

**Consultation Response from KC,
Trees**
2023/93059 Land off, Staincliffe Road, Dewsbury Moor, Dewsbury, WF13 4RD
Erection of light industrial units
Date Responded: 23/22/2023
Responding Officer: D. Atkinson
Responding Ref: 33a/96/g20

Thank you for the consultation and I apologise for the late reply.

The proposed development site is constrained by existing trees on neighbouring land that is immediately adjacent that are protected by Tree Preservation Order 33a/96/g20 and 33a/96/g21

Proposed unit 1 and 2 appear like they could impact on 33a/96/g21 and unit appear to likely impact on 33a/96/g20.

A Tree Preservation Order 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 retention of trees, shrubs and hedgerows that are present on or adjacent to a site is a consideration whether or not they are protected. As a result, a tree survey and Arboriculture Impact Assessment (AIA) following the guidance in BS5837:2012 Trees in Relation to Design, Demolition and Construction will be needed that has been completed by a suitably experienced and qualified arboriculture consultant.

This will along with other baseline site data help inform the detailed layout and design of the site.

For this reason, the tree survey should be completed and made available to designers prior to and/or independently of any specific proposals for development. However, in this case for the initial tree survey it will need to be independently of any specific proposals for development.

The specific proposal can be provided to the project arboriculturist after the tree survey in order to be considered as part of the AIA.

Because there isn't any arboriculture information provided with the application and it appears foreseeable that the adjacent protected tree would be impacted by the development. There is an objection to the proposal as it is conflicting with Policy LP33 of the adopted Kirklees Council Local Plan for appearing to not comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction.