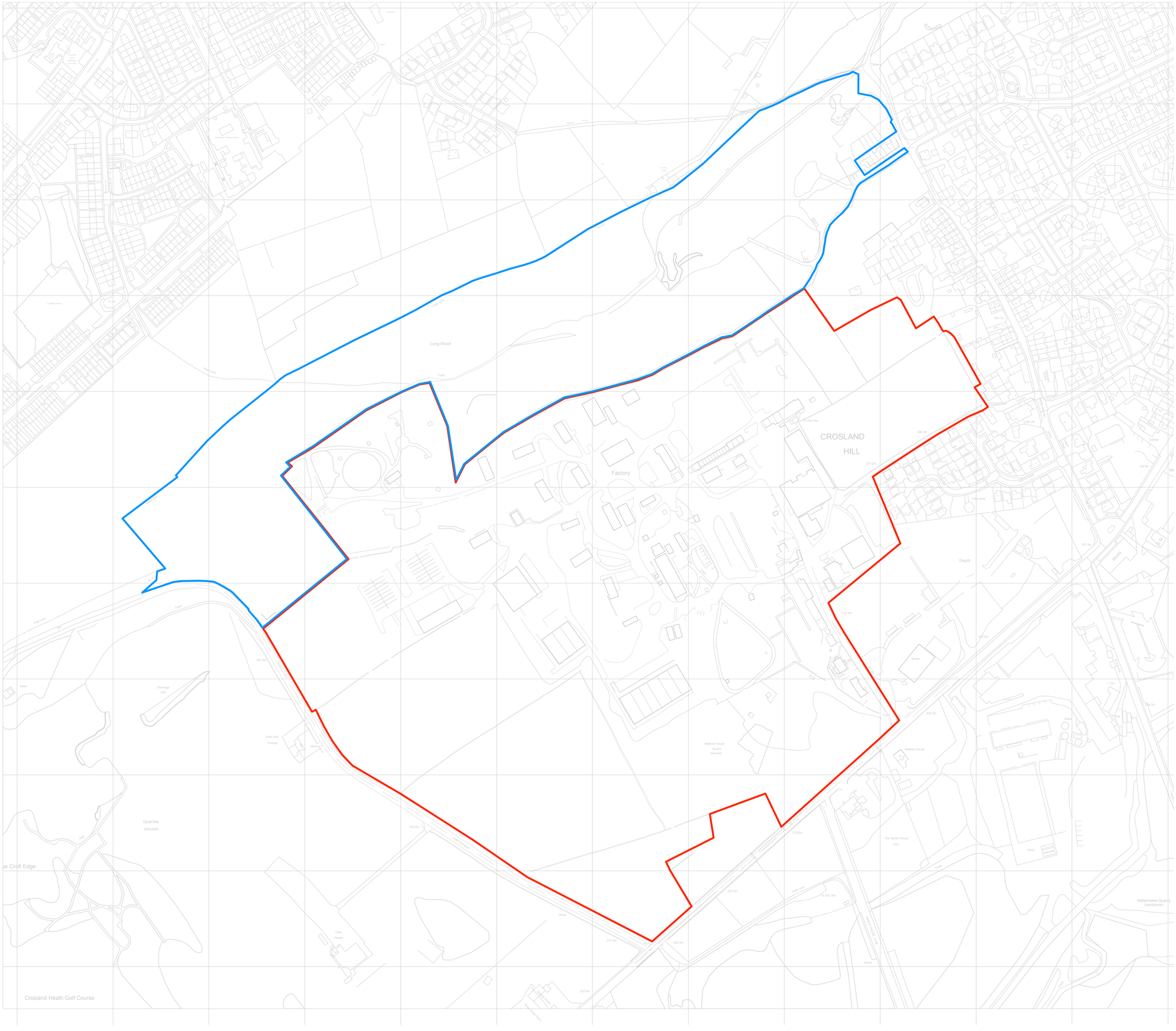
removed, however this is predominantly limited to low quality regenerative trees that have become established following absent tree and vegetation management across the site.

3.24. New access points from Blackmoorfoot Road and Felks Stile Road requires the loss of low to moderate value trees where the access points traverse existing tree groups and where Blackmoorfoot Road is to be widening into an area of tree cover. The scheme will however retain and seek to enhance the principal tree lines located along Blackmoorfoot Road and Felks Stile Road through sufficient development offsets and new tree planting opportunities.

3.25. The development proposals require the removal of a mix of Category C (low value) and Category B (moderate value) trees but the proposed layout demonstrates opportunities for replacement and additional tree planting throughout the site. There is also scope to maintain many of the trees across the site boundaries, as this assessment demonstrates. New public open spaces and associated planting includes principal linear parks that seek to connect more informally sited 'park pockets' and open spaces across the site's boundaries. The arrangement of new open space will serve to reinforce the site boundaries, provide a high-quality treescape throughout the new developed areas and is expected to enhance the overall long-term amenity potential of the site's tree cover. No Category A trees will be removed.

3.26. The outline proposals are therefore supported from an arboricultural perspective and are considered to respect local planning policy aspirations applicable to arboricultural matters. This conclusion is subject to the provision of replacement tree cover, further assessment work as part of detailed design proposals and the adoption of future tree protection measures by way of an Arboricultural Method Statement.

Appendix 1: Site Location Plan



NOTE:

1. Do not scale from this drawing. Always work to noted dimensions.
2. All dimensions are in millimetres unless otherwise stated.
3. All setting out, levels and dimensions to be agreed on site.
4. The dimensions of all materials must be checked on site before being laid out.
5. This drawing must be read with the relevant specification clauses and detail drawings.
6. Order of construction and setting out to be agreed on site.

KEY

- Application site boundary
- Green belt land within ownership boundary

Issue	Date	Status	Drawn	Apprvd.
01	22.01.18	TITLE CHANGED FOR PLANNING	HB	AR
00	04.12.17	FOR DISCUSSION	HB	AR

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Huddersfield

Drg Title Site location plan

Created on	Created by	Approved by
04.12.17	HB	AR

Scale	Size	Status
2000	A1	PLANNING

Drg No. PL1713-AB-005 01

Appendix 2: Proposed Site Plan

NOTES:
1. Do not scale from this drawing.
2. Always work to noted dimensions.
3. All dimensions are in millimetres unless otherwise stated.
4. All setting out, levels and dimensions to be agreed on site.
5. The dimensions of all materials must be checked on site before being laid out.
6. This drawing must be read with the relevant specification clauses and detail drawings.
7. Order of construction and setting out to be agreed on site.

