



Summary table										
Site Name:	Land off A49 Holmer Road, Herefor	rd								
Project reference:	C.3182									
Site Address:	Land off the A49 Holmer Road, Hereford									
Nearest Postcode:	HR4 8AA									
Central Grid reference:	SO 50659 42477									
Local Planning Authority:	Herefordshire Council									
Relevant planning policies:	Local Plan Core Strategy 2011-2031 - Policies LD1 and LD3									
Statutory Controls:	Tree Preservation Order	Conservation Area								
	No	No								
Soil Type: (Source: BGS online soils	Superficial/Drift	Bedrock								
map © NERC 2019)	None	Raglan Mudstone Formation - Siltstone And Mudstone								
Topographical Survey:	Yes, topographical survey available	- DRWG ref: <i>P2228A - TOPO</i>								
Site Layout:	DRWG ref: 90910 13347 5000B Pla	anning Layout								
Notes:	None									
Report author:	Richard Hyett									
Date of issue:	13th September 2019									





# **REPORT CONTENTS:**

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SECTION 5: TREE RETENTION/REMOVAL PLAN & TREE PROTECTION PLAN

SECTION 6: GENERAL ADVICE

SECTION 1



#### 1. Instruction

- 1.1. Barton Hyett Associates Ltd have been instructed by Crest Nicholson (Midlands) to survey trees located on land adjacent the A49 Holmer, Herefordshire ('the site') in accordance with BS5837:2012 'Trees in relation to design, demolition and construction recommendations'. This survey follows a tree survey for the same site carried out in 2014 by Pegasus Group Ltd (BRS.5147\_Rev F, 22nd Feb 2017).
- 1.2. The scope of the instruction was to inspect trees relevant to a planning application at the site and to provide an assessment of the potential impacts of the proposed development on the site's arboricultural resource.

# 2. Site Description

- 2.1. The site is located to the east of the A49, Holmer which is located to the north of Hereford. The site consists of two fields that appear to be currently unused but have been utilised for the keeping of livestock in the past.
- 2.2. The northern boundary is formed by a currently unmanaged hedgerow with a number of mature trees. Beyond this boundary is agricultural farmland and a burial ground. The western boundary of the site is marked in part by Heras fencing and also by a hedgerow. Beyond this are residential dwellings and St Bartholomew's Church. The eastern boundary is marked by a mix of mature trees in the south-east and north-east area of the site, as well as some managed boundary hedgerows. The southern boundary is formed by a hedgerow with a recently completed residential development beyond.
- 2.3. None of the surveyed trees are protected by Tree Preservation Order, and the site is not within a Conservation Area.

## 3. Tree Survey Findings

3.1. A total of 8 trees, 5 groups of trees, 6 hedgerows were surveyed. These are summarised in terms of their quality in accordance with the recommendations of BS5837 below, and shown in more detail on the tree survey and constraints plan (section 2) and within the tree survey schedule (section 3).

	Total	A - High quality trees whose retention is most desirable.	B - Moderate quality trees whose retention is desirable.	C - Low quality trees which could be retained but should not significantly constrain the proposal.	U - Very poor quality trees that should be removed unless they have high conservation value.			
Trees	8	-	4	2	2			
Groups	5	-	3	2	-			
Hedgerows	6	-	4	2	-			
Total	19	-	11	6	2			

- 3.2. The majority of surveyed features were assessed as being of moderate-quality (quality category B). No trees were assessed as being of high-quality (quality category A).
- 3.3. Two trees were assessed as being unsuitable for retention (quality category U), regardless of development proposals, because of either declining health or evidence of significant decay. These are T3 and T7, common ash, and it is expected their decline is associated with Chalara ash dieback.
- 3.4. The remainder of the surveyed time were assessed as being of low-quality (quality category C); due to their impaired condition these trees should not pose a constraint to development.

## 4. Development Proposal

4.1. The development proposal is for the construction of 52 residential dwellings with associated highway infrastructure and landscaping. A new highway access will be constructed to access the site from the road to the west. Plots 23-39 will be located in the northernmost of the two fields. The proposed site layout is shown on the plans in section 5.

## 5. Impact Assessment

- 5.1. A single tree (T5) is proposed for removal. The tree does not need to be removed in order to facilitate the proposed development, however, its condition and location in relation to the proposed layout renders its safe retention unviable. New tree planting, which will adequately mitigate this loss, is proposed as part of the detailed landscape design scheme for the site.
- 5.2. Potential impacts on retained trees have been considered and these are detailed below.
- 5.3. No demolition or site clearance is required at the site.
- 5.4. No facilitation pruning of retained vegetation is required as a direct result of the proposed development. However, it will be necessary to continue to maintain the hedgerows associated to the site. In the past these hedgerows have been maintained by a mechanical flail to control their size. It will be necessary to continue to do this in order to provide construction clearance. In addition, it is recommended that dead elm trees within H4 are removed.
- 5.5. New services for the site will located within the proposed road network within the site and as such they will avoid the RPAs of retained trees. Should it come to light that new services are required within the RPAs of retained trees the project arboriculturist should be consulted.
- 5.6. Given the nature of the site no ground level changes are required within the RPAs of retained trees. Should it come to light that level changes are required close to retained trees the project arboriculturist should be consulted.
- 5.7. No foundations are proposed within the RPAs of retained trees.
- 5.8. No hard surfacing is proposed within the RPAs of retained trees.

