

Tree Survey and Impact Assessment

*for land at
Woodfords,
Shipley Road,
Southwater,
Horsham,
West Sussex
RH13 9BQ*

Client
Bellway Homes Limited (South London)

October 2025

2463-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevC

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CAVEATS

This report has been prepared for planning purposes only. It is not intended for the detailed design of foundations that requires a much finer level of detail to ensure a cost-effective scheme of foundations.

This report considers the health and safety of the trees in their context at the time of survey. Trees are natural organisms subject to change, and a range of weather conditions, therefore, this report can only be relied on for a period of twelve months or immediately prior to detailed designing of site layout (if phased) to ensure hazards posed by trees can be identified and resolved.

We rely on Council and Government websites for factual information in respect of sites. Experience reveals these are not always reliable. Further checks should be made in advance of undertaking any work to trees.

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Document history

Revision	Issue Status	Details	Approved/Date
Rev0	Final	Initial combined Tree Survey and Impact Assessment	JK / 28 August 2025
RevA	Final	Updated Impact Assessment	JK / 05 September 2025
RevB	Final	Updated Impact Assessment	JK / 29 September 2025
RevC	Final	Updated Impact Assessment	JK / 07 October 2025

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1.0 Introduction

1.1 The site benefits from an outline planning permission (DC/21/2180) which established the overarching principles concerning tree loss. This has been built upon in the application material for the reserved matters application (RMA) and detailed approval is now sought for final design layouts. This report updates the prior arboricultural assessment and tree survey submitted with the outline planning application ("OPP"). This report includes an updated tree survey and considers the impact of the detailed layout design submitted.

1.2 In this report we consider the proposals for development of the site. We consider those proposals in relation to the survey of trees we conducted as part of the site analysis. The development is described as:

Reserved matters application for the erection of up to 73 No. dwellings, open space and child play provision, residential parking facilities and associated infrastructure, including access arrangements following outline application DC/21/1820, relating to layout, scale, appearance and landscaping.

Site description

1.3 The site lies within Shipley Parish in Horsham District Council. The site lies adjacent to the southern edge of the settlement boundary of Southwater.

1.4 The site comprises a parcel of land to the east of Shipley Road (c. 4.1 hectares) comprising partly previously developed land, namely Woodfords, associated outbuildings and areas of hardstanding, and partly greenfield land which make up the sites surrounds. The main dwelling on-site is known as 'Woodfords', which is considered by the Council to be a non-designated heritage asset. The site has an existing vehicular access point from Shipley Road.

1.5 The site is bisected by a treeline which splits the northern and southern portion of the site.

1.6 The boundary with Shipley Road is tree lined with trees of varying quality. Most of these are native but there is a large section of Leyland cypress that abuts the garden that has become outgrown.

1.7 Along the northern boundary of the site is a closely spaced row of English oak trees that makes a strong landscape feature.

- 1.8 Along the south-eastern boundary is a more open row of English oak together with associated hedgerow. Trees at the southern end have been pruned to provide clearance from overhead wires.
- 1.9 Along the southern boundary is a hedgerow containing occasional English oak.
- 1.10 Around the dwelling is a collection of ornamental trees together with one larger oak tree that stands adjacent to driveway.

Statutory controls and designations

- 1.11 At the time of the tree survey we checked the online portals, including Horsham District Council's Interactive Local Plan Mapping and Tree Preservation Order Mapping, for statutory protection of trees applicable to the site. Online portals are not always reliable so before works are undertaken to trees a direct enquiry with the Council should be made.
 - **TREE PRESERVATION ORDERS** - details were available online and showed that there IS a Tree Preservation Order protecting trees along the northern edge of the site. A copy of the Tree Preservation Order is attached at Appendix 4.
 - **CONSERVATION AREAS** - details were available online and confirmed that the site IS NOT within a Conservation Area.
 - The MAGIC information portal revealed that Ancient and Semi-Natural Woodland IS located adjacent the north eastern tip of the site. Land upon the site IS NOT listed on the Priority Habitat Inventory - Deciduous Woodland (England)
 - The online portal of the Woodland Trust, Ancient Tree Inventory, revealed that there are NO veteran trees recorded on site.
- 1.12 Nationally adopted guidance has been followed in the preparation of this report. *BS5837:2012: Trees in relation to design, demolition and construction – Recommendations* sets out a structure approach to considering trees during the development process. Guidance is given on the surveying of trees, the protected space that should be allocated to trees, what elements may give rise to harm to trees and what techniques can be deployed to minimise harm.
- 1.13 Sustainable development requires the coordination between disciplines throughout the project, accordingly the package of arboricultural information supports the design process and follows through to construction ensuring effective tree protection. We recognise the need to integrate with other disciplines to achieve a balanced approach to development proposals.