KEY

1. Main vehicular entrance
2. Spine road
3. Village green
4. Existing pub
5. Retail unit
6. Arrival space
7. Community parkland area provides recreational resource and ecological mitigation
8. Natural play area
9. Linear park providing enhanced connectivity to wider landscape
10. Linear park providing enhanced connectivity between village green and natural play area
11. Pedestrian connection to surrounding area
12. Existing stone walls retained
13. Existing field retained as buffer between Crosland Hill Road and new development
14. Community Square
15. Pocket park
16. Extra care facility

Revision	Date	Description	Drawn	Apprvd.
S1-P03	24-07-20	Colour and annotation added	HB	AR
S1-P02	17-07-20	Revised 770 unit layout	HB	AR
S1-P01	xx-xx-xx	xx-xx-xx	XX	XX

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Client Empire Knight Group Limited

Project Land off Blackmoorfoot Road and Felks Stile Road, Huddersfield

Drg Title DEVELOPMENT LAYOUT

Created on	Created by	Approved by
13.11.19	HB	AR

Scale	Size	Workstage
1.1000	A0	FOR INFO

Drg No. PL1713-PLA-XX-XX-DR-U-0010 **Suitability** S1 **Revision** P03

Appendix 3: Planning Policy Context

Appendix 3: Planning Policy Context

A3.1. Under the Town and Country Planning Act 1990 (as amended) the requirement to consider trees as part of development is a material planning consideration and will be taken into account in the determination of planning applications. Applicable arboricultural planning policy that relates to the site is set out below at a National and Local level.

National Planning Policy

A3.2. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions and outlines the Government's planning policies for England, setting out how these are expected to be applied. The consideration for existing trees and woodlands in the context of planning and new development is set out within Section 15 'Conservation and Enhancing the Natural Environment'.

A3.3. Paragraph 170 provides a series of prerequisites to inform how planning policies and decisions should contribute to and enhance the natural and local environment. This includes "*protecting and enhancing valued landscapes*" and "*recognising the intrinsic character and beauty of the countryside".* The value of ecosystem services is also noted, including the "*economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*".

A3.4. Paragraph 170 also recognises the consideration for "*minimising impacts on and providing net gains for biodiversity"*. This includes the need to establish cohesive ecological networks that are "*more resilient to current and future pressures*".

A3.5. Paragraph 171 addresses the need to take a "*strategic approach to maintaining and enhancing networks of habitats and green infrastructure*" adding that plans should be made for the "*enhancement of natural capital at the catchment or landscape scale across local authority boundaries*".

A3.6. Paragraph 174 includes ways in which biodiversity should be protected and enhanced, such as plans that "*identify, map and safeguard components of local wildlife-rich habitats',* as well as "*wildlife corridors and stepping stones that connect them*".

A3.7. Paragraph 175 highlights a series of principles that local planning authorities should apply when determining planning applications, stating that "*if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*".

A3.8. Paragraph 175 also adds that "*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensatory strategy exists*".

A3.9. At a national level, the consideration for trees is recognised in the context of their contribution green infrastructure and biodiversity networks, and also in terms of their contribution in landscape terms to the local setting and character to a place. Great weight is also applied to the importance of

conserving existing aged trees, including ancient woodland and trees and trees considered to be 'veterans'.

Local Planning Policy

A3.10. The Kirklees Local Plan was adopted on 27 February 2019. The Local Plan is now the statutory development plan for Kirklees and has superseded the Kirklees Unitary Development Plan. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

A3.11. **Policy LP24 Design** seeks to ensure that development *"contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure"* and seeks *"retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits".*

A3.12. **Policy LP30 Biodiversity and Geodiversity** seeks to *"protect and enhance the biodiversity and geodiversity of Kirklees"* adding that proposals having a direct or indirect adverse effect on *"Ancient Woodland, Veteran Tree or other important tree", "will not be permitted unless the benefits of the development can be clearly shown to outweigh the need to safeguard the local conservation value of the site or feature and there is no alternative means to deliver the proposal. In all cases, full compensatory measures would be required and secured in the long term".* There are no veteran trees identified within the site and the proposals will not impact any identified Ancient Woodlands.

A3.13. **Policy LP32 Landscape** states that *"Proposals should be designed to take into account and seek to enhance the landscape character of the area considering in particular the patterns of woodland, trees and field boundaries".*

A3.14. **Policy LP33 Trees** states that *"the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity."*

A3.15. The policy adds that *"proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks".*

A3.16. The policy concludes stating that *"Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme."*

Appendix 4: Methodology, Constraints, Mapping and Limitations

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Field Work

A4.1. In accordance BS5837, the tree survey included all trees within / in influence of the site and the site boundaries that were over 75mm diameter at breast height (1.5m).

A4.2. Measured topographical survey data (supplied by others) was used to inform tree locations their surrounding context. Any trees not identified on the topographical survey are prefixed with (*) and their locations have been approximated using measurements during the tree survey and further informed by aerial photography where required.

A4.3. The trees surveyed were visually inspected from ground level only. No invasive investigations or climbing inspections were necessary to confirm visual or audible signs of defect or debility and no tissue or soil samples were undertaken. For further clarification please refer to the tree survey explanatory notes in below.

Tree Numbers

'T' prefixes have been used to identify individual trees and commence with 'T1'.

'G' prefixes have been used to identify groups of trees.

'H' prefixes have been used to identify hedgerows.

'W' prefixes have been used to identify woodlands.

Species

A4.4. Species are listed by their common name, both in the schedule and in the report text.

Height and Stem Diameter

A4.5. The stem diameter is measured at 1.5m above ground level and given in millimetres (mm). Tree heights are measured in metres (m) using a clinometer where access and land typography allowed. In instances where access to tree's stem and height measurements were not possible, the dimensions have been estimated by eye.

Crown Spread and Height of Crown Clearance

A4.6. Radial crown spread is measured in metres and is listed for each of the four cardinal points where access has been possible to obtain a measurement. Where access was not possible to measure the spread of the canopy, such distances have been estimated by eye or informed by aerial photography.

A4.7. The measured canopy shapes have been plotted on the **Tree Constraints Plan** at the four cardinal points. For groups of trees, the extent of the canopy has been measured as an average across the group and plotted using the topographical survey mapping. In some instances, Tyler Grange will use aerial photography to inform the canopy spread of larger tree groups and woodlands where topographical data is limited for such features.