5.9. No significant soft landscaping is proposed within the RPAs of retained trees

5.10. The RPAs of retained trees, including trees growing outside of but adjacent to the site boundaries, can be

adequately protected with protective barriers. A tree protection plan is included in section 5.

5.11. The identified arboricultural impacts are considered to be minor in nature and in acceptable in arboricultural

terms. This is based on the advice contained within this report being adopted and the successful

establishment of the proposed new trees.

Summary

6.1. A single tree is proposed for removal. The proposed new tree planting across site will adequately mitigate

this loss and provide an overall enhancement to the arboricultural resource of the site. Measures should be

put in place to ensure any new trees that are planted are fully maintained to ensure successful

establishment.

6.2. The proposed development is acceptable from an arboricultural perspective, and retained trees can be

adequately protected during construction activities to sustain their health and longevity.

6.3. An arboricultural method statement and finalised tree protection plan will need to be produced. Where the

feasibility of a scheme has been agreed by the Local Planning Authority and planning consent granted. This

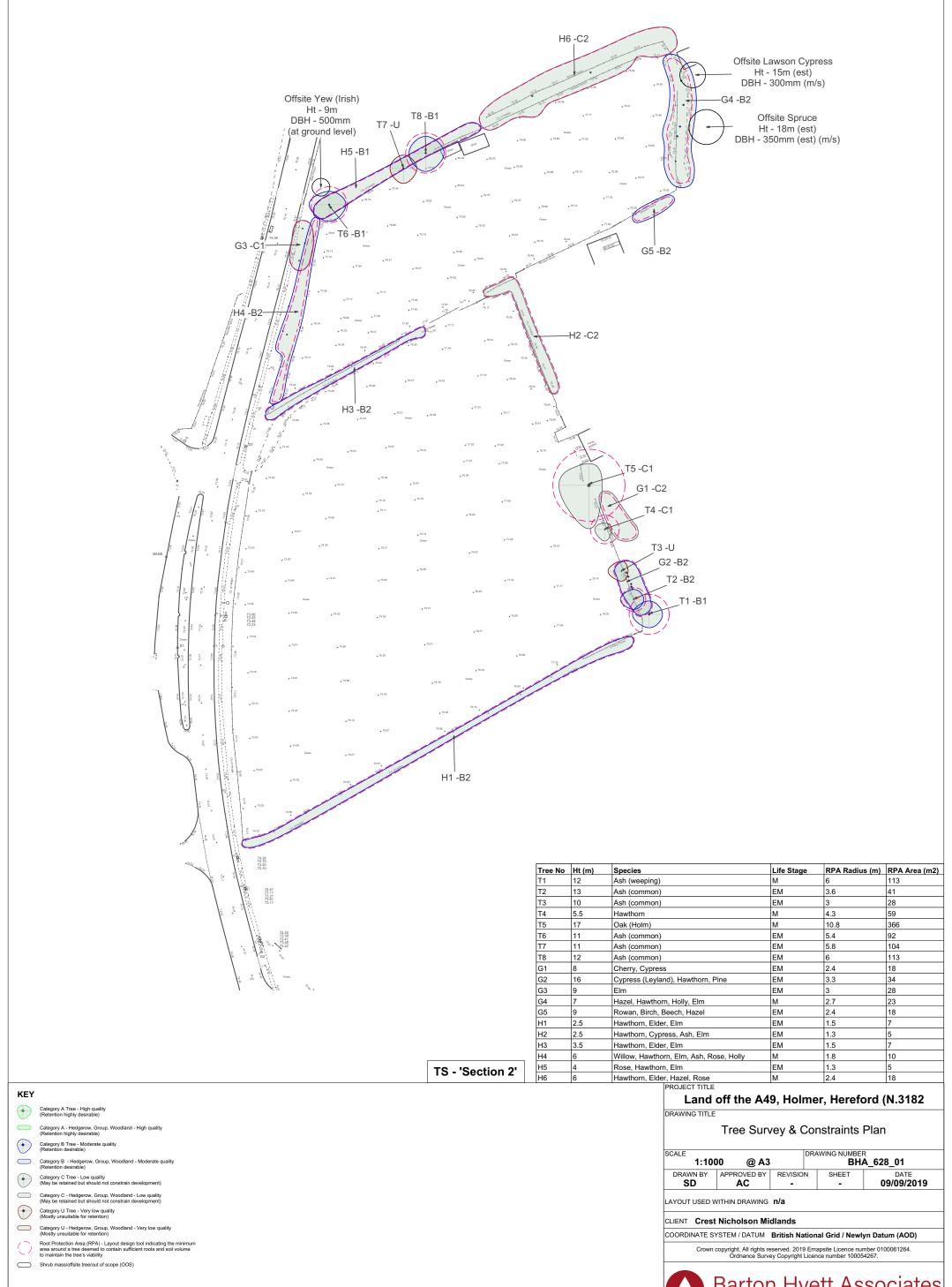
detail can be secured by a condition of planning consent.

Richard Hyett

MSc, BSc (Hons), M.Arbor.A. MICFor.

Director and Chartered Arboriculturist





Note: The original of this drawing was produced in colour a monochrome copy should not be relied upon. This drawing should be interpreted with reference to the accompanying tree schedule and written advice

GRID

NORTH

Barton Hyett Associates

Arboricultural Consultants

# SURVEYOR: AC

LAND OFF THE A49, HOLMER, HEREFORD



# CLIENT: CREST NICHOLSON MIDLANDS

SURVEY DATE: SEPTEMBER 2019

Ref	Species	Height (m)	No. of Stems	Est diam?	Calc. / Actual Stem Dia. (mm)	Crown radii (m) N-E-S-W	Avg. Canopy Height (m)	1st branch ht (m)	1st branch dir.	Life Stage	Special importance	General Observations	Health & vitality	Struct. cond.	Estimated Remaining Contribution (Years)	BS5837 Category	RPA Radius (m)	RPA m²	TPO?
T1	Ash (weeping)	12	1	#	500	4-4-4-5	2.0	3.5	S	М	None	Off-site tree located within neighbouring garden, no access, stem obscured by ivy.	Fair	Fair	20	B1	6.0	113	No
T2	Ash (common)	13	1	#	300	3-3-3-4	2.5	4	W	EM	None	Obvious individual tree contained within larger group. Suppressed and drawn up form.	Fair	Fair	20	B2	3.6	41	No
Т3	Ash (common)	10		-	250	3-2-3-4	3.5	2.5	W	EM	None	Obvious individual tree located within larger group. Very little foliage, serious decline in health - probably Ash dieback but would have to be confirmed.	Poor	Poor	<10	U	3.0	28	No
Т4	Hawthorn	6	2	-	360	2-2-3.5-3	2.5	2	S	М	None	Individual tree located on edge of site and larger group. Overrun with ivy. Poor form.	Fair	Fair	10	C1	4.3	59	No
Т5	Oak (Holm)	17	1	-	900	6.5-4-13-9	2.5	2.5	S	М	None	Tree located on boundary. Evidence of recent major limb failure at 2.5m. Canopy now weighted significantly to the south. Eastern side of canopy laterally reduced leaving poorly formed tree. fire damage to lower foliage. Consider canopy reduction to re-balance if retained.	Fair	Fair	20	C1	10.8	366	No
Т6	Ash (common)	11	1	-	450	4-5-5-6	2.5	3.5	S	EM	None	Hedgerow tree located on boundary, stem and lower canopy obscured by ivy. Prominent. Sever and remove ivy and re-inspect.	Good	Fair	20	B1	5.4	92	No
Т7	Ash (common)	11	1	#	480	4-4-4.5-4	3.0	3	W	EM	None	Standing dead tree - probably Ash dieback.	Dead	Dead		U	5.8	104	No
Т8	Ash (common)	12	1	-	500	5-5.5-5.5-5	2.5	2.5	S	EM	None	Hedgerow tree. Limited access to base. Stem obscured by ivy.	Good	Good	20	B1	6.0	113	No

SURVEYOR: AC

LAND OFF THE A49, HOLMER, HEREFORD



# CLIENT: CREST NICHOLSON MIDLANDS

SURVEY DATE: SEPTEMBER 2019

# **GROUPS OF TREES**

Ref	Species	Height range (m)	No. of trees	Est diam?	Max stem diam (mm)	Av. Crown radius (m)	Avg. Canopy Height (m)	Life Stage	Special importa nce	General Observations	Health & vitality	Struct. cond.	Estimated Remaining Contribution (Years)	BS5837 Category	RPA Radius (m)	TPO?
G1	Cherry, Cypress	8	10	#	200	3	2.0	EM	None	Small off-site group, limited access. Measurements estimated.	Good	Fair	10	C2	2.4	No
G2	Cypress (Leyland), Hawthorn, Pine	4-16	15	#	275	3	1.0	EM	None	Linear group of off-site trees. Understorey of Hawthorn with linear standards of Cypress. Good screen to neighbouring dwelling to east.	Good	Fair	20	B2	3.3	No
G3	Elm	9	3	-	250	3	3.0	EM	None	Group of declining Elm trees. Low leaf density. Consider removing.	Poor	Fair	<10	C1	3.0	No
G4	Hazel, Hawthorn, Holly, Elm	4-7	30	-	225	4	2.5	М	None	Linear group situated along stream. Considered better for its cohesive form. Good screen to neighbouring dwellings.	Good	Fair	20	B2	2.7	No
G5	Rowan, Birch, Beech, Hazel	3-9	6	#	200	3	2.0	EM	None	Linear group of planted trees within neighbouring garden. No access.	Good	Good	20	B2	2.4	No

