

# North Tyneside Council

## Report to Planning Committee

### Date: 14 March 2017

**ITEM 6**  
Title: Land to the South of  
Beverley Villas, Marden  
Avenue, Cullercoats, Tyne  
and Wear Tree  
Preservation Order 2016

**Report from Directorate:** Environment, Housing and Leisure

**Report Author:** Phil Scott Head of Environment, Housing and Leisure (Tel: 643 7295 )

**Wards affected:** Cullercoats

#### 1.1 Purpose:

To consider the above Tree Preservation Order taking into account any representations received in respect of the Order.

#### 1.2 Recommendation(s)

Members are requested to consider the representations to the Land to the South of Beverley Villas, Marden Avenue, Cullercoats, Tyne and Wear Tree Preservation Order 2016 and confirm the Order without modification.

#### 1.3 Information

##### 1.3.1 The planning history for this site is set out below:

Land to south:

16/01039/FUL: Demolition of existing storage facility and erection of new storage building with pitched roof and velux windows. Section of the dilapidated boundary wall to the south will be demolished and rebuilt to form the south elevation of the new storage building. Construct a wall to the east with metal door and roller shutter  
Permitted 26.10.2016

1.3.2 In June 2016 the Council received a planning application to demolish an existing storage building located to the south of Beverley Villas, and construct a new storage building. The building was located directly adjacent to a mature sycamore tree and the development had the potential to impact on this tree. The tree was considered worthy of protection and was made subject of a tree preservation order.

1.3.3 2 letters of objection have been received to the confirmation of the Tree Preservation Order. The first is from 178 Broadway, the owner of the adjacent site to the south subject of planning application 16/01039/FUL, and the second from 4 Beverley Villas. The grounds of objection can be summarised as follows:

##### 1.3.4 Objections from 178 Broadway, Cullercoats (Appendix 2)

- We are hoping to build a store/garage on the site.
- The tree is causing damage to the wall and substation, which will get worse over time.
- Burglars have gained access over the wall. If the wall becomes unsafe who will be liable for any injury?
- I understand the tree is Council owned – will the Council be liable for damage or injury?

- The pavement is starting to lift.
- We can provide a structural survey if necessary for our side of the wall.
- No work or regular maintenance has been carried out to the tree.
- The tree is a self seeded sycamore which has grown in an unsuitable location, and does not have a significant impact on the area.
- Not a native tree.
- Not aware of any nesting birds in the tree.
- We have an arborist report which recommends that the tree should be removed as it is causing damage to the walls. The report states it is a category U tree.
- I am happy to plant another tree in our garden as a replacement.

#### 1.3.5 Objections from 4 Beverley Villas

- The tree blocks light to my flat.
- The tree is too big for the area.
- The roots must be damaging the foundations of the flats.
- I do not approve of other trees in the car park of Beverley Villas as they too block light and I am concerned about damage to the foundations.
- The tree was planted by a local resident, not the Council
- The sap falls onto parked cars

### 1.4 **Officers comments**

**1.4.1** The Council's Landscape Architect visited the site and describes the tree as a semi mature specimen with reasonable shape and form. It is visible from the public highway to the rear of Beverley Terrace. When an application was received to develop land to the south of the tree local residents raised concern that the tree may be lost as a result of the proposal. The Tree Preservation Order would safeguard the tree from poor/excessive pruning or removal in the future, and control any works that may be requested in order to maintain the visual amenity and character of the Cullercoats Conservation Area.

**1.4.2** The Council's Landscape Architect has assessed the objections. Her comments are summarised below.

**1.4.3** Responsibility and ownership: The land on which the tree is growing is privately owned (NEDL). A TPO can be served on trees in private ownership, however it does not mean that they become the responsibility of the Council. However, anyone can make an application to the Council seeking consent to work on a protected tree even if they are not the owner of the tree. The TPO will ensure any works undertaken are carried out in accordance with good arboricultural practices and does not prevent future works from being undertaken but approval from the local authority would need to be sought beforehand.

**1.4.4** Sap from the tree: Bud casing and sap may be a seasonal inconvenience and whilst troublesome it is not legally a nuisance and considered to be normal and acceptable consequences of living near trees. Sap deposits are not sufficient to allow the removal of the tree.

**1.4.5** Light: The TPO would prevent the removal of the tree for light purposes unless it is demonstrated that a severe restriction has resulted. Approved pruning works, as required under the TPO, would help relieve such issues whilst maintaining tree cover.

**1.4.5** Height of trees and overhanging branches: A tree would not be removed because it is considered to be 'too big' or 'too tall' for its surroundings. The size of the tree can be

managed by pruning. However the TPO will ensure that any pruning works are not detrimental to the trees and in accordance with approved standards.

- 1.4.6** Damage to a wall and footpath: It is often possible to rebuild or repair garden walls and fences to take account of adjacent trees. This can be achieved in a number of ways (for example installing a section of railing or bridging foundations around the base of a tree). Therefore where trees are considered to be causing damage to walls or fences, a tree would only be removed if the walls are irreplaceable and of exceptional importance e.g. a retaining wall or of historical interest, or if there is a risk to public health in leaving the tree which cannot otherwise be mitigated. Again it is often possible to repair paths to take account of adjacent trees and tree roots. Where trees are considered to be causing damage to paths or footpaths, trees would not be removed except where there is a risk to public health which cannot otherwise be mitigated. In this case an independent tree survey report submitted with the application has confirmed that the development can proceed without the need to remove the tree.
- 1.4.7** The tree is a sycamore tree: TPO's are not only restricted to native trees and if any tree contributes to the visual amenity of an area, it is worthy of protection by a TPO. Sycamore trees have just as much value in the landscape as any other tree and support a variety of wildlife. A self-seeded tree may be included in a TPO provided it is in the interests of amenity. The term 'tree' is not defined in the Town and Country Planning Act, nor does the Act limit the application of TPOs to trees of a minimum size. The dictionary defines a tree as a perennial plant with a self-supporting woody main stem, usually developing woody branches at some distance from the ground and growing to a considerable height and size, but for the purposes of the TPO legislation, the High Court has held that a 'tree' is anything which ordinarily one would call a tree.
- 1.4.8** No visual amenity: The tree is a semi mature sycamore tree with reasonable shape and form. It has a strong visual presence visible from the public highways to the rear of Beverley Terrace. A TEMPO (Tree Evaluation Method for Evaluating Preservation Orders) evaluation resulted in a score of 11 confirming that protecting the tree by a TPO is defensible. On this basis there is sufficient amenity value to warrant a Tree Protection Order. An application has been received to develop land to the south of the tree/Beverley Terrace and there is concern from local residents that the tree may be lost as a result of the proposal. As the tree has a visual presence (as noticed by local residents) its loss would be considered a visual change and local residents will experience a changed or altered view on a permanent basis. A Tree Preservation Order would control any works that may be requested and maintain the visual amenity and character of the local area.
- 1.4.9** In accordance with the Town and Country Planning Act 1990 (as amended) the Authority considers it necessary to issue a Tree Preservation Order to maintain and safeguard the contribution made by this tree to the landscape and setting of the site. The Tree Preservation Order was served on the owners and other relevant parties on 06.10.2016. A copy of this original Order is attached as Appendix 1.
- 1.4.10** The Order must be confirmed by 06.04.2017 otherwise the Order will lapse and there will be nothing to prevent the removal of this tree which is currently protected.
- 1.4.11** Copies of these representations are included as Appendix 2 to this report.

