Consultation Response from KC,
Trees

2025/92539 adj, 49, Hopton Lane, Upper Hopton, Mirfield, WF14 8JN

Erection of detached dwelling with associated access and parking

Date Responded: 12/11/2025
Responding Officer: Hazel Irving
Responding Ref: 13/96/w1

There is a woodland TPO ref **13/96/w1** located within the southern portion of the site. It can be seen from the proposals that the development would be likely to affect mature trees protected under the above woodland order, as well as trees located on the neighbouring boundaries. KC trees cannot support proposals which would be detrimental to the health of valuable and protected trees as this would diminish the amenity value they offer the surrounding area.

All trees and hedges which might be affected by development must be considered within any submitted proposals to ensure that valuable trees are included as part of the design in line with the NPPF and Kirklees Local Plan Policies LP33 and LP24i:

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."

LP 24: "Proposals should promote good design by ensuring:- i) the retention of valuable or important trees"

Tree survey and design
A tree survey should be undertaken by an arboriculturist to record information about the trees on or adjacent to a site. The results of the tree survey, including material constraints arising from existing trees that merit retention, should be used (along with any other relevant baseline data) to inform feasibility studies and design options. 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. A tree survey should be regarded as an important part of the evidence base underpinning the design and access statement. Accordingly, local planning authorities should not rely on planning conditions to secure a tree survey, as by this stage in the formal planning process its findings might not be capable of influencing design, potentially resulting in uncontrolled arboricultural impacts.

For applications to demonstrate that they meet the requirements of Kirklees Local Plan policies, it is a requirement that all planning applications, that may affect trees, are supported by the necessary documents set out in British Standard BS 5837, Trees in Relation to Design, Demolition and Construction Recommendations. On that basis the following documents are required in support of planning applications, all of which should be in accordance with BS 5837:

Detailed/full planning applications:

- A survey of the trees located on, and immediately adjacent to, the site and/or are capable of influencing the proposed site. To include assessment of the condition of the trees and their retention value.
- An Arboricultural Impact Assessment. Which should incorporate a realistic assessment of the probable impact of any proposed development on the trees and vice versa. To include but not limited to; assessments of the factors set out in section 5 of BS 5837; plan overlaying the proposals with tree constraints including shade patterns; evaluation of impact of proposed

losses and necessary pruning; draft tree protection plan

- An Arboricultural Method Statement to demonstrate that proposed operations can be undertaken with minimal risk of adverse impact to the trees to be retained. To include, but not limited to, special engineering within root protection areas and other relevant construction details, any site monitoring and a timeline of proposed operations.
- A Tree Protection Plan which is superimposed on to a layout plan based on a topographical survey and tree survey. This should include the precise location of protective barriers, the extent of any ground protection, and additional measures that will be installed to safeguard trees and their root protection areas.
- A schedule of works, to include facilitation pruning and any landscaping details.

There is a holding objection from an arboricultural perspective. The proposal conflicts with adopted Kirklees local plan policy 33 and 24 (i). All tree information is required to be submitted and approved in writing by Kirklees Council.