# SURVEYOR: AC

LAND OFF THE A49, HOLMER, HEREFORD



## CLIENT: CREST NICHOLSON MIDLANDS

SURVEY DATE: SEPTEMBER 2019

# **HEDGES**

Ref	Species	Av. Height (m)	Av. width (m)	Av. Stem diam (mm)	Avg. Canopy Height (m)	Life Stage	tage General Observations		Struct. cond.	Estimated Remaining Contribution (Years)	BS5837 Category	RPA Radius (m)
H1	Hawthorn, Elder, Elm	2.5	2.5	120	0.1	EM	Mostly managed hedgerow. Predominantly Hawthorn, good screen to neighbouring residential estate. Some standard Elm towards Holmer Road.	Good	Good	20	В2	1.5
H2	Hawthorn, Cypress, Ash, Elm	2.5	2	100	0.1	EM	Unmanaged hedgerow. Over-run with bramble. Standard ash and Elm to 5m contained within. Newly planted Cypress hedge on eastern edge.	Fair	Good	10	C2	1.3
НЗ	Hawthorn, Elder, Elm	3.5	2.5	120	0.1	EM	Unmanaged hedgerow. Evidence of past management. Continuous in form. Some standard Elm contained within.	Good	Good	20		1.5
H4	Willow, Hawthorn, Elm, Ash, Rose, Holly	6.0	5	150	0.1	М	Unmanaged hedgerow adjacent to highway, evidence of past management. Predominantly Hawthorn. Some standard Elm within to 8m. Some dead standing Elm trees. Good screen. Continuous form. Remove dead Elm trees.	Good	Good	20		1.8
Н5	Rose, Hawthorn, Elm	4.0	3	100	0.1	EM	Unmanaged hedgerow along boundary. Continuous in form.	Good	Good	20		1.3
Н6	Hawthorn, Elder, Hazel, Rose	6.0	5	200	2	М	Mature hedgerow, gappy in places. Some larger trees contained within. Poor form.	Fair	Fair	10	C2	2.4





PHOTO 1: Looking west along the northern side of H1 on the southern boundary of the site.

PHOTO 2: Looking north along the west side of the eastern boundary. T5 can seen in the background and it is recommended this tree is removed.

PHOTO 3: Looking west along the southern side of H3 which divides the two



PHOTO 4: Looking south along the western side of H4. Note the dead tree within the hedgerow that should be removed.



trees behind the hedgerow are located off site within the burial ground.



PHOTO 5: looking west along the southern side of the northern boundary. The PHOTO 6: looking north towards T7 (left of frame) and T8 (right of frame). T7 is recommended for removal irrespective of the development proposals.



- The tree survey was carried out with reference to the methodology set out in BS5837:2012 'Trees in relation to design, demolition and construction Recommendations'.
- Trees were surveyed individually or as groups where it was considered that they had grown together to form
  cohesive arboricultural features either aerodynamically (trees that provide companion shelter), visually (eg
  avenues or screens) or culturally (including for biodiversity). However, where it was considered that there was an
  arboricultural need to differentiate between attributes trees within groups/woodlands were also surveyed as
  individuals
- The full tree survey findings are recorded in the following tree survey schedule.
- Within the tree survey schedule, each surveyed TREE (T), GROUP (G), HEDGEROW (H), WOODLAND (W) or SHRUB MASS on or adjacent to the site is given a reference number which refers to its position on the tree survey and constraints plan.
- TREE SPECIES are listed by common name.

## The **DIMENSIONS** taken are:

- STEM-No. Indicates the number of main stems (i.e. whether the trunk divides at or below 1.5m; (Used in the calculation of RPA.) "m-s" = Multi-stemmed.
- STEM DIAMETER (in millimetres), obtained from the girth measured at approx.1.5m. For trees with 2 to 5 substems, a notional figure is derived from the sum of their cross-sectional areas. For multi-stemmed trees the notional diameter may be estimated on the basis of the average stem size x the number of stems. (A notional diameter may be estimated where measurement is not possible.)
- HEIGHT, are measured in metres. They are recorded to the nearest half metre for dimensions up to 10m and to the nearest whole metre for dimensions over 10m.
- The CROWN SPREAD are taken at the four cardinal points to derive an accurate representation of the tree crown. They are recorded up to the nearest half metre for dimensions up to 10m and to up the nearest whole metre for dimensions over 10m.
- CROWN CLEARANCES are expressed both as existing height above ground level of first significant branch along with its direction of growth (eg 2.5m-N), and also in terms of the overall canopy. Measurements are recorded to the nearest half metre for dimensions up to 10m and to the nearest whole metre for dimensions over 10m.
- ESTIMATES. Where any measurement has had to be estimated, due to inaccessibility for example, this is indicated by a "#" suffix to the measurement as shown in the tree survey schedule.