## **1.5 Decision options:**

1. To confirm the Tree Preservation Order with no modifications.
2. To confirm the Tree Preservation Order with modifications.

3. To not confirm the Tree Preservation Order.

**1.6 Reasons for recommended option:**

Option 1 is recommended. A Tree Preservation Order does not prevent the felling of trees, but it gives the Council control in order to protect trees which contribute to the general amenity of the surrounding area. If the Order was confirmed then the owners of could apply to fell or carry out any pruning works to the tree.

**1.7 Appendices:**

Appendix 1 – Land to the South of Beverley Villas, Marden Avenue, Cullercoats , Tyne and Wear Tree Preservation Order 2016

Appendix 2 – Letters of objection.

**1.8 Contact officers:**

Rebecca Andison (Tel: 643 6321)

**1.9 Background information:**

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author:

1. Town and Country Planning Act 1990.
2. Planning Practice Guidance (As amended)
3. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

**Report author**      Rebecca Andison

**Town and Country Planning Act 1990**  
**The Council of the Metropolitan Borough of North Tyneside (Land to the south of Beverley Villas, Marden Avenue, Cullercoats, Tyne and Wear) Tree Preservation Order 2016**

The Council of the Borough of North Tyneside in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order—

**Citation**

1. This Order may be cited as the (Beverley Villas, Marden Avenue, Cullercoats, Tyne and Wear) Tree Preservation Order 2016.

**Interpretation**

2. (1) In this Order “the authority” means the Council of the Borough of North Tyneside

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4.—In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for

preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 5<sup>th</sup> day of October 2016

The Common Seal of the  
Council of the Borough of North Tyneside  
was affixed to this order in the presence of:

*D McGarr*

Chair of the Council



2016/8695

*Stephen G Bellamy*

Authorised Signatory

## TREE PRESERVATION ORDER 2016

### LAND TO THE SOUTH OF BEVERLEY VILLAS, MARDEN AVENUE, CULLERCOATS TYNE AND WEAR

#### SCHEDULE

The map referred to is at a scale of 1:200 and is based on an enlargement of the 1:1250 O.S. edition of sheet numbered NZ 3671. The area covered by the Order is on land at Beverley Villas, Marden Avenue, Cullercoats.

The area is wholly within the Metropolitan Borough of North Tyneside in the County of Tyne and Wear.

#### Specification of trees

##### Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore	Located directly against the south eastern corner of the Electricity Sub Station, approximately 12.0m in an easterly direction from the north west corner of the land at the rear of Beverly Terrace

##### Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

##### Groups of trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

##### Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		



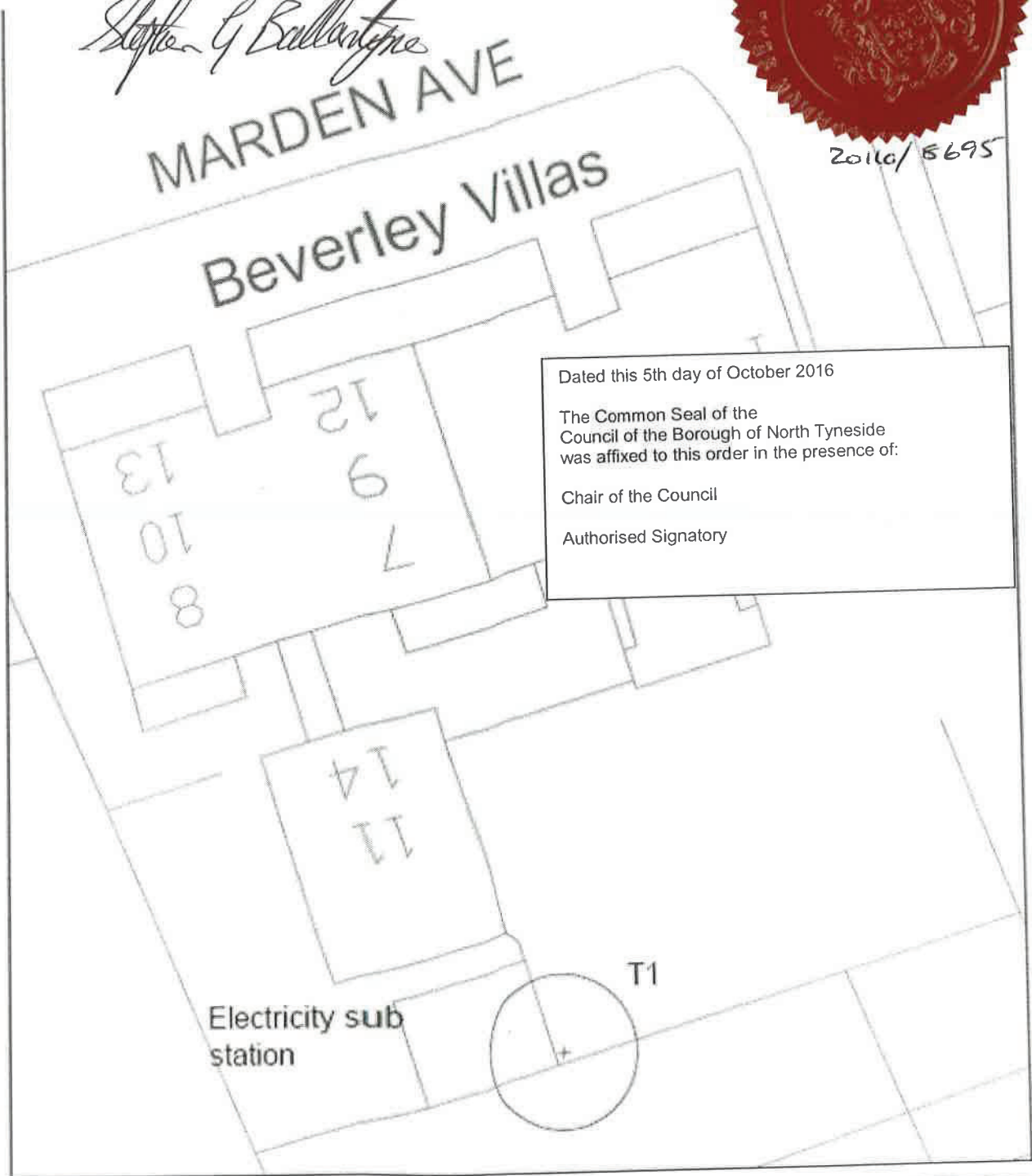
D. McGarr  
 Stephen G. Ballantyne



2016/8695

MARDEN AVE

Beverley Villas



Dated this 5th day of October 2016  
 The Common Seal of the  
 Council of the Borough of North Tyneside  
 was affixed to this order in the presence of:  
 Chair of the Council  
 Authorised Signatory



**NORTH TYNESIDE COUNCIL**  
 BEVERLEY VILLAS, MARDEN AVENUE,  
 CULLERCOATS, TYNE AND WEAR  
 TREE PRESERVATION ORDER 2016

PHD Scott  
 Head of Environment and Leisure  
 Quaker Farm  
 The Quadrant  
 Cullercoats Business Park  
 North Tyneside  
 NE27 8BY

© Crown Copyright and Database Right 2016  
 Ordnance Survey, Licensed to North Tyneside Council



(2)

away from it. The sap makes the car paint work sticky and is difficult to remove.