1.14 We set out how our key elements interact with others at [Appendix1](#) of this report. The appendix provides comprehensive information about the stages of providing tree information within the planning process.

1.15 Further explanatory notes about tree survey information are given in [Appendix2](#).

2.0 Tree survey

2.1 The objective of this tree survey is to assess the significant trees and woody vegetation on the site to obtain dimensions, assess their quality and evaluate their condition to provide sufficient information to enable decisions to be made on planning aspects of the site and its potential development.

2.2 The tree survey:

- was conducted on the 12 June 2025 by Jago Keen, MSc, Dip.Arb., MArborA, MICFor from ground level, in accordance with the guidance in British Standard BS5837:2012 *Trees in relation to design, demolition and construction – Recommendations*;
- is intended for planning purposes only;
- is not intended for the detailed design of foundations (further information upon vegetation can be provided upon request);
- is not a detailed health and safety condition survey of trees;
- recommends only preliminary works. Tree works required to achieve the scheme of development will be considered as part of the Impact Assessment and detailed on the Tree Protection Plan; and
- places reliance on the topographical survey.

2.3 Details of each tree are recorded in the Schedule of Trees at [Appendix3](#).

- 2.4 Site soil investigations have not been conducted, instead the (online) 'Geology of Britain Viewer' that contains British Geological Survey materials © NERC [2018] reveals the following soil information:
- Bedrock geology: Weald Clay Formation - Sandstone.
 - Superficial deposits: None recorded.
- 2.5 Survey information is used to prepare the constraints posed by trees on development. These constraints are shown on the Tree Constraints Plan. The Plan shows root protection areas prescribed by the guidance within BS5837 paragraph 4.6.2 and adjusted where appropriate as recommended in subsequent paragraph 4.6.3. The root protection area (RPA) is the minimum extent of rooting required to sustain the tree.
- 2.6 Trees change over time hence the contents of this survey can only be relied upon for a period of up to two years. The survey should be refreshed after two years or immediately prior to the design of detailed site layouts where they are phased.

3.0 Application of survey information

- 3.1 Trees place constraints on sites but they also provide opportunities in order to achieve optimum use of the site and location of built structures. This is set out below:

Avoid

The starting point of site layout design should be to avoid the RPA. Ideally, structures should be outside the root protection area to provide working space for construction however protection measures can be taken if such clearance, in isolated cases, is not achievable.

Mitigate

Where intrusion within the RPA is unavoidable then its impact on the tree can be mitigated by specialist measures:

- a) Foundations that avoid trenching e.g. screw piles, suspended floor slabs or casting at ground level for lightweight structures such as bin and cycle stores.
- b) Limited use may be made for parking, drives or hard surfaces within the root protection areas, subject to advice from a qualified arboriculturist. Cellular confinement systems that enable hard surfaces to be built above existing soil levels are acceptable methods.
- c) Service runs that cannot be routed outside the root protection area(s) can be installed by, for example, thrust boring, directional drilling, air excavation or hand digging. These operations often require supervision by the project arboriculturist.

Compensate

Replacement planting can ensure the continuity of tree cover where tree removal is unavoidable. Offsite provision may be considered in some circumstances but this will require negotiation with the local planning authority.

4.0 Assessment of impact upon trees

Basis of assessment

- 4.1 This assessment references the guidance and policy documents listed in Table 1 below:

Table 1 - List of documents used to inform the impact assessment

Originator	Title/Reference
British Standards Institute	<i>BS5837:2012 Trees in relation to design, demolition and construction – Recommendations (2012)</i>
Trees and Design Action Group	<i>Trees in the townscape: A guide for decision makers (2012)</i>
Ministry of Housing, Communities and Local Government	<i>National Planning Policy Framework (NPPF) (2024)</i>
Horsham District Council	<i>Horsham District Planning Framework (2015)</i>

- 4.2 This assessment will consider the impact upon trees of implementing the proposals shown on the drawings listed in Table 2 below:

Table 2 - List of drawings referred to in the impact assessment

Originator	Drg No	Title
Mode Transport Planning	J32-4384-011	Proposed Access Arrangement (an outline planning application (DC/21/2180) drawing)
Ardent	2108061_A-ACE-XX-00-DR-C-0502 Rev B	Proposed Site Access Arrangement
Allen Pyke	3424-APA-ZZ-XX-PP-L-2001 to 2003 Rev P02	Planting Plan 1 to 3
Ardent	2108061_B-ACE-XX-DR-C-0501_Drainage Strategy	Concept Drainage Strategy
Ardent	2108061_B-ACE-XX-XX-DR-C-0101-A_Levels Strategy	Concept Levels Strategy
Keen Consultants	2463-KC-XX-YTREE-TCP01Rev0	Tree Constraints Plan
Keen Consultants	2463-KC-XX-YTREE-TPP01RevC	Tree Protection Plan

- 4.3 Site proposals considered in this application include:

- Residential dwellings
- Access, parking and other hard surfaces
- Utilities, services and SuDS schemes
- New and replacement tree planting

- 4.4 National planning policy (paragraph 136 of the NPPF refers) makes clear the important contribution made by trees to the character and quality of built environments. Trees help to mitigate and adapt to climate change. The application proposals are respectful of the benefits trees provide and have been developed to ensure the retention of trees and the incorporation of new trees within the layout. Not only do the proposals accord with national policy they meet the requirements of Horsham District Planning Framework Policy, particularly policy 31 – Green Infrastructure and Biodiversity.
- 4.5 In summary, the proposals have built upon the expected layout of development envisaged at the outline application stage. Similarly, drainage proposals accord with the drainage strategy that informed the outline application but have been enhanced to reduce impact on retained trees. Proposals result in a broadly similar level of tree impact as the outline scheme, avoid material impact to the retained trees and propose substantial planting to deliver a net gain of tree cover across the site.

Impact of application proposals

- 4.6 The proposed vehicular access (prepared by Ardent and listed in Table 1 above) is slightly different in geometry than that consented under outline planning permission DC/21/2180 (prepared by Mode Transport Planning and listed in Table 1 above). In the location of the consented access, five trees were showed for removal from the linear collection of mostly English oak that stand alongside Shipley Road (tree group 23 in the tree schedule). The proposed revised access will require only the loss of four trees from the group. Both the consented and now proposed access require the loss of a section of the understorey that lies below the dominate oak trees (tree number 22 in the schedule). As a result, the proposed impact on the roadside tree belt is less than that already consented so reducing the impact on the character of the lane.
- 4.7 The consented pedestrian access was shown to pass through the same linear collection of trees along Shipley Road (group numbers 22 and 23). To avoid tree loss and to minimise the impact on trees further, the route of the pedestrian path has been altered to make use of an existing old farm access. This ensures the path can be constructed, in part, over the existing track that crosses the roadside ditch before then passing through an open area. This minimises disturbance to adjoining trees. The path will adopt a no-dig form of construction to ensure the retained trees are not materially compromised by the path. Where the path passes close to retained tree stems it can be locally narrowed. Where narrowed the edges of the path can be retained by a detail sympathetic to nearby tree location. The proposed headwall can be constructed using a concrete-filled bag system to avoid the need to cast foundations. This enables the headwall to be formed without material harm to the retained proximate trees.