## LIFE STAGE is defined as follows:

- Y <u>Young</u>: normally stake dependent, establishing trees. Should be growing fast, usually primarily increasing in height more than spread, but as yet making limited impact upon the landscape.
- SM <u>Semi-mature</u>: Established young trees, normally of good vigour and still increasing in height, but beginning to spread laterally. Beginning to make an impact upon the local landscape & environment. Semi-Mature (still capable of being transplanted without preparation, up to 30cm girth and not yet sexually mature).

- EM <u>Early-mature</u>: Not yet having reached 75% of expected mature size. Established young trees, normally of good vigour and still increasing in height, but beginning to spread laterally. Beginning to make an impact upon the local landscape & environment.
- M Mature: Well-established trees, still growing with some vigour, but tending to fill out and increase spread.

  Bark may be beginning to crack & fissure. In the middle half of their safe, useful life expectancies.
- LM <u>Late-Mature</u>: In full maturity but possibly beyond mature and in a state of natural decline). Still retaining some vigour but any growth is slowing.
- A <u>Ancient</u>: A tree that has passed beyond maturity and is old./aged compared with other trees of the same species. Typically having a very wide trunk and a small canopy.

## PHYSIOLOGICAL CONDITION (HEALTH & VITALITY):

Essentially a snapshot of the general health of the tree based upon its general appearance, its apparent vigour and the presence or absence of symptoms associated with poor health, physiological stress etc. (Fungal infections may be recorded here but decay giving rise to structural weakness would be recorded under 'Structural Condition' – see next parameter):

Good: No significant health issues.

Fair: indications of slight stress or minor disease (e.g. the presence of minor dieback/deadwood or of

epicormic shoot growth)

Poor: Significant stress or disease noted; larger areas of dieback than above

Dead: (or Moribund)

# STRUCTURAL CONDITION:

Defects affecting the structural stability of the tree, including decay, significant dead wood, root-plate instability or significant damage to structural roots, weak forks (e.g. those where bark is included between the members) etc. Classified as:

Good: No obvious structural defects: basically sound

Fair: Minor, potential or incipient defects

Poor: Significant defect(s) likely to lead to actual failure in the medium to long-term

Dead: (or Moribund)

#### REMAINING USEFUL LIFE EXPECTANCY:

An estimate of the length of time in years that a tree might be expected to continue to make a useful contribution to the locality at an acceptable level of risk (based on an assumption of continued routine maintenance)

- less than 10 years
- 10+ years
- 20+ years
- 40+ years



#### **SPECIAL IMPORTANCE:**

Trees that are particularly notable as high value trees such as ancient trees/woodland, or veteran trees. Such trees may be regarded as the principal arboricultural features of a site, and pose a significant constraint to potential development.

An ancient tree is one that has passed beyond maturity and is very old compared with other trees of the same species. Very few trees reach the ancient life-stage. Veteran trees are often very old, but not necessarily so; they may be regarded as 'survivors' that have developed some of the characteristic features of an ancient tree but have not necessarily lived as long. All ancient trees are veterans but not all veteran trees are ancient.

#### QUALITY CATEGORY:

Trees are classed as category U, A, B or C, based on criteria given in BS5837:2012; summary definitions as follows (see BS5837 for further details). Categories A, B and C are further characterised by the use of sub-categories, which attempt to identify what aspect of the tree is the main source of its perceived value:

- (1) arboricultural qualities
- (2) landscape qualities, and
- (3) cultural, historic or ecological/conservation qualities.

Examples of these qualities for each of the three categories are given below, although these are indicative only.

Note: This is NOT a health and safety classification; the classification does not take into account any requirement for remedial tree care or ongoing maintenance apart from that which may affect the trees' general suitability for retention.

#### **CATEGORY U: UNSUITABLE:**

Trees likely to prove to be unsuitable for retention for longer than 10 years should any significant increase in site usage arise as a result of development.

E.g. dead or moribund trees; those at risk of collapse or in terminal decline; trees that will be left unstable by other essential works such as the removal of nearby category U trees; trees infected by pathogens that could materially affect other trees; low quality trees that are suppressing better specimens

(Category U trees may have conservation values that it might be desirable to preserve.

It may also include trees that should be removed irrespective of any development proposals.)

### **CATEGORY A: HIGH QUALITY:**

Trees or groups whose retention should be given a particularly high priority within the design process. Normally with an expected useful life expectancy of at least 40 years.