3. The tree prevents light from coming into my flat (and must be terrible for other flats closer to it)

4. I believe the tree is far too big for the area it's in. The roots must be damaging the foundations of the flats.

Although not mentioned in your letter, I do not approve of the other trees in the car park of Beverley Villas. They too present a huge amount of light coming into my flat and again, because of their proximity to my flat, I am concerned about damage to the foundations from their roots..

4, Beverley Villas,  
Marble Avenue,  
Gullercoats

NE30 3EB

21st October, 2016

Re: Tree Preservation Order 2016  
Beverley Villas, MARBLE AVENUE, GULLERCOATS

Dear Sir,  
I am writing to give you my comments on the above.

1. This tree was not planted by the Council but by (I believe) a friend of a resident

2. The sap from the tree falls onto the parked cars in the car park (even if the car is parked 3 or 4 car spaces

(3)

Hoping you seriously consider my  
Comments.

Yours faithfully

[Redacted signature]

*Dennis Clark*

178 Broadway, Cullercoats, North Shields, NE30 3RX

31st October 2016

Dave Brown  
Democratic Services Manager

Vivienne Geary, Head of Law and Governance  
North Tyneside Council  
Quadrant, The Silverlink North  
Cobalt Business Park  
North Tyneside, NE27 0BY

Dear Sir

**(Beverley Villas, Marden Avenue, Cullercoats, Tyne and Wear) Tree Preservation Order 2016**

Further to your letter dated 6th October 2016 re TPO - I would like to put in an objection reasons as follows:


- We are hoping to build a store/garage on site; this tree is causing damage now to the wall and electric substation.
- As far as I am aware no works or regular maintenance has been carried out on this tree which is now very large, I understand it is probably a self-seeded sycamore tree which has grown in an unsuitable position, and does not have a significant impact on the area.
- I am not aware of any nesting birds within the tree
- The wall and substation next to this tree is now showing signs of damage - I can only assume this will get worse from now on. We have had burglaries in the past (crime numbers are available) where access has been from over the wall. My worry is if the wall becomes unsafe because of the damage due to the tree who is liable for any injury? This will be an on-going problem as far as I can see and the damage will probably get worse over the years.
- The pavement is starting to lift
- I have a worry that the substation would be further damaged in time, how serious this is/will be, is for the owner of the land to have a report done
- I understand this is a council owned tree, is the council liable for damage caused to our wall or injury to anyone climbing over the wall?
- We can provide a structural survey, if necessary, for our side of the wall, but any structural damage to the substation in the years to come is for the Electricity company or the Council to provide.
- This tree is a sycamore, not native to Britain, large and very fast growing; I am not sure of the age but the more it grows the more damage I feel will be done.

We have an arborist report, which I attach for your information, which states:  
As part of the construction process, the Arborist has recommended the tree in close proximity to our site on the northern boundary should be removed as it is causing root damage to the walls. The report states this tree is a category 'U'.

I am happy to plant another tree native to Britain further to the east in our garden to replace this tree if removed.

Many thanks for reading our objections.

Best wishes

  
Dennis Clark

Att: Letter from AJ Walton  
Arboricultural Report

**AJ Walton Architecture & Surveying**  
38 Linskill Terrace  
North Shields  
Tyne and Wear  
NE30 2EN

**AJ WALTON**  
BUILDING SURVEYING  
& ARCHITECTURE

Dennis & Lynn Clark  
178 Broadway, North Shields, NE30 3RX

Date: 31.03.2016

RE: Condition report to boundary walls adjacent to sycamore tree in south west corner of Land South of Beverly Villas Electricity Substation, Marden Avenue.

Dear Lynn,

As part of your architectural services to demolish your dilapidated storage shed and to construct a new storage facility to the east of the site (planning application ref: 16/01039/FULDEM), we noted a mature sycamore tree located to the south west corner of Beverley Villas, Marden Avenue. This tree abuts the boundary wall to the north of your site and the front wall of the substation. It is understood that the land and tree belong to North Tyneside Council.

The boundary wall to the north of your land appears to belong to North Tyneside Council. The wall is solid 9-inch brickwork masonry supported on an assumed concrete footing. As per the attached photographs and arboriculturist report, the tree is causing damage to the boundary walls and it is of our opinion that it should be removed to prevent further root damage to the boundary walls and substation. We also believe the tree is drawing excessive moisture from groundwater causing the foundations to settle. The tree also has the potential to cause damage to our proposal, which has now been granted planning permission.

We advise you approach the council to have the tree removed, and appeal the decision to cover the said tree with a preservation order.

Please do not hesitate to contact us should you require any further information.