- 4.8 The layout of dwellings follows the principles laid out in the masterplan that informed the outline planning permission. They are arranged within the open paddocks and result only in the loss of mainly low quality and value trees clustered around the existing dwelling and outbuildings. This tree loss is shown on the Tree Protection Plan. The loss includes some moderate quality tree features such as the sections of hedge that define the edge of the garden space (hedge number 63) and an ornamental fir (tree number 6). Their loss is necessary to optimise the site layout and deliver the scheme envisaged at outline planning stage.
- 4.9 In the north east corner of the site a SUDS basin is proposed. It follows the principles of the drainage strategy that were agreed as part of the outline planning consent. However, the basin has been redesigned to move it further from the trees that lie around the boundaries of this area. The redesigned basin does lie marginally within the buffer zone of the ancient woodland that lies outside the site but where it does so it is only the bank of the basin that protrudes, and this is built up above existing levels. Combined with the fact there is a deep ditch at the edge of the ancient woodland the proposed basin results in no material change to the growing conditions of the trees the woodland contains.
- 4.10 Rather than a subterranean piped outfall to the ditch (as was set out in the outline planning consent) it is now proposed to form a shallow swale leading from the basin to the ditch. This swale is formed in the upper soil layers, above base of ditch. This results in no material harm to the retained trees. Discharge rates from the basin are at current run-off rates and therefore result in no material change to the hydrology within the woodland. This therefore accords with Natural England standing guidance that advises SUDS features may be placed within the buffer to ancient woodland as long as they result in no material harm to individual trees nor to the hydrology of the woodland.
- 4.11 A further SUDS basin lies in the south east corner of the site. It can be formed outside the root protection area of the retained trees and therefore result in no material harm to them. A swale leads from the basin to the nearby ditch. It will pass through the hedgerow but not result in material loss that detracts from the overall amenity provided by the hedgerow features.
- 4.12 Both the above basins, and their swales, can be installed under arboricultural monitoring to ensure the protection measures, and methodology of installation, are observed and specialist advice provided whilst works are in progress.
- 4.13 A revised access to the existing dwelling has been located west of the oak tree, number 5. It has been carefully located outside the root protection area of this tree and permits the removal of the existing track that lies at the base of the tree. Returning the existing track to soft ground will enhance the growing environment of the tree. The revised line of the track does require the loss of an ash tree (number 13) that is showing advanced Ash Dieback. This tree will be lost in any event due to the disease.

- 4.14 In the northern part of the site there are sections of proposed footpath located within root protection areas. Achieving hard surfaces close to trees is possible but some important factors need to be considered, factored in to design and feasibility and then implemented correctly.
- 4.15 BS5837 provides guidance within section 7.4 on what are acceptable methods to achieve hard surfacing within a root protection area. The conditions and ground levels on this site are favourable to achieving these levels. In this instance there is scope to achieve the hard surfaces by building them above existing levels. The depth of sub-base and surfacing can be minimised by using cellular confinement systems. This follows the principles of 'no-dig' construction to achieve hard surfaces that do not require excavation, do not result in the loss of roots, and do not result in harm to the rooting environment once the surfaces are in use.
- 4.16 Site specific drawings have been produced to show the areas where the principles of no-dig construction are required. Typical construction details of these surfaces are shown on the Keen Consultants' Tree Protection Plan.

Impact of drainage and services

- 4.18 The proposed drainage routes are located outside root protection areas of retained trees other than the north eastern and south eastern connections to the existing ditches. Here, the impact on trees is minimised through the use of shallow swale outfalls. The existing ditches between the trees and swales has influenced the real rooting pattern such that the swales are unlikely to encounter any significant roots of the trees.
- 4.19 Service installation routes are not shown on the proposed layout but there is ample scope to locate them outside of root protection areas and require no specialist measures for their installation.
- 4.20 If, subject to any changes to the drainage and services, there is a need for them to be installed within root protection areas then specialist techniques for their installation will be needed. Such specialist techniques include moling, thrust-boring, broken trench or excavation by AirSpade.
- 4.21 No other installations, including mechanical and electrical equipment, are proposed in an area that would be of detriment to trees.