- A1: Notably fine specimens; rare or unusual specimens; essential component trees within groups, semi-formal or formal plantings (e.g. dominant trees within an avenue etc.)
- A2: Trees, groups or woodlands of particular visual importance as landscape features.
- A3: Trees, groups or woodlands of particular significance by virtue of their conservation, historical, commemorative or other value (e.g. veteran trees or wood pasture.)

#### **CATEGORY B: MODERATE QUALITY:**

Trees or groups of some importance with a likely useful life expectancy in excess of 20 years. Their retention would be highly desirable; selective removal of certain individuals may be acceptable, but only after full consideration of all alternative courses of action.

- B1: Fair quality but not exceptional; good specimens showing some impairment (e.g. remediable defects, minor storm damage or poor past management.)
- B2: Acceptable trees situated such as to have little visual impact within the wider locality. Also numbers of trees, perhaps in groups or woodlands, whose value as landscape features is greater collectively than would warrant as individuals (such that the selective removal of an individual would not impact greatly upon the trees' overall, collective value).
- B3: Trees, groups or woodlands with clearly identifiable conservation or other cultural benefits.

#### CATEGORY C: MINOR VALUE:

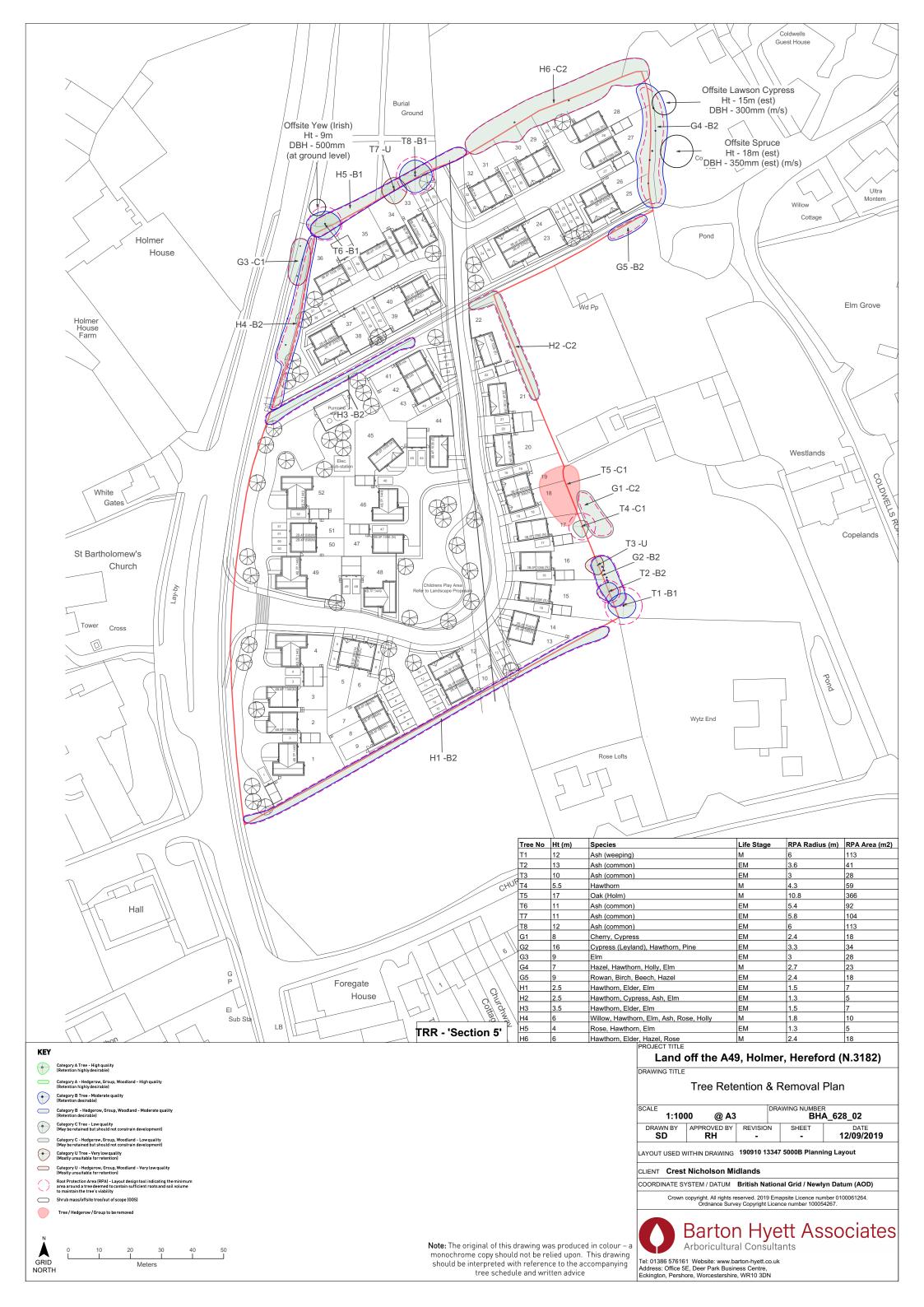
Trees or groups of rather low quality, although potentially capable of retention for at least approx. 10 years. Also small trees with stems below 15cm diameter.