Yours sincerely,

  
**Alan Walton BSc(Hons) MRICS**  
Chartered Building Surveyor

AJ Walton Architecture & Surveying

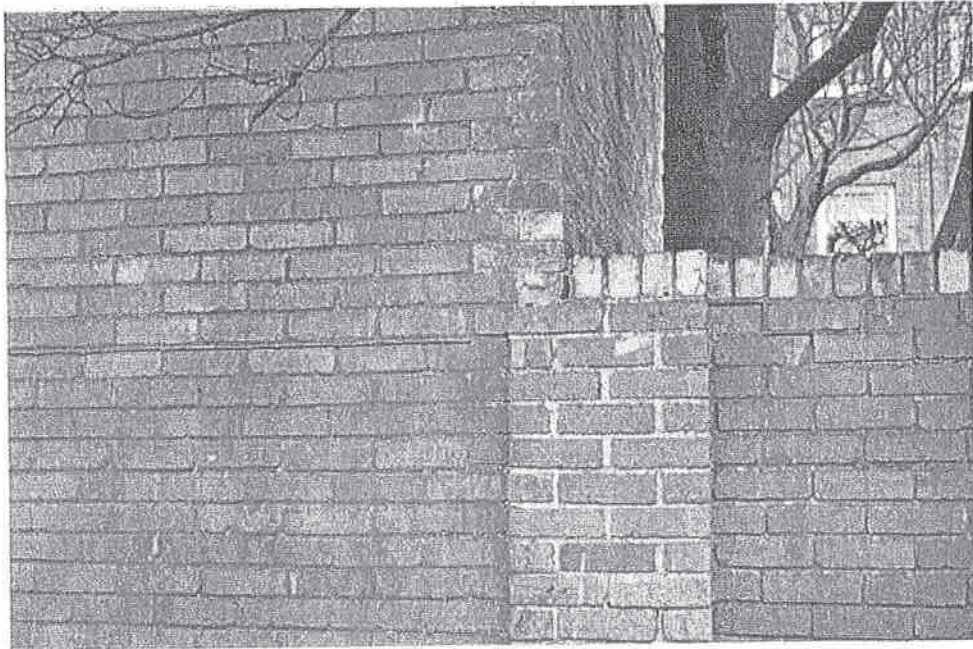




**Photographic Schedule**



Sycamore tree abutting boundary wall and substation

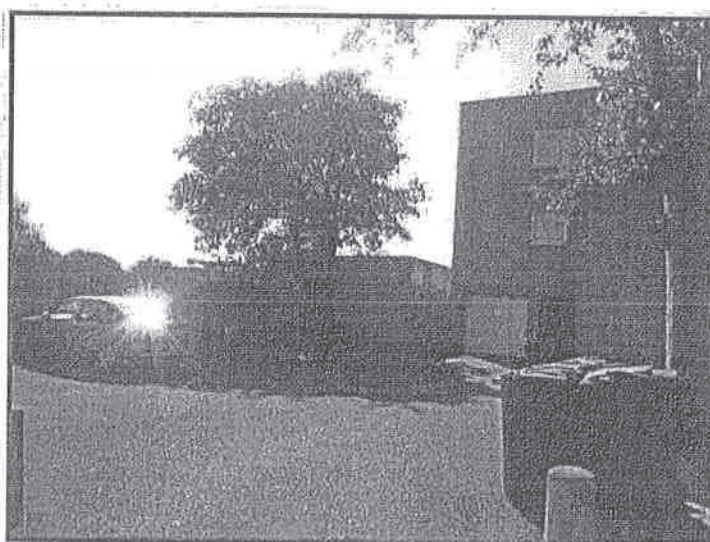


Stepped cracking from excessive moisture being drawn from the ground causing wall to distort.

PRESUMPTIONS AND REPORTS  
BS 5837  
DECAY MAPPING  
CULTURAL ANALYSIS



## Pre Development BS5837 Arboricultural Implications Assessment Back Beverley Terrace September 2016



Produced For AJ Walton Architecture  
By Jim Richardson BSc For. HND Arb.



1

INDEPENDENCE, INTEGRITY AND EXPERTISE OVER A DECADE OF SERVICE

☎ : 0777 3991474 ✉ : admin@woodsman-arb.co.uk 🌐 : www.woodsman-arb.co.uk

📍 : 9A Tankerville Place - Jesmond - Newcastle upon Tyne - NE2 3AT



## Document Details

<b>Document Title</b>	<b>Pre Development BS5837 Arboricultural Implications Assessment Back Beverley Terrace September 2016</b>
<b>Consultant</b>	<b>Jim Richardson BSc For. HND Arb,</b>
<b>Site Surveyor</b>	<b>Jim Richardson BSc For. HND Arb.</b>
<b>Site Survey Date</b>	<b>30<sup>th</sup> August 2016</b>

## Document Production and Revisions

<b>Original Arboricultural Constraints Assessment</b>	
<b>Issued Date</b>	<b>Authorised by: Jim Richardson BSc For. HND Arb.</b>
<b>Revisions</b>	

## Pre Development BS5837 Arboricultural Implications Assessment Back Beverley Terrace September 2016

### Contents

1. Introduction .....	4
2. Site Details.....	5
3. Statutory Tree Protection.....	6
4. Summary of Findings.....	7
5. Arboricultural Impact Assessment .....	8
6. Arboricultural Method Statement .....	9
7. Other Arboricultural Site Factors.....	13
Appendices .....	15

## 1. Introduction

- 1.1. AJ Walton Architecture have commissioned this pre development Arboricultural Impact Assessment report on behalf of their client's for the proposed development of new garage and parking facilities at the 'rear of Beverley Terrace, Cullercoats.
- 1.2. The survey and resulting report have been produced to be submitted as part of the planning application for the site to the local planning authority and have been produced in accordance with the best practice guidelines set out in BS 5837 (2012) *Trees In Relation To Construction Sites: Recommendations*.
- 1.3. Documentation used in preparation of this report: CAD file *Planning2007*.
- 1.4. All observations have been made from ground level without detailed inspection. Some measurements may have been estimated.
- 1.5. Woodsman were provided with a site plan of the area with tree locations marked on. An Arboricultural Constraints Plan (ACP) and Tree Protection Plan (TPP) have been produced to accompany this report and tree locations and protective measures should be referenced to these plans.

## 2. Site Details

2.1. Location: Rear of Beverley Terrace, Cullercoats.

2.2. Site Description: The site consists of garage and storage facilities on level ground.

2.3. Site Visit Details: The site was surveyed on the 30<sup>th</sup> of August 2016 during calm clear weather conditions.

2.4. There is one significant individual tree within influence of the site. Small trees below 150mm in diameter at 1.5m in height from ground level have not been surveyed in detail and are classified as low retention value as per BS5837 guidelines.

2.5. The tree has had no significant recent management.

### 3. Statutory Tree Protection

- 3.1. Trees may be legally protected. Tree protection can include Tree Preservation Orders (TPOs) or Conservation Area status. The felling of large quantities of timber may also require a felling licence.
- 3.2. A formal search into the statutory protection of the sites trees has not been carried out as part of this survey and report. Statutory protection of trees can include Tree Preservation Orders (TPOs) and Conservation area status.
- 3.3. Large penalties may be enforced for illegally carrying out works on protected trees. It is therefore advised that clarification of protection status be sought from the local planning authority prior to any tree works being carried out on site. Where appropriate permission for works must be applied for.
- 3.4. Some exemptions to the above may apply such as the removal of trees where full planning permission has been granted where new buildings occupy the space where protected trees lie.

## 4. Summary of Findings

- 4.1. There is one significant individual tree within influence of the site. Small trees below 150mm in diameter at 1.5m in height from ground level have not been surveyed in detail and are classified as low retention value as per BS5837 guidelines.
- 4.2. The tree has had no significant recent management.
- 4.3. The tree is a self-seeded Sycamore on third party land. The tree is growing directly against a boundary wall and sub-station. The continued growth of the tree will cause direct pressure damage to these structures. As such the tree has been classified category U (Unsuitable for retention).
- 4.4. As the tree belongs to a third party its removal should be requested before its growth damages the adjacent structures.
- 4.5. The tree will not be protected during development.
- 4.6. No ground-works, building works or resurfacing are scheduled in close proximity to retained trees within Root Protection Areas (RPAs). No special construction techniques are therefore required.
- 4.7. The development should not have any significant impact on the sites tree stock.