5.0 New and replacement tree planting

- 5.1 The development proposals bring forward opportunity to plant a selection of trees throughout the development. Introduction of trees along streets and within open spaces results in a net gain of trees across the site.
- 5.2 Retaining existing trees and introducing new trees ensures a resource of trees in places where residents and visitors alike will enjoy multiple benefits provided by the tree stock. In so doing the tree stock will be able to withstand climate change, protecting and enhancing the resources of soil, air, water, landscape, amenity value, culture and biodiversity, and increasing the contribution that trees make to the quality of life. In that respect the proposals are in line with the very latest guidance, in terms of integrating trees with built form, contained in *Trees in the townscape: A guide for decision makers* produced by the Trees and Design Action Group and the requirement of paragraph 136 of the National Planning Policy Framework.
- 5.3 Those multiple benefits of this new tree planting, as part of the site's green infrastructure, include contribution to open space, enhancement of sustainable drainage systems, and enhancement of biodiversity. In addition, as those new trees develop, so they will further contribute to local climatic regulation and, where they stand within the sun path of proposed buildings or surfaces within the development, they will minimise solar gain during summer months, and provide an accessible choice of shade and shelter.

6.0 Protection of trees during construction

- 6.1 To ensure the retained trees are safeguarded a tree protection plan has been prepared to show the location of protective measures. These measures need to be implemented in advance of construction and maintained until such time as soft landscape proposals require their removal.
- 6.2 In some instances specialist construction techniques or approaches are indicated on the protection plan. These shall be implemented in accordance with site progress.
- 6.3 In order to ensure the protective and specialist measures are understood, implemented and maintained a scheme of monitoring and supervision shall be put in place.

- 6.4 A scheme of supervision/monitoring shall typically include:
- a pre-commencement meeting;
 - a site visit by an arboriculturist at no more than one month intervals; and
 - a report to be prepared after each site visit and presented to the Council within 7 days of the visit.

7.0 Summary of impact assessment

- 7.1 The proposed development results in the loss of very few trees, most of which are low quality and value.
- 7.2 In places hard surfaces coincide with root protection areas but specialist measures can be deployed to minimise harm to trees.
- 7.3 Services and utility installation are sited remote from trees but if they do need to be located within root protection areas specialist measures can be deployed for their installation to minimise harm to retained trees.
- 7.4 New and replacement tree planting is provided as part of these development proposals. This new cohort of trees provide a net gain of tree cover, and enhances the diversity of that cover, to ensure sustainability of green infrastructure in the future.
- 7.5 The application proposals recognise the important contribution trees make to the character and quality of built environments, and the role they play to help mitigate and adapt to climate change. The proposals seek to retain existing trees and integrate new trees in accordance with the requirement of local and national planning policy.










Appendix 1

Introduction to key elements of tree information

Sustainable development requires the coordination between disciplines throughout the project, accordingly the package of arboricultural information supports the design process and follows through to construction ensuring effective tree protection.

Keen Consultants break the process down to coordinate with the key elements within both the RIBA Plan of Work (2020) and 'British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations', this is set out in the table and explained below.

Figure 1 - Keen Consultants co-ordinated approach with cross references to key guidance.

Keen Consultants Tree Information	RIBA Stage	BS5837
Tree Survey 	Stage 1: Preparation and Briefing 	Feasibility 
Impact Assessment 	Stage 3: Spatial Coordination 	Proposals 
Method Statement 	Stage 4: Technical design 	Technical Design 
Site Monitoring	Stage 5: Manufacturing and Construction	Demolition and construction

This cross referenced approach ensures trees are a material consideration and those to be retained will be safeguarded.

Tree Survey and Tree Constraints Plan

To inform the design and layout of the proposed development a tree survey has been undertaken to identify the size and quality of trees both within the site and immediately offsite. We have then used this information to prepare the Tree Constraints Plan drawing that shows the location of each tree, its size and the area around each tree that needs to be considered during the design process. Once prepared this information has been provided to the design team so that they know what constraints the trees pose.

Impact Assessment and Tree Protection Plan

During the design process the design team has consulted with the arboriculturist to ascertain if constraints may be breached, consider options emerging from the design and what spaces for new trees are needed.

Once the design was finalised an impact assessment has been prepared to accompany the planning application. The impact assessment demonstrates the proposals meet national and local planning policy and guidance. It demonstrates the benefits of the retained trees and incorporates new tree planting.

Another essential element of any application is the Tree Protection Plan.

Method Statement

This statement sets out in words how each element of work is undertaken in relation to the trees. It dictates when activities occur and the method that will be used to achieve them. It will also set out a scheme of monitoring and supervision.

