Consultation Response from KC, Trees
2023/92041 Netherfield House, 12, Riley Lane, Kirkburton, Huddersfield, HD8 0RY
Erection of detached dwelling with associated alterations and landscaping
Date Responded: 08/08/2023 **Responding Officer: D. Atkinson** **Responding Ref: 07/89 and 21/93**

Thank you for the consultation.

The proposed development site is significantly constrained by existing trees that are subject to Tree Preservation Orders (TPO).

A TPO is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:

- cutting down
- topping
- lopping
- uprooting
- wilful damage
- wilful destruction

of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent.

The tree information submitted with the application is out of date being from 2017, if it were to be used as a base in order to create a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) like as was required by condition 9 of the 2019/62/90634/E it wouldn't be very reliable. As the trees will have grown a lot since then, the canopy spreads and Root Protection Areas (RPAs) of the trees will have changed.

The proposal needs to be supported by an up-to-date tree survey, Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) from a reputable, experienced and suitably qualified arboriculturalist.

As before the default position should be that structures are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) and these should be discussed in the AIA. If operations within the RPA are proposed, the project arboriculturist should demonstrate that the tree(s) can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA.

Please note a tree survey, AIA and AMS, in accordance with Bs 5837, is set out as a requirement in our guidance note for supporting information:
https://www.kirklees.gov.uk/beta/planning-applications/planning-application-guidance-trees.aspx

Without the above supporting information, the application does not comply with BS 5837:2012, and the application does not meet local plan policies:

LP 33:
“The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity value.

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.

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”.

LP 24:
“Proposals should promote good design by ensuring: - i) the retention of valuable or important trees and where appropriate the planting of new tress and other landscaping to maximise amenity and environmental benefits”.

As a result, there is an objection to the proposal from an Arboriculture perspective.