A4.8. The distance between the ground level and the first significant branch or radial tree crown, whichever is the lower, has been measured in metres.

Age Class

A4.9. The age of each tree is defined as follows:

Young - within the first third of reaching full maturity;

Semi-Mature - within the second third of reaching full maturity;

Early-Mature - within the last third of reaching full maturity;

Mature - specimen at full maturity; and

Veteran – tree that, by recognised criteria, shows features of biological, cultural or aesthetic value that are characteristic of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned.

Physiological and Structural Condition

A4.10. The physiological or structural condition of each tree is defined as either; good, fair, poor or dead. For each tree, where appropriate, notes on the structural integrity are provided on form, taper, forking habit, storm damage, decay, fungi, pests, etc.

A4.11. An assessment of a tree's physiological condition is defined as:

Good – fully functioning biological system showing expectant vitality for the species i.e. normal bud growth, leaf size, crown density and wound closure.

Fair – fully functioning biological system showing below average vitality i.e. reduced bud growth, smaller leaf size, lower crown density and reduced wound closure.

Poor – a biological system with limited functionality showing clear physiological decline, disease or significantly below average vitality i.e. limited bud growth, small and chlorotic leaves, low crown density and limited wound closure.

Dead – tree observed to fully dead with no living parts.

A4.12. An assessment of a tree's structural condition is defined as:

Good – no significant structural defects.

Fair – structural defects which could be alleviated through remedial tree surgery or arboricultural management practices

Poor – structural defects which cannot be alleviated through tree surgery or arboricultural management practices.

Tree Quality Gradings

A4.13. The value of trees have been assessed in accordance with the BS5837 Cascade Chart for Tree Quality Assessment (See **Appendix 4**). Grading subcategories (1, 2 and 3) reflect arboricultural, landscape and cultural values respectively.

Root Protection Areas

A4.14. The **Tree Constraints Plan** shows the approximate extent of Root Protection Areas (RPAs). The RPAs have been plotted and calculated in accordance with the methodology set out in Appendices C and D of BS5837, using the tree stem diameter dimensions obtained during the site visit.

A4.15. Plotted RPAs serve as a layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority.

A4.16. Where pre-existing site conditions or other factors indicate that rooting may occur asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution observed on-site. Any deviation in the RPA from the original circular plot should take account of the following factors whilst still providing adequate protection for the root system:

a) the morphology and disposition of the roots, when influenced by past or existing site conditions (e.g. the presence of roads, structures and underground apparatus);

b) topography and drainage;

c) the soil type and structure; and

d) the likely tolerance of the tree to root disturbance or damage, based on factors such as species, age, condition and past management.

A4.17. The plotted RPAs have therefore informed the design of the proposed development where possible. While developing within RPAs should be avoided, special working methods can be adopted to alleviate the RPA disturbance for cases where the development is considered necessary and unavoidable.

Tree Canopies and Shading

A4.18. The distribution of tree canopy cover on and within influence of the site is illustrated on the **TCP**. Canopies have been plotted at cardinal points for individual and groups of trees. The Tree Survey Schedule included at **Appendix 6** to the rear of this report lists the vertical clearance from site ground level to significant tree branching of individual trees. This measurement informs the impacts of accessibility and development beneath tree canopies.

A4.19. The principal tree shadow constraints are shown on the **TCP** and have been plotted in accordance with BS5837 using the current height of surveyed trees. The indicative shade cast by existing surveyed trees signifies the area within which the amenity interests of shading, available daylight and the proximity of trees to any future site uses may be impacted upon should a tree be retained as part of development.

A4.20. Where shading is unavoidable, the potential adverse impact of shadowing should also be reviewed on balance with the positive aspects of retaining a degree of canopy shade. BS5837:2012 (para. 5.3.4, a) NOTE 1) states that "shading can be desirable to reduce glare or excessive solar heating, or to provide comfort during hot weather. The combination of shading, wind speed/turbulence reduction and evapotranspiration effects of trees can be utilised in conjunction with the design of buildings and spaces to provide local microclimatic benefits".

Limitations

A4.21. The comments made are based on observable factors present at the time of inspection. Although the health and stability of trees in their current context is an integral part of their suitability for retention, it must be understood that this report is not a tree risk assessment and should not be construed as such. While every attempt has been made to provide a realistic and accurate assessment of the trees' condition at the time of inspection, it may have not been appropriate, or possible, to view all parts or all sides of every tree to fulfil the assessment criteria of a risk assessment.

A4.22. No tree can be considered entirely safe, given the possibility that exceptionally strong winds could damage or uproot even a mechanically 'perfect' specimen. It is therefore usually accepted that hazards are only recognisable from distinct defects or from other failure-prone characteristics of the tree or the site. An assessment of the potential influence of trees upon existing buildings or other structures resulting from the effects of trees upon shrinkable load-bearing soils or the effects of incremental root or branch growth, are specifically excluded from this report.

Un-assessable Risks

A4.23. Any alteration to the application site or development proposals could change the current circumstances and may invalidate this report and any recommendations made.

A4.24. The Wildlife and Countryside Act (WCA) 1981 (as amended) makes it an offence to disturb nesting birds or recklessly endanger a bat or its roost. Bats are also a European protected species and are additionally protected under the Conservation (Habitats & c) Regulations 1994 and 2010 (as amended). The survey findings, constraints, opportunities and design or mitigation recommendations included within that report must be read alongside this document.

A4.25. A lack of recommended work does not imply that a tree does not pose an unacceptable level of risk and likewise, it should not be implied that a tree will present an acceptable level of risk following the completion of any recommended work.