Site Monitoring

Following the receipt of planning consent, it is a requirement that the installation of the protective barriers and ground protection are supervised, together with operations such as excavations or surfacing close to trees.

This varies according to the intensity of development near trees, the process is set out to ensure what is planned for in the Tree Protection Plan and method statement is delivered.

Appendix 2

Tree Survey Explanatory Notes

The survey of trees has been carried out in accordance with the criteria set out in Chapter 4 of *British Standard 5837:2012 Trees in relation to design, demolition and construction-Recommendations* (BS5837). The survey has been undertaken by the qualified and experienced arboriculturist detailed at Table 1 of this report and they recorded information relating to all those trees within the site and those immediately adjacent to the site which may be of influence to layout design.

The results are recorded in the Schedule of Trees at Appendix 3.

Schedule of trees

Appendix 3 presents details of the individual trees, groups and hedgerows including heights, diameters at breast height, crown spread (given as a radial measurement of cardinal points from the stem), age class, comments as to the overall condition at the time of inspection, BS5837 category of quality and suitability for retention, and the root protection area information.

General observations particularly of structural and physiological condition for example the presence of any decay and physical defect and preliminary management recommendations have also been recorded where appropriate.

Details of the individual trees, groups and hedgerows

All trees were assessed for their quality and benefits within the context of proposed development in a transparent, understandable and systematic way.

Individuals

The default position is to record each tree as an individual for its unique contribution to the landscape

Groups and woodlands

Trees have been assessed as groups where it has been determined appropriate by the surveyor. The term group has been applied where trees form cohesive arboricultural features either aerodynamically, visually or culturally.

Hedges and shrub masses

We consider a hedgerow to typically comprise a line of trees or shrubs that currently is subject to, or has undergone, a pruning regime to contain its dimensions.

For the tree survey hedgerows and substantial internal or boundary hedges (including evergreen screens) have either been recorded in the Tree Schedule, including lateral spread, height and stem diameter(s), or indicated on the Tree Constraints Plan.

A tree survey in accordance with BS5837 does not assess hedgerows against *The Hedgerow Regulations 1997* or specifically from an ecological perspective, as such would be outside the scope of the British Standard assessment.

Shrub masses are collectives of woody plants, rather than trees, and are recorded where they are a significant feature of the site. They have either been recorded in the Tree Schedule or indicated on the Tree Constraints Plan.

Individual trees within groups, woodlands and hedges

An assessment of individual trees within the groups has been made where there has been a clear need to differentiate between them for example, in order to highlight significant variation between attributes including physiological or structural condition or where a potential conflict may arise.

BS5837 Categorisation

Trees have been divided into one of four categories based on Table 1 of BS5837, 'Cascade chart for tree quality assessment'. For a tree to qualify under any given category it should fall within the scope of that category's definition (see below).

Category U trees are those which would be lost in the short term for reasons connected with their physiology or structural condition. They are, for this reason not considered in the planning process on arboricultural grounds. Categories A, B & C are applied to trees that should be of material considerations in the development process. Each category also having one of three further sub-categories (i, ii, iii) which are intended to reflect arboricultural, landscape and cultural or conservation values accordingly.

Please note that the estimated remaining life expectancy figures are taken for BS5837 and relate to their categorisation. The life expectancy figures are therefore arbitrary and may vary in reality.

Category (U)

Trees that have a serious irremediable structural defect such that their early loss is expected due to collapse and includes trees that will become unviable after removal of other category U trees.

Trees that are dead or are showing signs of significant, immediate or irreversible overall decline.

Trees that are infected with pathogens of significance to the health and/ or safety of other nearby trees or are very low quality trees suppressing adjacent trees of better quality.

Certain category U trees can have existing or potential conservation value which may make it desirable to preserve.

Category (A)

Shown green on Tree Constraints Plan: Trees that are considered for retention and are of high quality with an estimated remaining life expectancy of at least 40 years and with potential to make a lasting contribution. Such trees may comprise:

Sub categories

- 1) trees that are particularly good examples of their species, especially if rare or unusual, or are essential components of groups such as formal or semi-formal arboricultural features for example the dominant and/or principal trees within an avenue.
- 2) trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features.
- 3) trees, groups or woodlands of significant conservation, historical, commemorative or other value for example veteran or wood pasture.

