



DOWN TO EARTH

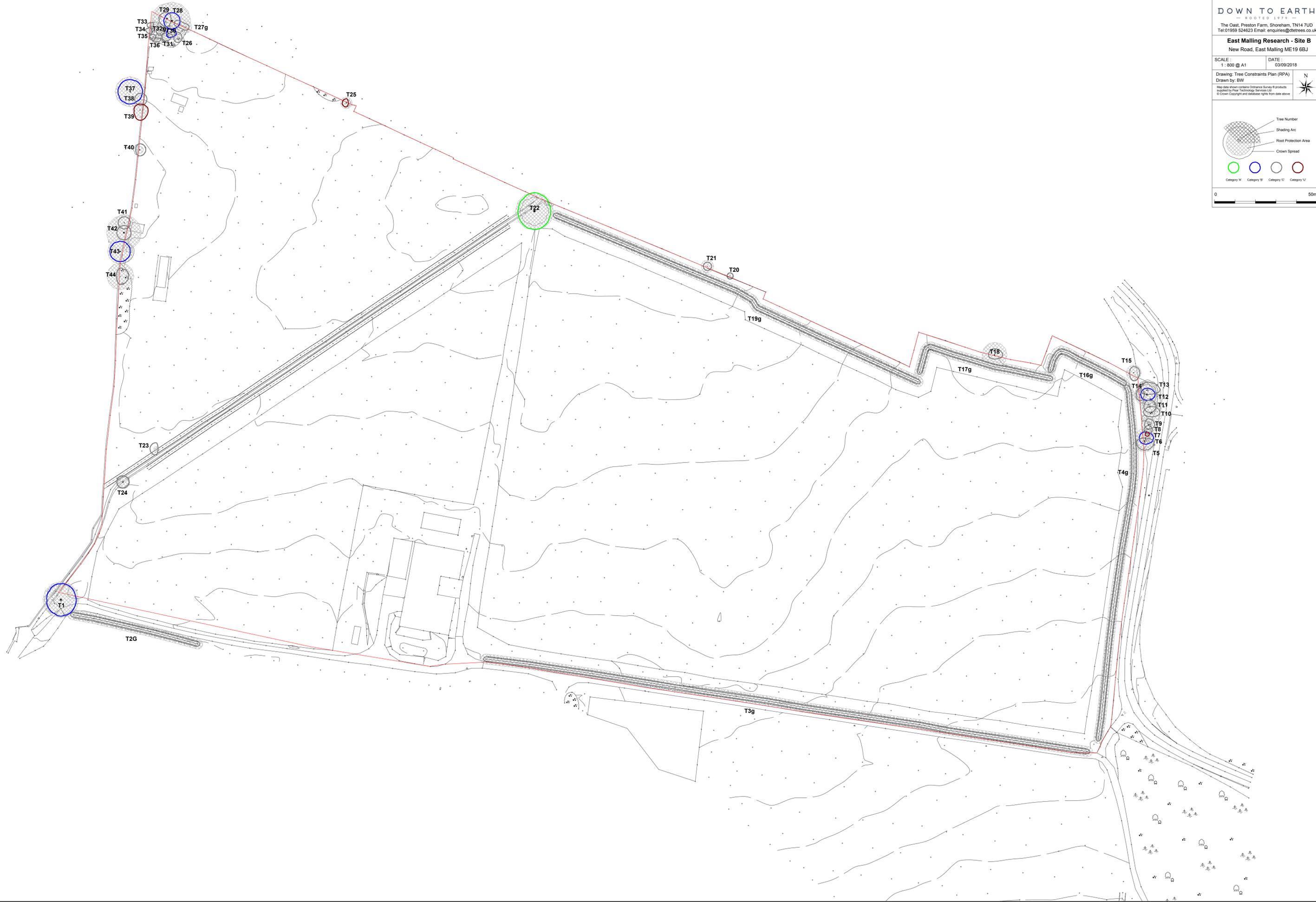
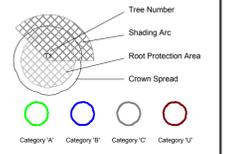
EST. 1977
The East, Preston Farm, Shoreham, TN14 7UD
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East Malling Research - Site B
New Road, East Malling ME19 6BJ

SCALE: 1:800 @ A1 DATE: 03/09/2018

Drawn by: BW

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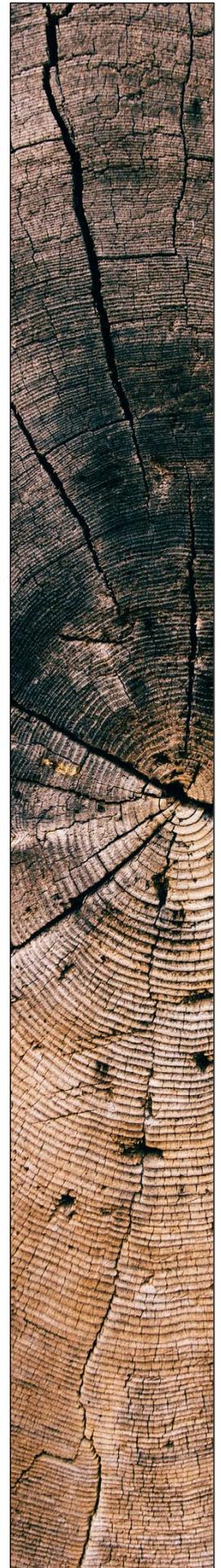
Arboricultural Report To BS 5837:2012