7



## 5. Arboricultural Impact Assessment

- 5.1. The removal of the Sycamore tree is desirable but not essential for development to proceed.
- 5.2. The tree is a self-seeded Sycamore on third party land. The tree is growing directly against a boundary wall and sub-station. The continued growth of the tree will cause direct pressure damage to these structures. As such the tree has been classified category U (Unsuitable for retention).
- 5.3. As the tree belongs to a third party its removal should be requested before its growth damages the adjacent structures.
- 5.4. The tree will not be protected during development.
- 5.5. If the tree remains in place during development then its crown should be raised to give 4m clearance over the development site to ensure clearance from the new building.
- 5.6. No ground-works, building works or resurfacing are scheduled in close proximity to retained trees within Root Protection Areas (RPAs). No special construction techniques are therefore required.
- 5.7. The development should not have any significant impact on the sites tree stock.
- 5.8. Providing that appropriate protective measures and construction techniques are enforced during development the trees on site can be retained and should provide amenity benefits for the site into the near future.
- 5.9. The development should not have any significant impact on the sites tree stock.

8

## 6. Arboricultural Method Statement

6.1. The retained trees would normally need protection for roots trunks and branches during demolition and construction.

6.2. In this case the tree will not be protected due to its unsuitability for retention.

6.3. The trees would normally be protected by erecting barrier fencing as depicted on the Tree Protection Plan.

### 6.4. Aerial Protection

Aerial protection should take the form of barrier fencing constructed as per BS5837 Guidelines

### 6.5. Construction of Protective Fencing

Barriers should consist of a scaffold framework in accordance with BS 5837:2012 Trees in relation to construction - Recommendations; comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. Onto this, weld-mesh panels should be securely fixed with wire or scaffold clamps. Weld-mesh panels on rubber or concrete feet are not resistant to impact and should not be used unless they are effectively pinned down and braced. The use of any alternative method of fencing should only be allowed following prior approval from the site Arboricultural Consultant or the Local Planning Authority.

NOTE: The above is preferred because it is readily available, resistant to impact, can be re-used and enables inspection of the protected area.

6.5.1. Protective fencing should enclose tree canopies in all areas where ground-works are not required (other than where canopies extend over parking and access routes).

6.5.2. The fencing will remain in place until completion of the development and then only removed with the consent of the local planning authority to permit completion of the scheme.

6.5.3. Other than works detailed within this method statement or approved in writing by the local planning authority, no works including storage or dumping of materials shall take place within the Construction Exclusion Zones (CEZs) as defined by the protective fencing.

6.5.4. Protective Fencing Minimum Distances - The tree data table gives minimum distances from the trunk to protective fencing for retained trees. Wherever possible fencing beyond these distances is desirable and fencing should enclose tree canopies unless access beneath the canopy is absolutely necessary.

## 6.6. Construction Exclusion Zones

6.6.1. No works access should be allowed into the CEZs during the development phase. No storage of any building materials or any other materials should be allowed within the CEZs.

6.6.2. Once the exclusion zones have been protected by barriers and/or ground protection, construction work can commence. All weather notices should be erected on the barrier with words such as: "Construction Exclusion Zone — Keep out".

In addition the following should be addressed or avoided.

- A. Care should be taken when planning site operations to ensure that wide or tall loads or plant with booms, jibs and counterweights can operate without coming into contact with retained trees. Such contact can result in serious damage to them and might make their safe retention impossible. Consequently, any transit or traverse of plant in close proximity to trees should be conducted under the supervision of a Banks-man to ensure that

10

INDEPENDENCE, INTEGRITY AND EXPERTISE OVER A DECADE OF SERVICE

tel : 0777 3991474 e : admin@woodsman-arb.co.uk w : www.woodsman-arb.co.uk  
a : 9A Tankerville Place - Jesmond - Newcastle upon Tyne - NE2 3AT

adequate clearance from trees is maintained at all times. In some circumstances it may be impossible to maintain adequate clearance thus necessitating access facilitation pruning.

- B. Material which will contaminate the soil, e.g. concrete mixings, diesel oil and vehicle washings, should not be discharged within 10 m of the tree stem.
- C. Fires should not be lit in a position where their flames can extend to within 5 m of foliage, branches of trunk. This will depend on the size of the fire and the wind direction.
- D. Notice boards, telephone cables or other services should not be attached to any part of the trees.
- E. It is essential that allowance should be made for the slope of the ground so that damaging materials such as concrete washings, mortar or diesel oil cannot run towards trees. (Para BS5837)

## 6.7. Special Construction Techniques

- 6.7.1. No ground-works, building works or resurfacing are scheduled in close proximity to retained trees within Root Protection Areas (RPAs). No special construction techniques are therefore required.

## 6.8. Tree Works

- 6.8.1. All tree pruning and removal works must conform strictly to BS3998 (*Recommendations for Tree Works*), and must use target pruning in accordance with best practice.

### 6.8.2. Schedule of Arboricultural Works

1. Provide site managers with a copy of Arboricultural report.
2. Remove T1 if permission is granted
3. Facilitation Access Pruning - Crown-Raise T1 if it remains to give 4m clearance over site.
4. Construction Phase – including all further construction and landscaping works.

All staff on site should be briefed regarding the protective measures to be enforced. Construction should not proceed prior to the installation of the protective measures and these should remain in place for the entire duration of the construction phase. Only once the construction phase is completed in its entirety should the protective fencing be removed.

### 6.9. Arboricultural Supervision

- 6.9.1. Tree protection measures on this site are straightforward and special construction techniques are not required. Arboricultural supervision is therefore not considered necessary.

## 7. Other Arboricultural Site Factors

### 7.1. Hazard Trees

None of the trees on site have been identified as being obviously hazardous.

### 7.2. Recent Management

The trees have had no significant recent management.

### 7.3. Future Management

### 7.4. Protected Wildlife

7.4.1. It is an offence under the Wildlife and Countryside Act 1981 (WCA and amendments) and the EU Habitats Directive to disturb and or destroy the nests of bats, birds and other protected wildlife. Birds are protected by; The Wildlife and Countryside Act 1981 and The Countryside (or CROW) Act 2000. Bats are protected by; The Wildlife & Countryside Act 1981 (WCA and the Conservation of Habitats and Species Regulations 2010

7.4.2. UK bats and their roosts are protected by law. You will be committing a criminal offence if you:

- Deliberately capture, injure or kill a bat
- Intentionally or recklessly disturb a bat in its roost or deliberately
- disturb a group of bats
- Damage or destroy a bat roosting place (even if bats are not
- occupying the roost at the time)
- Possess or advertise/sell/exchange a bat (dead or alive) or any part
- of a bat
- Intentionally or recklessly obstruct access to a bat roost
- 4 Penalties on conviction - the maximum fine is £5,000 per incident or per bat (some roosts contain several hundred bats), up to six months in

13

INDEPENDENCE, INTEGRITY AND EXPERTISE OVER A DECADE OF SERVICE

t : 0777 3991474 e : admin@woodsman-arb.co.uk w : www.woodsman-arb.co.uk

a : 9A Tankerville Place - Jesmond - Newcastle upon Tyne - NE2 3AT



prison, and forfeiture of items used to commit the offence, e.g. vehicles, plant, machinery.