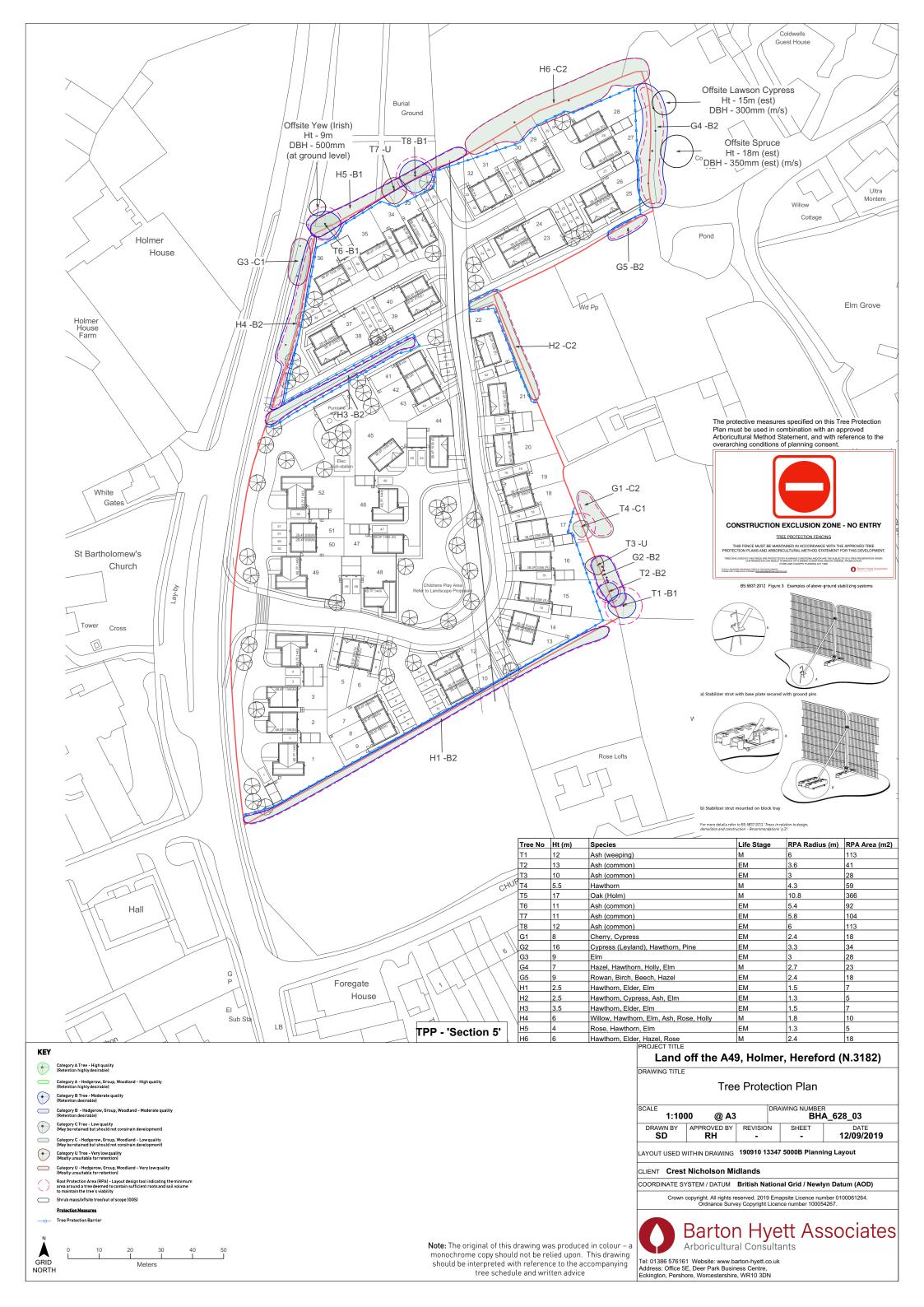
Potentially retainable, but not of sufficient value to be regarded as a significant planning constraint.

- C1: Unremarkable trees of very limited merit or of significantly impaired condition.
- C2: Trees offering only low or short-term landscape benefits; also secondary specimens within groups or woodlands whose loss would not significantly diminish their landscape value.
- C3: Trees with extremely limited conservation or other cultural benefit.

### **ROOT PROTECTION AREA (RPA):**

These are normally represented as a circle centred on the base of each tree stem with a radius of 12 times stem diameter measured at 1.5m above ground level, but the shape of the RPA may be altered where site conditions dictate that there are sound reasons to do so.







## THE IMPORTANCE OF TREES

## Wider benefits:

There is a growing body of evidence that trees bring a wide range of benefits to the places people live.