Appendix 5: BS 5837:2012 Cascade Chart for Tree Quality Assessment

Appendix 5: BS 5837:2012 Cascade Chart for Tree Quality Assessment

TREES FOR REMOVAL				
Category and Definition	**Criteria**			**Identification on Plan**
Category U Those 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	Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (i.e. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning). Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline. Trees infected with pathogens of significance to the health and/or safety of other trees nearby or very low-quality trees suppressing adjacent trees of better quality. (**NOTE**: Category U trees can have existing or potential conservation value which it might be desirable to preserve)			**DARK RED**
TREES TO BE CONSIDERED FOR RETENTION				
Category and Definition	**Criteria - Subcategories**			**Identification on Plan**
	1. Mainly Arboricultural Values	2. Mainly Landscape Values	3. Mainly Cultural Values, including Conservation	
Category A **Trees of high quality** with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	LIGHT GREEN

TREES TO BE CONSIDERED FOR RETENTION				
Category B ***Trees of moderate quality*** *with an estimated remaining life expectancy of at least 20 years*	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remedial defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation.	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality	Trees with material conservation or other cultural benefits.	MID BLUE
Category C ***Trees of low quality*** *with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm*	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or temporary/transient landscape benefit.	Trees with no material conservation or other cultural value.	GREY

Appendix 6: Tree Survey Schedule

Tree Number	Common Species Name	Height (m)	Trunk Diameter (mm)	Crown Spread (m)				Height of Crown Clearance (m)	Age Class	Physiological Condition	Structural Condition	BS5837 Category	Comments/Preliminary Management Recommendations	RPA Radius (m)	Root Protection Area (m2)
				N	E	S	W								
T1	Cherry	2m	150	2.00	2.00	2.00	2.00	0.25	Early Mature	Fair	Fair	C1.2	Memorial planting. Base support girdling stem. Limited potential.	1.8	10
T2	Holly	7m	2x 250 1x100	4.00	4.00	4.00	44.00	0.00	Mature	Fair	Fair	C1.2	Established ornamental. Structure is typical for species.	4.4	61
T3	Silver Birch	9m	340 300	3.75	3.75	3.75	3.75	0.25 (S)	Mature	Good	Fair	B2	Established in field boundary hedgerow. Open grown, forks at base 2x co-dominants. Well distributed crown.	5.4	92
T4	Alder	5m	3x100#	3.00	3.00	3.00	3.00	1.00 (N)	Early Mature	Fair	Poor	C1.2	Likely self-set, poor form.	2.1	14
T5	Elder	4m	150 max	2.00	2.00	2.00	2.00	0.00	Mature	Fair	Fair	C1.2	Self-set shrub.	1.8	10
T6	Sycamore	7m	180 210 2x 100	3.25	3.25	3.25	3.25	0.00 (S)	Early Mature	Good	Fair	C1.2	Open grown. Stem forks at base 4x co-dominants. Upper canopy has structure typical for species.	3.7	43
T7	Horse Chestnut	5m	180 150	3.00	3.00	3.00	3.00	0.50 (S)	Early Mature	Fair	Fair	C1.2	Cohesive canopy with T8. Structure is typical for species.	2.8	25
T8	Sycamore	6m	230	3.75	3.75	3.75	3.75	0.50 (S)	Early Mature	Fair	Fair	C1.2	Cohesive canopy with T7. Structure is typical for species.	2.8	24
T9	Elder	7m	5x 150	3.75	3.75	3.75	3.75	2.50	Over Mature	Fair	Fair	C1.2	Significant decline, minimal live crown remaining.	4.0	50
T10	Sycamore	11m	490 310	4.00	5.00	6.00	7#	0.00 (epi) 3.00 (limbs)	Mature	Fair	Fair	B2	Established east of field boundary. 2x co-dominants at base. Lean in co-dominant to west. Upper canopy has structure typical for species.	7.0	154
T11	Sycamore	10m	2x 250	5.75	5.25	4.00	6#	3.00 (site)	Mature	Fair	Fair	B2	Established west of boundary wall, 2x co-dominants at base with tight union. Structure is typical for species.	4.2	55

Tree Number	Common Species Name	Height (m)	Trunk Diameter (mm)	Crown Spread (m)				Height of Crown Clearance (m)	Age Class	Physiological Condition	Structural Condition	BS5837 Category	Comments/Preliminary Management Recommendations	RPA Radius (m)	Root Protection Area (m2)
				N	E	S	W								
T12	Sycamore	8m	300 100	3.75	3.75	3.75	3.75	0.50 (site)	Early Mature	Good	Fair	C1.2	Established west of boundary wall. Structure is typical for species.	3.8	45
T13	Sycamore	10m	620	5.00	5.50	4.75	6#	2.00 (tips)	Mature	Good	Fair	B1.2	Established east of boundary wall. Open grown specimen. Structure is typical for species. No significant defects noted.	7.4	174
T14	Rowan	2m	110	1.50	1.50	1.50	1.50	1.00	Semi Mature	Fair	Fair	C1.2	Recently established. Structure is typical for species.	1.3	5
T15	Elder	3m	120#	2.00	2.00	2.00	2.00	0.00	Mature	Fair	Fair	C1.2	Established shrub. Structure is typical for species.	1.4	6
T16	Elder	3m	200	2.00	2.00	2.00	2.00	0.00	Mature	Fair	Fair	C1.2	Established shrub. Structure is typical for species.	2.4	18
T17	Ash	5m	3x 80	2.50	2.50	2.50	2.50	1.50 (S)	Semi Mature	Fair	Fair	C1.2	Likely self-set. Multi stemmed at base. Structure is typical for species.	1.7	9
T18	Sycamore	9m	460	3.75	4.50	4.75	5.00	3.00 (E)	Mature	Fair	Fair	B2	Established east of boundary wall, stunted form, wound in limb with associated decay in mid crowns.	5.5	96
T19	Goat Willow	6m	300	3.50	3.50	3.50	3.50	1.50 (site)	Mature	Fair	Fair	C1.2	Established west of boundary wall. Structure is typical for species.	3.6	41
T20	Hawthorn	4m	3x 80	2.50	2.50	2.50	2.50	1.50	Mature	Fair	Fair	C1.2	Self-set shrub established in field. Structure is typical for species.	1.7	9
T21	Sycamore	10m	640	6.50	6.50	6.50	6.50	2.50	Mature	Fair	Fair	B2	Established on bank, open grown on steep hill face. Structure is typical for species.	7.7	185
T22	Sycamore	8m	540	4.75	4.75	4.75	4.75	4.00 (site)	Mature	Fair	Fair	B2	Established on bank, open grown on steep hill face. Structure is typical for species. Failed secondary limbs to south.	6.5	132
T23	Elder	4m	4x 220 av.	4.50	4.50	4.50	4.50	1.50	Over Mature	Poor	Poor	C1.2	In a state of irremediable decline.	5.3	88