7.4.3. When carrying out tree works contractor must carry out a specific 'bats in trees risk assessment' which can be obtained from the 'Arboricultural Association' or the 'Bat Conservation Trust' (BCT). If evidence of bats is found work must stop immediately and Natural England Batline contacted (0845 1300 228). A further inspection may well be required by a licensed bat handler or roost visitor.

7.4.4. No visual signs were found to indicate the presence of bats in the surveyed trees although a number of trees within the study area display characteristics found favourable to bats and as such caution must be exercised.

7.4.5. For birds as with bats there is an obligation to carry out visual checks prior to works commencing. Where possible tree works should be carried out in order to avoid the bird nesting season during the period from August to the end of February.

## Appendices

### I. Notes on Tree Assessment

The trees on site have been assessed and categorised as follows according to BS 5837 (2012) Trees In Relation To Construction Sites: Recommendations.

#### Category U Trees:

Trees unsuitable for retention. Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.

#### Category C Trees:

Those of low quality and value: Currently in adequate condition to remain until new planting could be established or young trees with a stem diameter below 150mm. These trees although of some value should not be allowed to affect the design of the site layout as they can easily be replaced.

#### Category B Trees:

Those of moderate quality and value: those in such a condition as to make a significant contribution for a minimum of twenty years. Site design should where practicable retain these specimens.

#### Category A Trees:

Those of high quality and value: in such a condition as to be able to make a substantial contribution for a minimum of forty years. Site design should seek to retain these trees wherever it is practicable to do so.

## II. Tree Details

### Tree Table Details

- **Tree number:** An individual identifying number – usually relating to tree tag.
- TPO: Detail of Tree Preservation Order tree or group number
- **Common Name (Botanical Name)** Species identification is based on visual field observations. (Botanical name in brackets)
- **Retention Category:** For Retention category grading see cascade chart
- **Age Category:** Either an estimate (or statement if accurately known) of the age of the tree, classified as:
  - **Y** = Young tree, established tree usually up to one third of expected ultimate height & spread
  - **MA** = middle aged, usually between one third and two thirds of ultimate height & spread
  - **M** = Mature, more or less at full height but still increasing in girth & spread
  - **OM** = Over mature, grown to full size and becoming senescent,
  - **V** = Veteran tree, individuals surviving beyond the typical age range for the species
- **Stem Diameter:** Trunk diameter measured at 1.5 metres from ground level and recorded in millimetres. (Number of stems – MS = Multi stemmed)
- **Height:** Height estimated in metres. (Lower crown height - Height in metres of crown clearance above adjacent ground level)
- **Crown Spread:** Measurement of canopy from the trunk in metres - North, South, East, and West
- **Useful Life Expectancy:** Estimated Safe Useful Life Expectancy (SULE). Short: 0 – 10years Medium: 10– 20 Years, Intermediate: 20-40, Long: 40 + years.
- **Condition:** Physiological Condition;
  - Good = Healthy tree with good vitality.
  - Fair = Moderate health and vitality normal or slightly less for species and age,
  - Poor = Poor shape or form - signs of decline in crown, may have structural weakness.

16

- Dead = dead or dying tree
- **Comments:** Notes on tree condition and other points of interest.
- **Recommendations:** Management recommendations – actions required.
- **Works Priority:**
  - A - Works to achieve safety or to facilitate the development.
  - B - Works to achieve higher levels of arboricultural management.
  - C - To improve the aesthetic appearance.
- **Root Protection Area (Radius) m:** The distance at which the protective barrier should be erected measured in a radii.
- **Root Protection Area m<sup>2</sup>:** The area of RPA required.
- **Root Protection Area Square (m):** The RPA area as a square.
- **Bat Roost Potential:**
  - None – No significant bat roost features.
  - Low – Only minor significant bat roost features.
  - Moderate – Some notable bat roost features.
  - High – Significant or multiple bat roost features.
  - Confirmed – Confirmed bat roost.
- **Potential for Future Growth:** H – High potential for future growth - A substantial increase in tree dimensions can be expected. M – Medium potential for future growth - A significant increase in tree dimensions can be expected. L – Low potential for future growth - A small increase in tree dimensions can be expected. N – No potential for future growth - Tree considered to be at full size, or only very slow growth anticipated.
- **Pruning:** Removal of living or dead parts of a tree.
- **Crown Cleaning:** The removal of dead, dying or diseased branch-wood, broken or crossing branches or stubs left from previous tree surgery operations unwanted objects, ivy, other climbing plants and general debris/rubbish.
- **Deadwood Removal:** Removal of significant dead and dying branches and limbs from the tree.
- **Crown Lifting:** Removal of all growth and branches below the height specified.
- **Crown Reduction:** Reduction of the complete outline of the canopy, pruning to appropriate growth points and leaving a natural silhouette.



**WOODSMAN**  
Arboricultural Consultancy

THE JARVIS ROAD REPORTS  
18.01.17  
25.07.17  
25.07.17

T1	Name Botanical Name	Retention Category	Age Category	Stem Diameter - mm (No of Stems)	Height - m (Lower Crown Height)	Condition	Upry Life expectancy	North	South	East	West	Comments	Preservation/Action	Mark Priority	Root Protection Area R Radius (m)	Root Protection Area R Area (m <sup>2</sup> )	Root Protection Area Square (m)	Lithology of Protected Species Occupancy	Ground Potential
T1	Sycamore (Acer pseudoplatanus)	U	SM	320 340 (2)	9.5	G	40 +	5	5	5	5	Stem divides below 1.5m. Tree self- seeded and growing in direct contact with boundary wall and sub-station. Tree should be removed before growth causes direct pressure damage to adjacent structures.	Remove tree and root. Or crown raise to give 4m clearance from ground level mover site.	A	5.6	96.5	9.9	1	H

