

**Consultation Response from KC,
Trees****2024/93055 Land Adj, 2, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EP****Erection of detached dwelling and associated external works****Date Responded: 20/12/24****Responding Officer: Hazel Irving****Responding Ref: 22/95**

One tree within the site of the proposed development (Land adjacent to 2 Hopton Hall Lane, Mirfield, West Yorkshire, WF18 8EP) is subject to Tree Preservation Order [TPO Ref. 22/95/t45]. This pertains to the early-mature common lime located on the site boundary. This tree stands behind a dry-stone wall and is prominently visible from Hopton Hall Lane, providing amenity value to the locality.

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.

An Arboricultural Method Statement and Tree Protection Plan have been produced by JCA Ltd. [ref. 22345-A]. The survey schedule records four items of vegetation. The tree identified as T1 within the JCA report is subject to TPO Ref. 22/95/t45.

It is acceptable for the two hedges (Identified in the JCA report as H3 and H4) to be removed as these are of BS5837: 2012 Category C quality, and replacement planting has been proposed as part of the soft landscaping scheme.

The RPA of T1 tree overlaps with the proposed driveway and access route onto the site. These proposals cause concern as the total overlap of the driveway and access route covers a significant portion of the total RPA. According to BS5837: 2012 new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA.

To reduce the tree impacts to protected tree T1 a no-dig methodology is proposed for the construction of the driveway. However, root-pruning is currently proposed for the access route onto the site. The proposed area of root pruning would represent a loss of 11% of the total RPA. This level of root pruning could jeopardise the long-term health of protected tree T1.

To avoid root pruning within the RPA of T1 it is suggested that the area of no-dig construction for the proposed driveway is extended to include the area of the site access. The use of a cellular confinement

system, or suspended driveway would prevent root damage and soil compaction, helping to avoid unnecessary damage to the long-term health of the protected tree.

Ideally the cellular confinement driveway (or similar) would be constructed first to serve as permanent ground protection. This would minimise compaction to the soil as vehicles access the site throughout the remaining duration of the construction phase.

Furthermore, it would be preferable if the tree protection fencing would be realigned once the driveway is completed, in order to protect the edge of the canopy over the new driveway and site access to reduce the risk of any damage to branches in the lower canopy.

Replacement planting is not advisable beneath the canopy of protected tree T1, as digging planting pits close to the stem would further damage the roots of the protected tree.

Lastly, please note that any proposed utilities routes should not pass within the canopy or through the RPA of T1.

There is a holding objection from a tree perspective until an alternative solution is submitted to minimise the conflict between the RPA of the protected tree T1 and the proposed site access route.