Tree Number	Common Species Name	Height (m)	Trunk Diameter (mm)	Crown Spread (m)				Height of Crown Clearance (m)	Age Class	Physiological Condition	Structural Condition	BS5837 Category	Comments/Preliminary Management Recommendations	RPA Radius (m)	Root Protection Area (m2)
				N	E	S	W								
T24	Sycamore	8m	2x 340	5.50	5.50	5.50	5.50	1.50	Mature	Good	Fair	B2	Open grown specimen. Rubble piling at base. 2x co-dominants at 0.5m. Upper canopy structures typical for species.	5.8	106
T25	Goat Willow	5m	8x150 av.	4.75	4.75	4.75	4.75	0.50	Mature	Poor	Fair	C1.2	Rubble piling at base, established within dilapidated stone border. Structure is typical for species.	5.1	82
T26	Whitebeam	8m	4x 200 4x100	6.75	6.75	6.75	6.75	1.50	Mature	Fair	Fair	B2	Open grown, multi stemmed at base tight co-dominant structure. Upper canopy has structure typical for species. Well distributed crown.	5.1	82
T27	Elder	4m	4x100 av.	3.00	3.00	3.00	3.00	0.75	Mature	Fair	Poor	C1.2	Self-set shrub. Structure is typical for species.	2.4	18
T28	Goat Willow	7m	4x175 av. #	4.75	4.75	4.75	4.75	0.75 (av.)	Mature	Fair	Fair	C1.2	Established offsite side of boundary wall. Multi stemmed at base. Upper canopy has structure typical for species. Canopy overhanging into site. Understorey of Elder and Apple.	4.2	55
T29	Ash	13m	610#	7.25	7.25	7.25	7.25	2 (site)	Mature	Good	Fair	B2	Established offsite side of boundary wall. Hollowing at base/basal decay. Structure is typical for species. Canopy overhanging into site. Understorey of Elder.	7.3	167
T30	Sycamore	7m	5x200 3x100	5.00	5.00	5.00	5.00	1.50	Mature	Good	Fair	C1.2	Self-set south of boundary wall. Multi stemmed at base into spreading habitat. Structure is typical for species.	5.5	95
T31	Elm,	6m	260	2.50	2.50	2.50	2.50	-	Mature	Good	Fair	C1.2	Suppressed on north side.	3.1	31
T32	Rowan	5m	150	2.00	2.00	2.00	2.00	-	Mature	Good	Fair	C1.2	Typical form and structure for age and species.	1.8	10
G1	Goat Willow, Silver Birch, Poplar, Leyland Cypress	4m to 10m	100-300	2.00 to 2.75				0.00	Semi Mature to Mature	Fair	Fair	C1.2	Low quality regenerative tree and shrub cover, predominantly Goat Willow. Established throughout the site.	see plan	see plan

Tree Number	Common Species Name	Height (m)	Trunk Diameter (mm)	Crown Spread (m) N	E	S	W	Height of Crown Clearance (m)	Age Class	Physiological Condition	Structural Condition	BS5837 Category	Comments/Preliminary Management Recommendations	RPA Radius (m)	Root Protection Area (m2)
G2	Cherry, Rowan, Ash	11m av.	75-250	3.75 av.				0.00-4.00	Young to Early Mature	Fair	Fair	B1	Buffer planting on soil bund, of lower amenity value, good future potential if managed.	see plan	see plan
G3	Cherry, Alder, Silver Birch, Rowan, Ash	11m av.	350 max	3.75 av.				0.00-4.00	Young to Early Mature	Fair	Fair	B1	Buffer planting on soil bund, of lower amenity value, good future potential if managed.	see plan	see plan
G4	Sycamore	12m av.	4x 300 av.	4.75 av.				0.00 (av.)	Mature	Fair	Fair	B2	Area of planted trees predominantly poorly formed co-dominants at base. Southern edge poorly formed from access road. Group considered to be of moderate value as a collective, with individually being of lower value.	see plan	see plan
G5	Sycamore	9m max	1x 300 2x 200	4.50 av.				0.00	Mature	Fair	Fair	C1.2	1x Sycamore with understorey. Multi stemmed at base. Poor vitality at tips of crown.	see plan	see plan
G6	Goat Willow, Silver Birch and Hawthorn x 1	8m	300 av.	4.00 av.				0.00 (av.)	Mature	Poor to Fair	Poor to Fair	C1.2	Area of regenerative Goat Willow now mature to create dense wooded area. Low amenity potential tree species diversity.	see plan	see plan
G7	Goat Willow, Hawthorn, Sycamore	7m	6x 250 av.	5.00 av.				0.00	Young to Mature	Poor to Fair	Poor to Fair	C1.2	Regenerative trees now becoming mature. Structure is typical for species.	see plan	see plan
G8	Sycamore, Goat Willow, Silver Birch, Rowan	7m max	275 max	3.75				0.00	Young to Mature	Fair	Fair	C1.2	Self-set. Structure is typical for species.	see plan	see plan
G9	Hawthorn	3m	100	1.75				0.50	Mature	Fair	Fair	C1.2	No significant defects noted. Structure is typical for species.	see plan	see plan
G10	Cypress spp, Leyland Cypress	7m max	250	1.50				1.00	Mature	Fair	Fair	C1.2	Established ornamental plantings in residential garden.	see plan	see plan
G11	Silver Birch, Goat Willow, Holly x 2, Leyland Cypress	9m max	275 max	3.75 av.				0.00 (av.)	Young to Mature	Fair	Fair	C1.2	Area of regenerative trees and shrubs. 2x linear planting of Leyland north of track access.	see plan	see plan
G12	Apple x 1, Sycamore x 3, Holly and Laurel	12m max	390 max	4.75				1.5 (av.)	Mature	Poor to Fair	Poor to Fair	B2/C1.2	Ornamentally planted trees within residential garden. Structure is typical for species.	see plan	see plan

Tree Number	Common Species Name	Height (m)	Trunk Diameter (mm)	Crown Spread (m) N	E	S	W	Height of Crown Clearance (m)	Age Class	Physiological Condition	Structural Condition	BS5837 Category	Comments/Preliminary Management Recommendations	RPA Radius (m)	Root Protection Area (m2)
G13	Goat Willow, Sycamore, Elder, English Oak, Silver Birch, Alder	5-15m	see plan	5.00 av.				4.75 (av.)	Young to Mature	Poor to Good	Poor to Good	B2/C1.2	Deciduous wooded area extending from southern boundary into site. Moderate value trees adjoining the road side and are established on raised ground with retaining wall. Stock has regenerated north into site.	see plan	see plan
G14	Ash, Alder, Sycamore, Elm, Goat Willow, Horse Chestnut	13m max	see plan	5.00 av.				4.75 (av.)	Mature	Fair to Good	Fair to Good	B2/C1.2	Linear field boundary planted adjoining southern site boundary road. Structure is typical for species. Includes 2x category U trees.	see plan	see plan
G15	Goat Willow x 9, Sycamore x 3	7m	310, 180, 150, 200 av. 260, 2x200, 3x250 max	7.50 max 6.00 av.				1.25 (tips)	Mature	Good	Fair	B2	Linear planting group forming arboriculture feature. Structure is typical for species.	see plan	see plan
G16	English Oak x 1, Sycamore x 1	7m	500 max	6.75 (English Oak) 2.50 (Sycamore)				3.00 (tips)	Mature	Fair	Fair	B2	Established west of boundary wall, cohesive canopy. English Oak crown lifted site side to c. 5m. Structure is typical for species.	see plan	see plan
G17	Sycamore, Grey Alder, Ash	8m	4x 180 max 100 av.	3.75 max				2.00 (tips)	Young to Mature	Good	Fair	C1.2	Established west of boundary wall. Structure is typical for species.	see plan	see plan
G18	English Oak x 3	7m max	320, 150 max	4.50				3.00 (av.)	Early Mature	Good	Fair	B2	Established at field boundary. Structure is typical for species. Good future potential.	see plan	see plan
G19	Ash , Sycamore, Alder	8m	250 av.	3.75				2.00	Young to Early Mature	Fair	Fair	C1.2	Offsite self-set trees established at road side. Structure is typical for species.	see plan	see plan
G20	Sycamore, ash, English Oak, Goat Willow, Silver Birch, Rowan	10m	400 max	5.00 max				2.00	Early Mature to Mature	Fair	Fair	B2	Offsite trees established at road side spreading habit of moderate value as collective, with individually being of lower value.	see plan	see plan
G21	Sycamore x 3	13m max	630 max	5.75 (as topo)				1.50 (tips) 3.00 (limbs) site	Mature	Good	Fair	B1.2	3x well established trees. Structure is typical for species. No significant defects noted.	see plan	see plan
G22	Whitebeam, English Oak, Rowan, Holly	5m	175	3.00 av.				1.75 (av.)	Semi Mature to Mature	Fair	Fair	C1.2	7x linear wall planted. Structure is typical for species. No significant defects noted.	see plan	see plan

Tree Number	Common Species Name	Height (m)	Trunk Diameter (mm)	Crown Spread (m) N	E	S	W	Height of Crown Clearance (m)	Age Class	Physiological Condition	Structural Condition	BS5837 Category	Comments/Preliminary Management Recommendations	RPA Radius (m)	Root Protection Area (m2)
G23	Elder, Sycamore	4m	3x 75 max	2.50				-	Young to Mature	Poor to Fair	Poor to Fair	C1.2	Structure is typical for species.	see plan	see plan
G24	Cherry, Alder, Silver Birch, Rowan, Ash	11m av.	350 max	3.75 av.				0.00-4.00	Young to Early Mature	Fair	Fair	C1.2	Buffer planting on soil bund, of lower amenity value, good future potential if managed.	see plan	see plan
G25	Cherry, Alder, Silver Birch, Rowan, Ash	11m av.	350 max	3.75 av.				0.00-4.00	Young to Early Mature	Fair	Fair	C1.2	Buffer planting on soil bund, of lower amenity value, good future potential if managed.	see plan	see plan
G26	Sycamore, Silver Birch, Cherry, Goat Willow, Ash	7m	425 max	4.50 max (west) 5.50 (east)				-	Early Mature to Mature	Poor to Fair	Poor to Fair	B2	Established at fence line linear mixed species linear planting. Flailed at western side. Structure is typical for species.	see plan	see plan
G27	Elder	4m	150 max	2.00 av.				1.25 (av.)	Mature	Poor to Fair	Poor to Fair	C1.2	Self-set shrubs. Structure is typical for species.	see plan	see plan
G28	Aspen, Oak, Ash, Silver Birch, Sycamore, Goat Willow, Alder, Rowan	9m	300	3.50 av.				0.50 (av.)	Young to Mature	Fair	Fair	B2	Planted screening belt at site boundary. Lack of management. Thick understorey and regenerate scrub. Group considered to be of moderate value as a collective, with individually being of lower value.	see plan	see plan
G29	Sycamore, Silver Birch, Goat Willow	8m max	150	3.00 av.				1.00 (av.)	Early Mature to Mature	Good	Fair	C1.2	Established natural regeneration and trees.	see plan	see plan
G30	English Oak, Sycamore	5m 8m	600 max	4.00				-	-	Fair	Fair	A2/B2	Wooded area not on topo. Sycamore established on bank. Structure is typical for species.	see plan	see plan
G31	Goat Willow, Silver Birch, Elder	6m max	2x 400 max	3.50 max				0.50	Young to Mature	Fair	Fair	C1.2	Self-set trees on hill side. Structure is typical for species.	see plan	see plan
G32	Goat Willow x 3	6m	2x 300 max	4.00 av.				0.50	Early Mature to Mature	Poor to Fair	Poor to Fair	C1.2	Likely self-set 1x Goat Willow failed at basal union.	see plan	see plan
G33	Ash x 1, Oak x 1	7m max	Ash - 3x 260 Oak - 180	7.50 max				1.00 (av.)	Early Mature to Mature	Poor to Fair	Fair	C1.2	2x trees, Oak is early mature, Ash is mature, 3x co-dominants at base. Tight union. Chainsaw damage to 1 co-dominant stem at 1.5m.	see plan	see plan

Tree Number	Common Species Name	Height (m)	Trunk Diameter (mm)	Crown Spread (m)				Height of Crown Clearance (m)	Age Class	Physiological Condition	Structural Condition	BS5837 Category	Comments/Preliminary Management Recommendations	RPA Radius (m)	Root Protection Area (m2)
				N	E	S	W								
G34	Cherry, Silver Birch, Goat Willow, Elder, Rowan	8m	2x 180		4.75			2.00m (E)	Early Mature to Mature	Fair	Fair	C1.2	Likely self-set established on raised wall. Structure is typical for species.	see plan	see plan
G35	Sycamore x 2	12m max	475 max		6.00 (west)			5.00 (site access road)	Mature	Poor to Fair	Poor to Fair	C1.2/B2	2x offsite trees not on topo. Established on raised soft landscaping area. Ornamental context. 1x Sycamore on decline with large proportions of deadwood.	see plan	see plan
G36	Elder	2.5m	100-250		1.50			-	Mature	Fair-Good	Fair-Good	C1.2	Heavily polarded to 2.5m, on plot between private land and field boundary.	see plan	see plan
G37	Elder, Elm	2.5	260		2.00			-	Mature	Good	Good	C1.2	Typical of species and age.	see plan	see plan
G38	Silver Birch, Norway Maple, Rowan and Whitebeam	5m	90		2.00			-	Early Mature	Good	Good	C1.2	Planted screen to south of caravan storage area, typical of age and species.	see plan	see plan
W1	Scots Pine, Silver Birch, English Oak, Sycamore	16	350 max		3.50			-	Mature	Poor to Good	Poor to Good	A1.2.3	Woodland screening belt established at bottom of hill face. Mix of deciduous and Conifer species. Some trees in decline/dead to southern edge of woodland.	see plan	see plan

Appendix 7: TPO Document

Kirklees
METROPOLITAN · COUNCIL

Legal Services
Kirklees House
Market Street
Huddersfield HD1 2TG
DX12986 Huddersfield
Tel: 0484 422133
Fax: 442307

20th September 1990

M E M O R A N D U M

If calling please ask for S M Kronman (Mrs) Ext. 2221
Our Ref: SMK/AS/D26.477

To: Economic Development & Planning -
For the attention of Mr S Clayton

c.c. Land Charges

TREE PRESERVATION ORDER NO.32 1990 - Felks Stile Road Crosland Moor
GRID REFERENCE 112 144

With reference to my memorandum to you of 2nd August 1990, the above Order was confirmed by the Council on 12th September 1990.

M. R. G. Vause

M R G Vause
Solicitor to the Council

The Kirklees Metropolitan Council in this Order called "the Authority", in pursuance of the powers conferred in that behalf by Section 60 and Section 61 of the Town and Country Planning Act 1971 (as amended by Section 10(1) of the Town and Country Amenities Act 1974) 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 Secretary of State" 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, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

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

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

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

Note: 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 refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied -

(a) that the refusal or condition is in the interests of good forestry; or

(b) in the case of trees, other than trees comprised in a group of trees or in a woodland, that the trees have an outstanding or special amenity value; or

(c) in the case of trees which are comprised in a group of trees or in a woodland, that the group of trees or the woodland, as the case may be, has an outstanding or special amenity value;

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

6. (1) When 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 the permission to develop land under Part III of the Act; or

(b) the Authority with the approval of the Secretary of State dispense with replanting

the Authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provision of this Order and Section 175 of the Act, replant the said land in accordance with the direction.

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

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

7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the Authority shall if such condition or direction relates to land in respect of which byelaws made by a water authority since 31st March 1974, by any other authority (whose functions are now exercised by a water authority) who at any time prior to 1st April 1974 exercised the functions in respect of which the byelaw was made, by a drainage board, or by the Greater London Council in the exercise of any of its functions in relation to the maintenance, improvement or construction of watercourses or of drainage works restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any such condition or direction has effect subject to the requirements of the water authority the drainage board or the Greater London Council under those byelaws and the condition or direction shall have effect accordingly.

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

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

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

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

   (a) any compensation or contribution which has been paid whether to the claimant or any other person in respect of the same trees under the terms of this or any other Tree Preservation Order made 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 Director of 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 Secretary of State, as the case may

be, or where an appeal has been made to the Secretary of State against the decision of the Authority, from the date of the decision of the Secretary of State on the appeal.

12. Any questions of disputed compensation shall be determined in accordance with the provisions 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 2nd August 1990.

14. This Order may be cited as "The Metropolitan Council of Kirklees Tree Preservation Order No.32 1990."

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 or twice the sum which appears to the Court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding £200 on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

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

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY

(within a black circle on the plan)

NO. ON PLAN	SPECIES	LOCATION
T1	Sycamore	Alongside Felks Stile Road
T2	Sycamore	Alongside Felks Stile Road
T3	Sycamore	Alongside Felks Stile Road
T4	Sycamore	Alongside Felks Stile Road