Category (B)

Shown blue on Tree Constraints Plan: Trees that are considered for retention and are of moderate quality with an estimated remaining life expectancy of at least 20 years and with potential to make a significant contribution. Such trees may comprise:

Sub categories

- 1) trees that might be included in category A but are downgraded because of impaired condition for example the presence of significant though remediable defects, including unsympathetic past management and storm damage.
- 2) trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.
- 3) trees with material conservation or other cultural value.

Category (C)

Shown grey on Tree Constraints Plan: Trees that are considered for retention and are of low quality with an estimated remaining life expectancy of at least 10 years or young trees with a stem diameter below 150mm. Such trees may comprise:

Sub categories

- 1) unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.
- 2) trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value or trees offering low or only temporary/transient screening benefits.
- 3) trees with no material conservation or other cultural value.

Devising BS5837 root protection areas

Default situation

The root protection area is a function of the stem diameter, it is multiplied by 12 to give a radius. For multi-stemmed trees the stems are combined to provide an effective diameter figure which is then multiplied.

Initially the root protection area should be plotted as a circle, and in many situation it remains a circle.

Influenced situation

Adjustments to the root protection area are made where pre-existing site conditions that would influence root distribution are present. Typically this will be buildings and retaining walls, lighter structures such as hard surfacing, sheds and garages generally do not have the same influence.

Ponds, rivers and watercourses will also influence root distribution as waterlogged soils are not conducive to root growth. Rainwater attenuation and ditches are likely to have a lesser impact if they are dry for significant periods.

Appendix 3

Schedule of Trees

*for land at
Woodfords,
Shipley Road,
Southwater,
Horsham,
West Sussex
RH13 9BQ*

Key to Tree Schedule

Column Heading	Explanation
Tree No.	Unique number corresponding with number on plan
Species	English names
Ht (m)	Height in metres
Branch Spread	Crown radius in metres to cardinal points of the compass
Stem diameters (cm)	All measurements conform to Annex C of BS 5837:2012 Single stem - Stem diameter in centimetres measured at 1.5m above ground level. Multi-stemmed tree with 2 to 5 stems – Diameter of each stem Multi-stemmed tree with more than 5 stems – Average stem diameter and number of stems
Height of crown clearance	Height in metres between the ground and underside of canopy
Height of first major branch and direction of growth	Height from ground level to base of first major branch and the approximate direction of growth
Abbreviations as suffix to a dimension	<i>Suffix 'e' denotes an estimated dimension.</i> <i>Suffix 'av' denotes an average dimension</i>
Age class	Age Class definitions: Y = Young S = Semi-mature E = Early mature M = Mature O = Over mature
Category grading (see Appendix A2 for detailed explanation) and Estimated remaining contribution (yrs)	Summary of BS 5837: 2012 categorisation: 1. Trees that do not warrant consideration for retention: U = those in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management. 2. Trees to be considered for retention: A1, 2 or 3 = trees of high quality and value (substantial contribution >40 yrs) B1, 2 or 3 = trees of moderate quality and value (significant Contribution >20 yrs) C1, 2 or 3 = trees of low quality and value (but adequate, ie >10 yrs or young trees – until new planting can be established)
Estimated remaining contribution	Useful estimated remaining contribution of the tree or tree group
Condition	Brief description including physiological and structural defects
Preliminary management recommendations	Describes current arboricultural requirement for the tree in its current context and should be undertaken as soon as reasonably practicable.
Root protection radius	Radius of minimum root protection area in metres calculated from section 4.6 and Annex D of BS5837:2012
Root protection area	Total area of minimum root protection area extrapolated from root protection radius

Schedule of trees on land at Woodfords, Shipley Road, Southwater, Horsham, West Sussex RH13 9BQ

