

9 Highmoor Lane,  
Cleckheaton.  
BD19 6LW

19<sup>th</sup> January 2023

**RECORDED DELIVERY**

Dear Sir,

**Re: Erection of 194 Dwellings on Land off Westgate, Cleckheaton, BD19 5DR  
Planning App. No 2021/93567**

Could I kindly make you aware that I am a long-standing member of the R.S.P.B. (Royal Society for the Protection of Birds) and anxious to see the above site developed in a sympathetic manner taking into full account the aspects effecting the Natural Environment. On the 18<sup>th</sup> January 2023 the council's planning portal posted an Arboriculture Impact Assessment (A.I.A) and Arboriculture Method Statement in accordance with BS5837/2012 produced by Ecus Ltd dated December 2022 which states @ paragraph 2.4.3 (page 8) (copy enclosed): -

"It is recommended that replacement tree planting is carried out where possible with the eastern boundary with Clare Road to compensate for the loss of screening to the adjacent residential properties and the removal of TPO protected trees T004 to T019. Similarly screening trees should be planted on the western boundary to provide a visual screen from the site to the neighbouring industrial units. Another area that could be improved through tree planning is to the South of the site where existing groups could be improved and joined up with the woodland to the South."

On the 8<sup>th</sup> November 2021 Councils planning portal posted a Consultation Response from K.C. Trees dated 3<sup>rd</sup> November 2021 which states: -

"The replacement trees should **include a similar line** of trees capable of achieving a large size to replace these."

It would appear that the Arboriculture Impact Assessment completely ignores the advice of the Kirklees Tree Officer posted over 12 months before the A.I.A. was produced.

Therefore, taking the above into account, could I kindly request that the note on the Council Website explaining that the period for making objections (dated 2<sup>nd</sup> December 2021) should be removed and the time extended to 12 weeks from the date of the posting of the A.I.A. on the Councils website to allow the general public the opportunity of objecting/passing comments. I think it would be appropriate to comply with the Arboriculture Impact Assessment by retaining the T.P.O. Trees on Quarry Road (Not Clare Road as quoted in the A.I.A.) and introducing a public open space along Quarry Road for the benefit of the existing residents together with the other recommendations of the A.I.A. i.e. similar screening trees should be planted on the Western boundary to provide a visual screen.

Quite obviously it appears to me that the A.I.A. has been written quickly (hence the reason for quoting Clare & not Quarry Road) to substantiate an existing site layout as opposed to the layout respecting the comments of the Kirklees Tree Officer and the requirements of nature and the adjacent residential properties. Therefore, it is with extreme regret that if the A.I.A. and the Councils Tree Officers recommendations are not implemented I will LOBBY the R.S.P.B. to bring a Judicial Review should the above application be approved for the loss of the trees which impact on the local bird population or endeavour to crowd fund a Judicial Review.

I trust my observations will be implemented.

Thanking you.



**Westgate, Cleckheaton –  
BS5837:2012 Arboricultural  
Impact Assessment and  
Arboricultural Method  
Statement**

**Strata Homes Limited**

*Report prepared by:*  
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December 2022

<b>Total</b> None	<b>Total</b> None	<b>Total</b> 65 Trees 35 Groups (8950 m <sup>2</sup> )	<b>Total</b> 1 Tree 0 Groups
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- 2.3.3 The trees are all low category C quality and have grown in dense shrubby groups within the last 20 years. Therefore, the sites tree population sensitivity to change is considered to be medium as although of low individual value, they provide a large amount of cover to the site, which is used by dog walkers and is overlooked by residential properties. The magnitude of change is high as the site is being almost completely cleared of trees with only a few groups being retained to the south and several low-quality trees retained where possible to provide some more established landscape features and improve overall age diversity on the site. Overall, the significance of this effect would be a moderate negative impact that will last for a medium term so long as there is a robust replanting strategy that seeks to replace the screening afforded to the edges of the site and improve biodiversity where possible within the site.
- 2.3.4 Due to the level of removal, it will not be possible to replant enough trees to ensure a net gain in canopy area and it may be appropriate to offer off site contributions within the local area. Overall, off-site contributions could result in a relatively short-term impact to the local area as the trees being removed are predominantly young trees between ten and 15 years in age.
- 2.3.5 Sixteen trees (T004 to T019) are protected by Kirklees Tree Preservation Order Ref. No. 57 dated 14.12.1992. However, at the time of survey it was noted that these previously pollarded trees have not been managed for some time and are in very poor condition. The removal of these trees should not be prevented under the TPO due to their condition, but the local authority may seek to ensure that similar trees are replanted in the same location to maintain the screening character that they would have afforded the site in the past.

## 2.4 Recommendations

- 2.4.1 As the development proposals assume the removal of 65 trees and 35 tree groups growing within the site, no protection measures will be required for those trees.
- 2.4.2 Chapter 5 Arboricultural Method Statement describes measures to protect the retained trees during the development, and operations within the RPA of retained trees including:
- Protective fencing;
  - Temporary Ground Protection;
  - Installation of Hard Surfaces within RPA;
  - Installation of utilities and services within RPA;
  - Construction of fencing within RPA; and
  - Soft landscaping and planting within RPA.
- 2.4.3 It is recommended that replacement tree planting is carried out where possible within the new design. In particular, trees should be planted along the eastern boundary with Clare Road to compensate for the loss of screening to the adjacent residential properties and the removal of TPO protected trees T004 to T019. Similarly screening trees should be planted on the western boundary to provide a visual screen from the site to the neighbouring industrial units. Another area that could be improved through tree planting is to the south of the site where existing groups could be improved and joined up with the woodland to the south.

**Consultation Response from KC,  
Trees**

**2021/93567 Land off, Westgate, Cleckheaton, BD19 5DR**

**Erection of 194 dwellings with associated works**

**Date Responded: 03/11/21**

**Responding Officer: NG**

**Responding Ref: TPO 57/92**

The application is supported by an Arboricultural Impact Assessment which has assessed the natural regeneration of young trees on the site as low quality young trees of limited amenity but that their would have a moderate effect on the setting of the site. The report proposes offsite mitigation tree planting as there is limited room on site given the amount of small trees that have grown on the site.

The AIA also assesses the existing protected trees, a row of Poplar, as being in a poor condition and unsuitable for retention. I would agree that these trees should be removed and replaced as part of any development of the site. The replacement trees should include a similar line of trees capable of achieving a large size to replace these.

The proposals do not replace the TPOs in the same location, and there doesn't appear to be a line of large trees anywhere in the mitigation proposed. In addition, the proposals do not include any street tree planting as required by paragraph 131 of the NPPF. Large trees could be incorporated in the street at the entrance to the site to provide a significant visual feature as they mature. There also appears to be enough space in several areas of the site to incorporate street trees.

The retained trees in the scheme would be well protected by the Tree Protection Plan and details of protective fencing in the AIA. Should consent be granted a condition of compliance with protection measures in the AIA should be included.