

**Consultation Response from KC,
Trees**
2024/92281 Land adj, 17, Whitehall Road West, Birkenshaw, BD11 2LS
Erection of 23 dwellings
Date Responded: 05/09/2024
Responding Officer: JD
Responding Ref: 03/18

From a desk based assessment the site appears to be heavily constrained by tree. It also has some trees protected under TPO 03/18 to the southern boundary.

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.

There has been no Arboricultural information submitted with the application and therefore it is impossible to make a judgement of the proposals impact on the surrounding trees. As it currently stands there appears to be a large amount of tree loss to facilitate the development.

An arboricultural impact assessment (AIA) and an arboricultural method statement (AMS) would be required to provide more detail with regard to tree loss and impact as well as tree protection during construction.

There is a **holding** objection from a trees perspective. The proposal conflicts with adopted Kirklees local plan policy 33 and 24 (i)