Some Economic benefits of trees include:

- Trees can increase property values
- As trees grow larger, the lift they give to property values grows proportionately
- They can improve the environmental performance of buildings by reducing heating and cooling costs, thereby cutting bills
- Mature landscapes with trees can be worth more as development sites
- Trees create a positive perception of a place for potential property buyers
- Urban trees improve the health of local populations, reducing healthcare costs

Some Social benefits of trees include:

- Trees help create a sense of place and local identity
- They benefit communities by increasing pride in the local area
- They can create focal points and landmarks
- They have a positive impact on people's physical and mental health
- They can have a positive impact on crime reduction

Some Environmental benefits of trees include:

- Urban trees reduce the 'urban heat island effect' of localised temperature extremes
- They provide shade, making streets and buildings cooler in summer
- They help remove dust and particulates from the air
- They help to reduce traffic noise by absorbing and deflecting sound
- They help to reduce wind speeds
- By providing food and shelter for wildlife they help increase biodiversity
- They can reduce the effects of flash flooding by slowing the rate at which rainfall reaches the ground
- They can help remediate contaminated soil

# On new development sites:

Trees bring many benefits to new development. Where retained successfully they can form important and sustainable elements of green infrastructure, contribute to urban cooling and reduce energy demands in buildings. Their importance is acknowledged in relation to adaptation to the effects of climate change. Other benefits brought by trees include:

- increasing property values;
- visual amenity
- softening, complementing and adding maturity to built form
- displaying seasonal change
- increasing wildlife opportunities in built-up areas
- contributing to screening and shade
- reducing wind speed and turbulence

## **NATIONAL PLANNING POLICY**

The National Planning Policy Framework 2019 (NPPF paragraph 175) states that:

'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists'.

In this respect the following definitions apply:

'Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS)', and an

'Ancient or veteran tree: A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.'

**Note**: Further information from the National Planning Policy Guidance Suite and Standing Advice is provided in the design guidance section.



## **STATUTORY CONTROLS**

## Statutory tree protection

Works to trees which are covered by Tree Preservation Orders (TPOs) or are within a Conservation Area (CA) require permission or consent from the Local Planning Authority. Where information is available on any Statutory designations such as this they are identified within the summary table in Section 1 and on the Tree Survey and Constraints Plan at Section 2.

Notwithstanding specific exceptions and in general terms, a TPO prevents the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of protected trees or woodlands without the prior written consent of the LPA.

Penalties for contravention of a TPO tend to reflect the extent of damage caused but can, in the event of a tree being destroyed, result in a fine of up to £20,000 if convicted in a Magistrates' Court, or an unlimited fine is the matter is determined by the Crown Court.

Similarly, and again notwithstanding specific exceptions, it is an offence to carry out any works to a tree in a Conservation Area with a trunk diameter greater than 75mm diameter at 1.5 height without having first provided the LPA with 6 weeks written notification of intent to carry out the works.

On many non-residential sites (excluding specific exemptions) there is also a statutory restriction relating to tree felling that relates to quantities of timber that can be removed within set time periods. In basic terms, it is an offence to remove more than 5 cubic metres of timber in any one calendar quarter without having first obtained a felling licence from the Forestry Commission.

Any proposed tree works that are planned to be carried out on site must be carried out in accordance with the statutory controls outlined.

## Statutory Wildlife Protection

Although preliminary visual checks from ground level of likely wildlife habitats are made at the time of surveying, detailed ecological assessments of wildlife habitats are not made by the arboriculturist and fall outside of the scope for this report.

Trees which contain holes, splits, cracks and cavities could potentially provide a habitat for protected species such as bats in addition to birds and small mammals. It is advised that in some instances specialist ecological advice may be required. This may result in tree works being carried out following a

detailed climbing inspection to the tree to ensure that protected species or their nests/roosts are not disturbed. If any are found, the site manager, site owner or consulting arboriculturist should be informed and appropriate action taken as recommended by the appointed Ecologist or the relevant Statutory Nature Conservation Organisation (SNCO): Natural England, Scottish Natural Heritage or Natural Resources Wales.

It is advised that tree/hedgerow works are carried out with the understanding that birds will generally nest in trees, hedges and shrubs between March and August. This time period only provides an indication of likely nesting times and as such diligence is required when undertaking tree works at all times.

Irrespective of the time of year, and other than any actions approved under General Licence, it is an offence to intentionally kill, injure or take any wild bird or to intentionally take, damage or destroy the nest or eggs of any wild bird. Ideally, tree operations should be avoided during the likely bird nesting period. However, any tree works should always only be carried out following a preliminary visual check of the vegetation.

For information, the Wildlife and Countryside Act 1981 (as amended), The Countryside and Rights of Way Act 2000 (as amended) and the Conservation of Habitat and Species Regulations 2010, form the basis of the statutory legislation for flora and fauna in England and Wales. A different legislative framework applies in Scotland and Northern Ireland.

Any proposed tree works that are planned to be carried out on site must be carried out in accordance with any relevant statutory controls, outlined above.