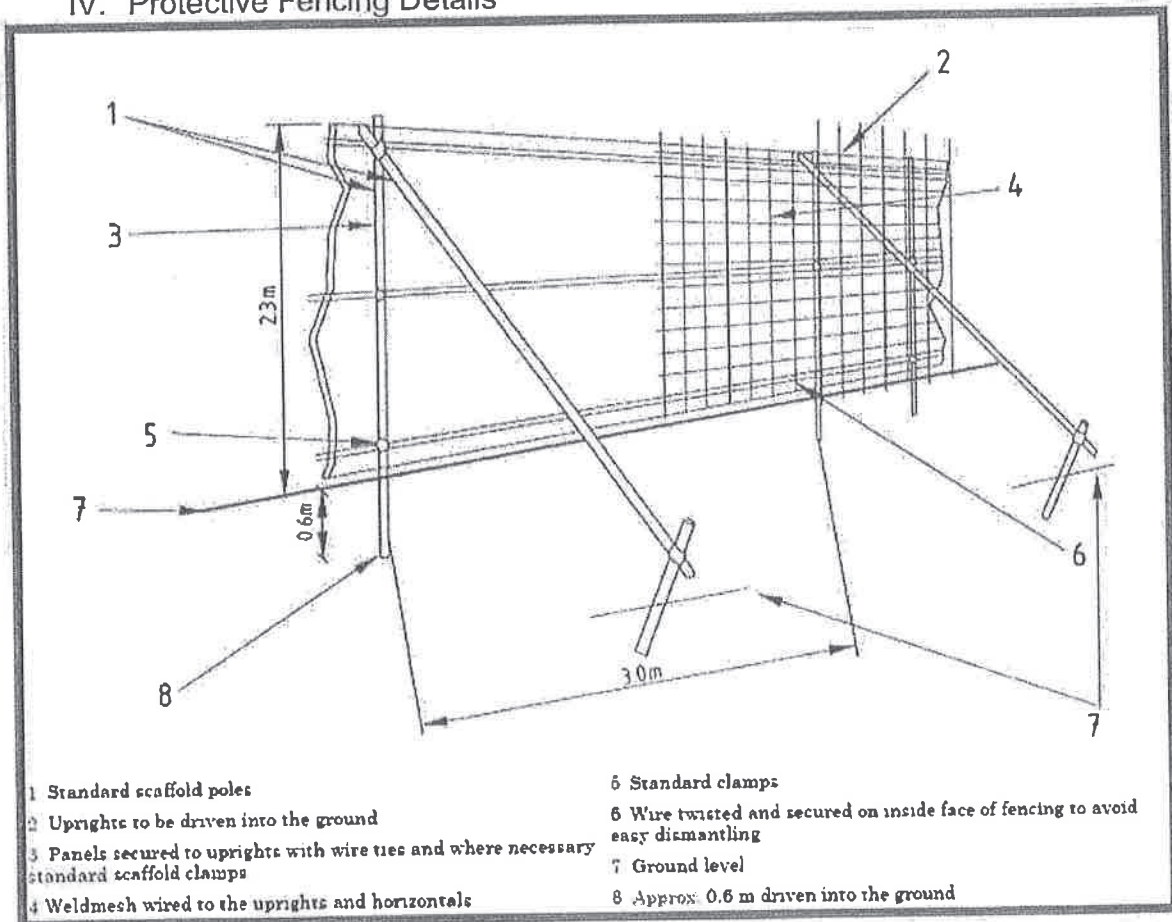


### III. Cascade Chart for Tree Quality Assessment

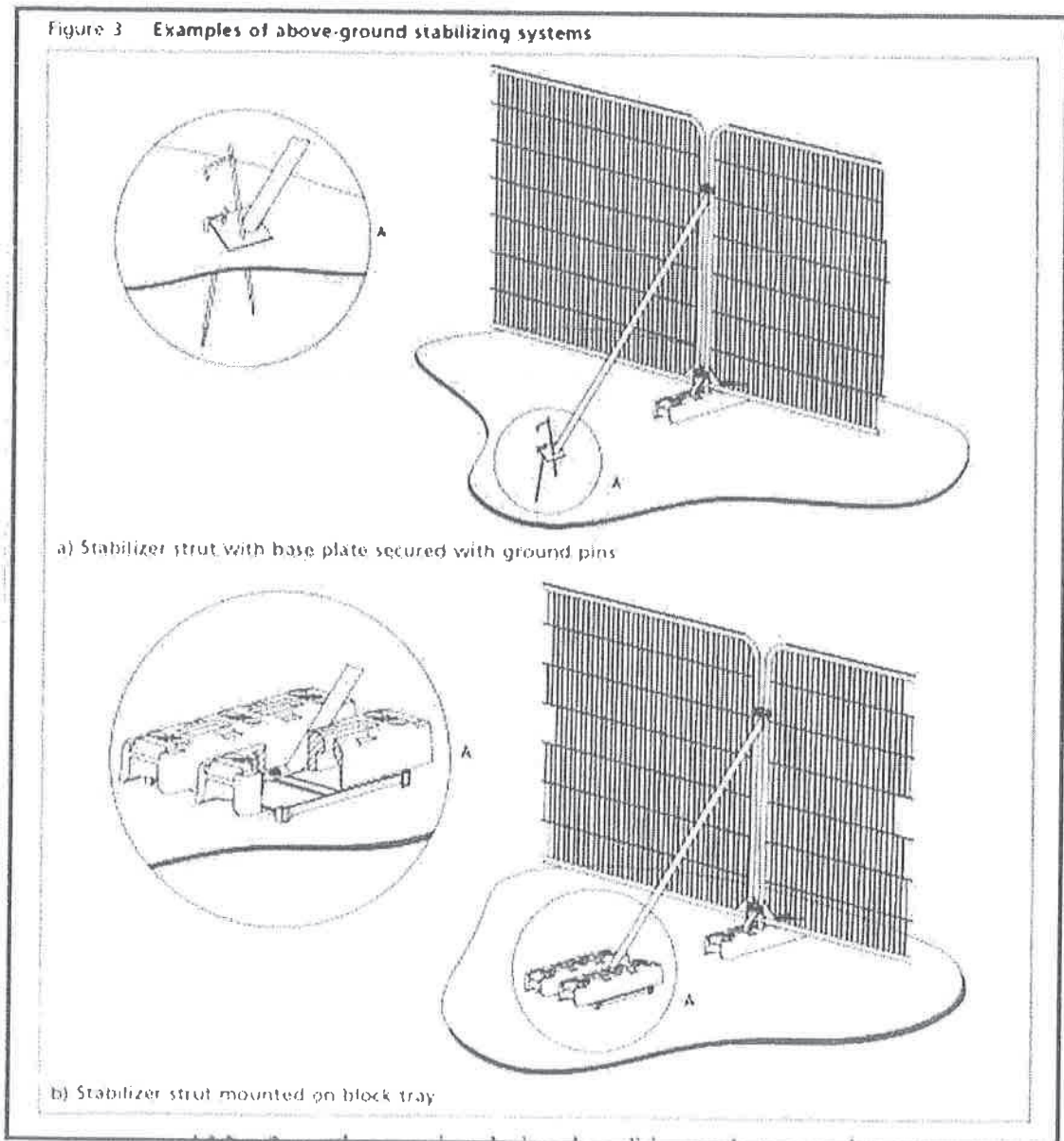
Category and definition	Criteria	Identification on plan
<p><b>Category U</b> Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years</p> <p><b>TREES TO BE CONSIDERED FOR RETENTION</b></p> <p><b>Category and definition</b></p> <p><b>Category A</b> Those of high quality and value in such a condition as to be able to make a substantial contribution (a minimum of 40 years is suggested)</p> <p><b>Category B</b> Those of moderate quality and value: those in such a condition as to make a significant contribution (a minimum of 20 years is suggested)</p> <p><b>Category C</b> Those of low quality and value: currently in adequate condition to remain until new planting could be established (a minimum of 10 years is suggested), or young trees with a stem diameter below 150mm</p>	<p>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</p> <p>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</p> <p>Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</p> <p><i>NOTE: Category U trees can have existing or potential conservation value which it might be desirable to preserve;</i></p> <p><b>Criteria - Subcategories</b></p> <p><b>1 Mainly arboricultural values</b> Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)</p> <p><b>2 Mainly landscape values</b> Trees, groups or woodlands which provide a definite screening or softening effect to the locality in relation to views into or out of the site, or those of particular importance (e.g. avenues or other arboricultural features assessed as groups)</p> <p><b>3 Mainly cultural values, including conservation</b> Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood pasture)</p>	<p><b>DARK RED</b></p> <p><b>LIGHT GREEN</b></p> <p><b>MID BLUE</b></p> <p><b>GREY</b></p>