GROUPS OF TREES

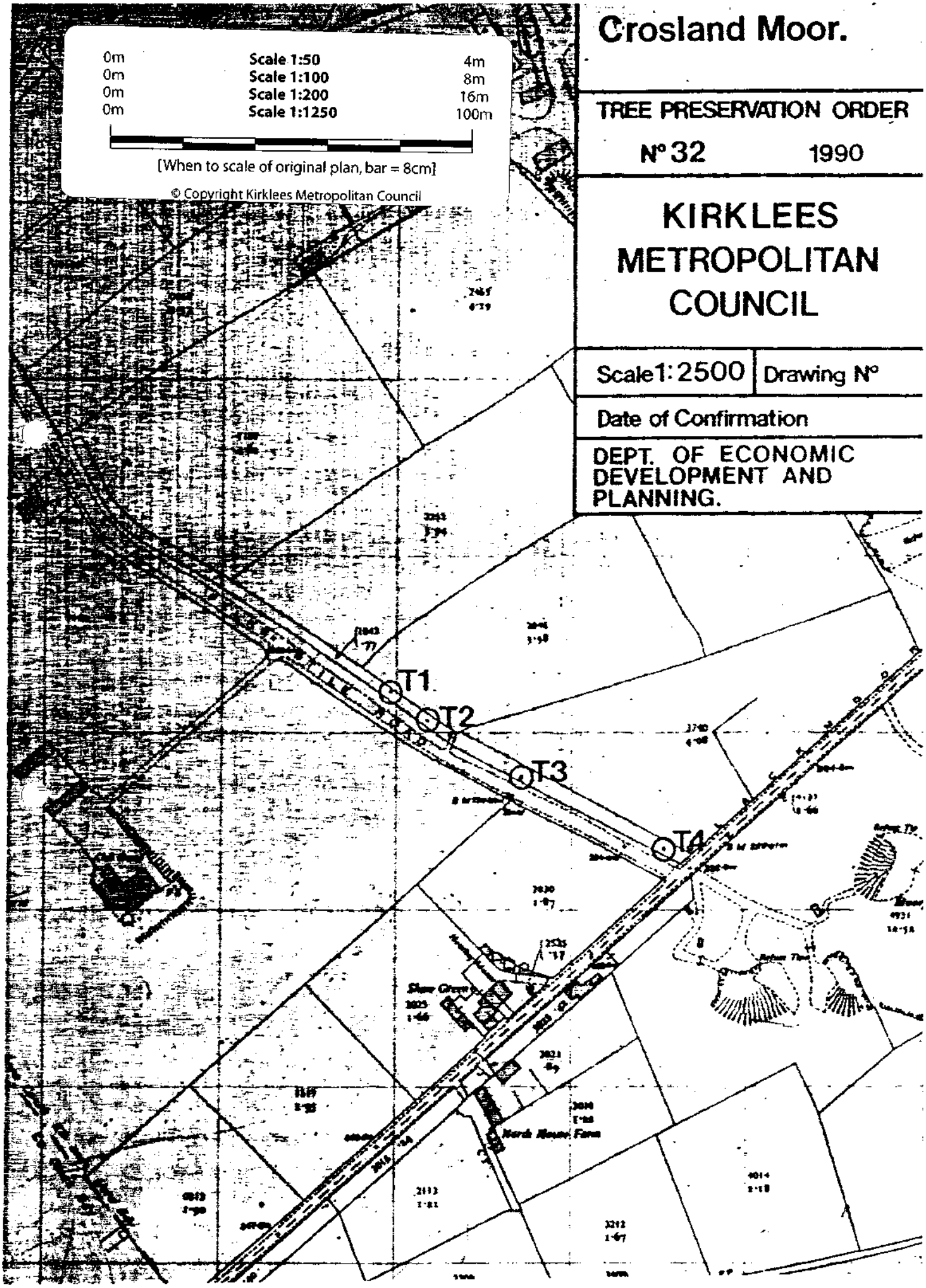
None

AREAS OF TREES

None

WOODLANDS

None



Crosland Moor.

TREE PRESERVATION ORDER

N° 32 1990

KIRKLEES METROPOLITAN COUNCIL

Scale 1:2500	Drawing N°
Date of Confirmation	

DEPT. OF ECONOMIC DEVELOPMENT AND PLANNING.

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 the approved woodlands scheme or other grant scheme under Section 4 of the Forestry Act 1967 except a scheme which applies to a forestry dedication covenant.

(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 or other grant scheme under Section 4 of the Forestry Act 1967 except a scheme which applies to a forestry dedication covenant.

(3) the cutting down, uprooting, topping or lopping of a tree:-

(a) in pursuance of the power conferred on the Post Office by virtue of Section 5 of the Telegraph (Construction) Act 1908 and Section 21 of the Post Office Act 1969, or by or at the request of the Post Office where the land on which the tree is situated is operational land as defined by the Post Office Operational Land Regulations and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;

(b) or by or at the request of:-

(i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;

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

(iii) a water authority established under the Water Act 1973, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, or the Greater London Council, where the tree interferes or would interfere with the exercise of any of the functions of such water authority, drainage board or council 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, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority 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 purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act or deemed to have been so granted for any of the purposes of that Part;

(d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

THIRD SCHEDULE

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

33 - (1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the Authority on the granting of such consent, shall (except 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 Secretary of State may give directions to the Authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the Authority.

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

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

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

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

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

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

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

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

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

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

37 - where an application for consent under the Order is made to the Authority then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the Authority, the Authority either -

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

(b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under Section 35 above;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates has 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 Sections 46 and 61 of the Act an Order under this Section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an Authority submit an Order to the Secretary of State for his confirmation under this Section, the Authority shall furnish the Secretary of State with a statement of their reasons 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 Secretary of State before confirming the Order, shall afford to that person, and to the Authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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

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

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

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 Secretary of State for confirmation by him and the owner and 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 being less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose; and

(b) the period (not being less then fourteen days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary of State, such Order may take effect by virtue of this Section and without being confirmed by the Secretary of State.

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

(4) The Authority shall send a copy of any advertisement published under sub-section (2) above to the Secretary of State, 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 Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in sub- section (2)(b) of this Section take effect by virtue of this Section and without being confirmed by the Secretary of State as required by Section 45 of this Act.

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

Given under the Common Seal of the Council this 2nd day of August 1990.

(THE CORPORATE COMMON SEAL of
(THE COUNCIL OF THE BOROUGH OF
(KIRKLEES was hereunto affixed
(in the presence of:

L S

M R G VAUSE (signed)

Solicitor to the Council

Plans

10925/P01b: Tree Constraints Plan

10925/P02a: Tree Retention and Removal Plan

Ash, Sycamore and Elder small stature trees.

Naturalised Silver Birch, Goat Willow and Elder small stature trees

Woodland

W1*

Limited access and topographical survey information for area of G1

Key:

- Land Ownership Boundary
- Allocation Boundary
- Category A - Trees of High Quality and Value
- Category B - Trees of Moderate Quality and Value
- Category C - Trees of Low Quality and Value
- Category U - Trees Recommended for Removal
- Approximate Extent of BS5837 Calculated Root Protection Areas (RPAs)
- BS 5837 Calculated Tree Shadow Constraints

*Denotes trees and groups not identified on topographical survey. Locations approximated using measurements taken on site.

N

0m 10m 20m 30m 40m 50m

Project Name

Land off Blackmoorfoot Road and Felks Stile Road, Huddersfield

Drawing Title

Tree Constraints Plan

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Scale	Date
1:1250 @ A0	July 2020
Drawn by	Checked by
LB	JJ

Drawing No.

10925/P01b

Key:

- Land Ownership Boundary
- Allocation Boundary
- Category A - Trees of High Quality and Value
- Category B - Trees of Moderate Quality and Value
- Category C - Trees of Low Quality and Value
- Proposed Tree Removals
- Approximate Extent of BS5837 Calculated Root Protection Areas (RPAs)
- BS 5837 Calculated Tree Shadow Constraints

*Denotes trees and groups not identified on topographical survey. Locations approximated using measurements taken on site.

N

0m 10m 20m 30m 40m 50m

Project Name

Land off Blackmoorfoot Road and Felks Stile Road, Huddersfield

Drawing Title

Tree Retention and Removal Plan

TG Tyler Grange

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Scale	Date
1:1250 @ A0	July 2020
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LB	JJ
Drawing No.	
10925/P02a	

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