Appendix III

Tree Protection Zone Sign (for barriers)
Statutory Restrictions to Tree Work
List of References



DOWN TO EARTH
— ROOTED 1979 —





TREE PROTECTION ZONE

KEEP OUT - DO NOT MOVE THIS FENCE

CONTACT DOWN TO EARTH TREES ON 01959 524623 FOR ADVICE

ARBORICULTURAL MANAGEMENT BY:

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E A R T H**

**TREE SURVEYING
& CONSULTANCY**



Statutory Restrictions to Tree Work

Tree Preservation Orders (TPO)

In accordance with sections 197 and 198 of the Town and Country Planning Act 1990 (as amended) Local Planning Authorities have powers to make Tree Preservation Orders, to protect trees when consenting to development or where deemed expedient in the interests of amenity and their value to the quality of the local environment. The Act and associated government guidance recognises the positive impact that trees can have on the local environment and its enjoyment by the public and those who live there.

Typically, trees worthy of protection include those visible from a public place (such as a road or footpath), although this does not always need to be the case. Trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development. The value of trees may be enhanced by their scarcity; the value of a group of trees or woodland may be collective only. The tree/s individual and/or collective visual impact is assessed as well as their wider visual impact, taking into account their suitability to the local setting. Other factors such as importance as a wildlife habitat may be taken into account. The benefit of protecting trees may be for their present or future contribution to amenity or the environment.

Tree Preservation Orders are one means of protecting trees. Once a TPO is placed on a tree or trees, the owner must obtain written consent from the Local Planning Authority before undertaking any works – this can take up to 8 weeks or longer in exceptional circumstances. A TPO does not necessarily prevent works being undertaken to a protected tree, rather, it allows the Local Planning Authority to assess (through a free application process) the acceptability of the proposed works, having regard to their extent, arboricultural justification (as defined by the relevant British Standards), the condition and amenity value of the tree/s, and their setting. It prevents otherwise unnecessary loss of or damage to trees whilst allowing for appropriate maintenance to be undertaken.

Undertaking work to protected trees without Local Authority consent is a criminal offence carrying fines of up to £20,000 for wilful destruction and up to £2,500 for wilful damage.

Conservation Areas

In accordance with the Planning (Listed Buildings and Conservation Areas Act) (1990) and in consultation with English Heritage, Local Authorities have powers to designate areas of special architectural or historical interest as 'Conservation Areas' to preserve their character and appearance. Trees can form an intrinsic part of the character and appearance of such areas, hence the Act prohibits any works to trees therein with a stem diameter measuring in excess of 75mm at a height of 1.5 metres from ground level.

Prior written notice must be given to the Local Authority of the intention to carry out works to trees in Conservation Areas; the notice should contain a sufficient level of detail to allow the Authority to reliably identify the subject trees and a clear description of the proposed works to allow the Authority to make an informed decision. Following receipt of a written notice (and issue of written acknowledgement to this effect), the Authority have a statutory timeframe of 6 weeks to determine the notice, either raising no objection to the works (either by issuing a written decision with or without informatives, or allowing the 6 weeks to elapse), or raising objection and making a TPO.

The authority's decision must be received or the 6 weeks period expired before works can proceed (assuming a TPO has not been made).

Penalties for carrying out works to trees in Conservation Areas without Local Planning Authority consent are the same as those for unauthorised work to trees protected by TPO.

Wildlife and Countryside Act 1981 (as amended by the Countryside Rights of Way Act 2000) and The Conservation of Habitats and Species Regulations 2010)

Under this legislation, it is an offence to disturb or damage any existing or potential wildlife habitat within a tree. Pre-work surveys may be necessary to ascertain likelihood of bat roosts within dead wood, ivy or cavities and bird nests within the canopy of the tree. Work scheduling must be carefully planned around bird nesting season and delayed if necessary. If any evidence of a bat roost is discovered during normal working procedure, all site work must cease immediately and The Bat Trust contacted on 0845 1300 228 for immediate emergency advice. Natural England can be contacted on 03000 604 970 and may also be consulted in relation to habitat issues pertaining to Bats and Schedule 1 Birds.



List of References

British Standards Institute, *British Standards (BS) 5837:2012 Trees in Relation to Design, Demolition and Construction -Recommendations* (BSI – 2012)

British Standards Institute, *British Standards (BS) 3998:2010 Tree Work -Recommendations* (BSI – 2010)

D. Lonsdale, *Principles of Tree Hazard Assessment and Management* (2013 edition - TSO)

C. Mattheck & H. Breloer, *The Body Language of Trees* (TSO - 1994)

R.G. Strouts & T. G. Winter, *Diagnosis of Ill- Health in Trees* (7th Impression, TSO - 2013)

F.W.M.R. Schwarze, J. Engels & C. Mattheck, *Fungal Strategies of Wood Decay in Trees* (2012 Edition - Springer)

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(ENSPEC - 2008)