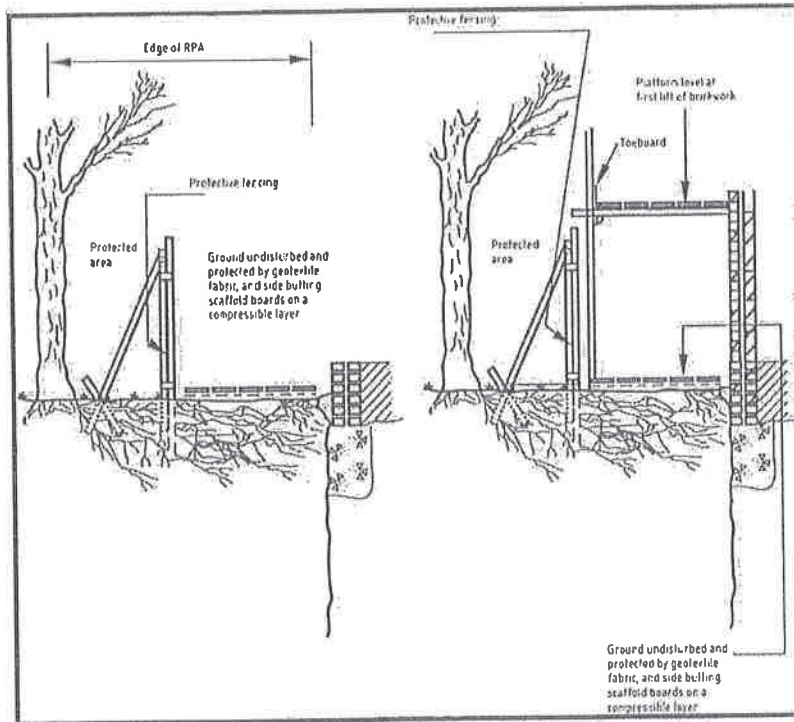
#### IV. Protective Fencing Details



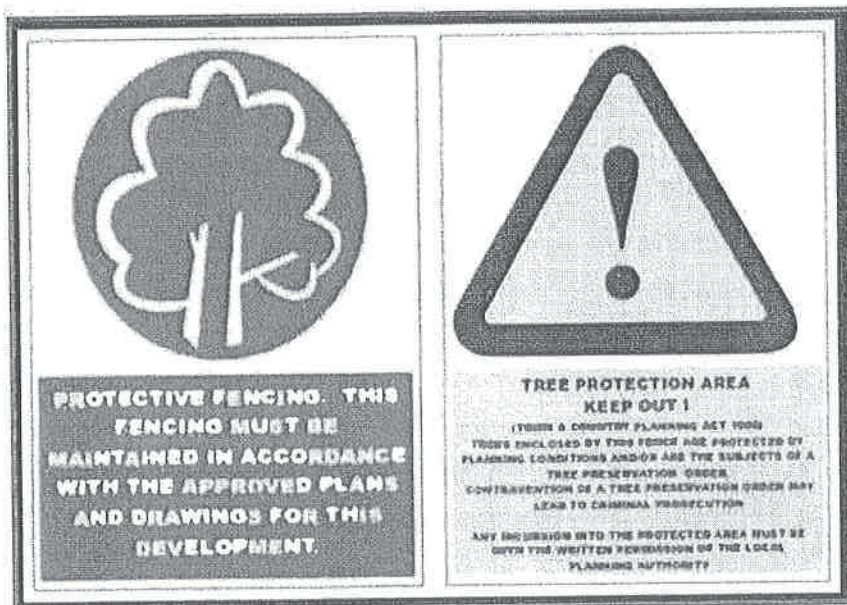
## V. Protective Fencing With Above Ground Stabilization



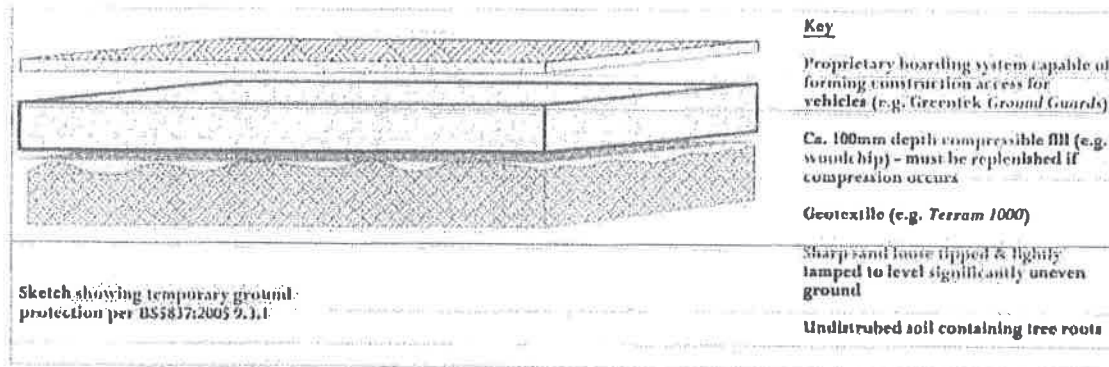
## VI. Erection of Scaffolding Within Root Protection Areas



## VII. Signs For Placement On Protective Fencing



## VIII. Temporary Ground Protection Layers



## IX. Scope of Report

This report has been produced in order to fulfil planning requirements and to ensure that best practice procedures are enforced prior to construction design in accordance with BS 5837 (2012) *Trees in relation to construction: - Recommendations.*

Tree conditions and amenity values have been assessed with regards to their suitability for retention during and following the proposed construction in accordance with the BS: 5837. (2012)

### a. Limitations

This report has not been designed as a hazard assessment or safety report and should not be used as such. As such only major visual tree defects are commented upon where appropriate.

This report makes no comment on any trees ability to cause either direct or indirect damage to buildings, walkways and other utilities other than where direct pressure damage is immediately and obviously foreseeable.



Trees are dynamic and changing structures and this report comments on tree condition as assessed on the day of surveying.

Please note that where trees in close proximity are selectively removed other adjacent specimens are initially more prone to failure due to increased wind loads. Given time healthy trees can adapt to this increased wind stress.

Further to this report it is recommended that all trees in areas where failure may result in significant risk of damage to people or property be assessed for hazard on an annual basis in order to fulfil the owner's duty of care.

#### b. Survey Methodology

All trees were assessed from ground level only using visual assessment techniques. Heights and crown spreads have been measured using a laser hypsometer and tree diameters have been measured using a girth tape at 1.5m or where multi-stemmed immediately above the root flare as prescribed in the BS: 5837: 2012 *Trees in relation to construction - Recommendations*. No further inspection beyond this visual assessment has been carried out. Some measurements may have been estimated.