Tree No.	Species	Ht (m)	Branch Spread (m)				Stem diameters (cm)								Height of crown clearance (m)	Height of first branch (m) and direction (compass point)	Age class	Category grading	Estimated remaining contribution (yrs)	Condition Physiological / Structural	Tree Works to BS3998	Root protection radius (m)	Root protection area sq.m
							Single Stem	2-5 stems					More than 5 stems										
			N	E	S	W		Stem 1	Stem 2	Stem 3	Stem 4	Stem 5	Mean dia	No. stems									
1	Row of Leyland cypress	13av	3av				20av								2	2N	S	C2	>10	Row of outgrown conifers adjoining entrance.	Remove.	2.40	18
2	Row of Leyland cypress	12av	3av				15av								0	-	S	C2	>10	Row of outgrown conifers adjoining entrance.		1.80	10
3	Leyland cypress hedge	12av	3av				15av								0	-	S	C2	>10	Outgrown hedgerow adjoining lawn.	Remove.	1.80	10
4	Western red cedar and Leyland cypress hedgerow	3av	1av				10av								0	-	S	C2	>10	Maintains section of hedgerow adjoining lawn.	Remove.	1.20	5
5	English oak	16	11	10	12	9	154								3	3SE	E	A1	>40	Visually significant broad spreading tree growing adjoining driveway. Previously drastically reduced in size but subsequently regrown. Some decay at those points. Some minor decay between buttress roots.		15.00	707
6	Noble fir	12	3	3	3	3	41								2	2S	Y	B1	>20	Reasonably well formed young tree	Remove.	4.92	76
7	Norway spruce	13	3	3	3	3	36								0	-	S	U	<10	Distinct lack of vitality.	Remove.	4.32	59
8	Leyland cypress hedge	2av	1av				10av								0	-	S	C2	>10	Short section of hedgerow adjoining driveway.	Remove.	1.20	5
9	Weeping birch	4	2	3	3	3	17								2	2S	S	C1	>10	Small tree growing within garden.	Remove.	2.04	13
10	Apple	5	3	4	3	3	36								2	2E	S	C1	>10	Established fruit tree growing in shrub bed adjoining dwelling.		4.32	59
11	Mulberry	8	4	4	4	4	73								2	2N	S	C1	>10	Established tree growing near dwelling. Drastically reduced in the past.		8.76	241
12	Row of Leyland cypress	14av	4av				30av								0	-	S	C2	>10	Row of mostly outgrown conifers alongside Shipley Road. Some stems have failed and others have died. Includes occasional ash, sycamore and English oak.		3.60	41
13	Ash	15	7	5	6	7	45e								3	3S	E	U	<10	Advanced Ash Dieback. Unsited to long-term retention. Base of tree smothered in bramble and ivy.	Remove.	5.40	92

Schedule of trees on land at Woodfords, Shipley Road, Southwater, Horsham, West Sussex RH13 9BQ

Tree No.	Species	Ht (m)	Branch Spread (m)				Stem diameters (cm)							Height of crown clearance (m)	Height of first branch (m) and direction (compass point)	Age class	Category grading	Estimated remaining contribution (yrs)	Condition Physiological / Structural	Tree Works to BS3998	Root protection radius (m)	Root protection area sq.m	
							Single Stem	2-5 stems					More than 5 stems										
			N	E	S	W		Stem 1	Stem 2	Stem 3	Stem 4	Stem 5	Mean dia										No. stems
14	Mixed broadleaf hedgerow	2av	1av				5av								0	-	Y	C2	>10	Short section of internal hedgerow. Includes hawthorn, field maple and blackthorn.	Remove.	0.60	1
15	English oak	14	2	3	6	5	41								2	2SW	S	B2	>20	Contributes to row of trees alongside Shipley Road. Some large sections of dead wood in crown.	Remove dead wood in excess of 25mm in diameter.	4.92	76
16	English oak	14	2	2	4	6	39								3	3W	S	B2	>20	Contributes to row of trees alongside Shipley Road. Some large sections of dead wood in crown.	Remove dead wood in excess of 25mm in diameter.	4.68	69
17	Field maple	14	7	5	4	3	40e								2	2N	S	U	<10	Dead. Lower stems smothered in ivy.		4.80	72
18	Row of Leyland cypress	3av	1av				5av								0	-	Y	C2	>10	Collection of conifers alongside Shipley Road.		0.60	1
19	English oak	14	3	7	3	3	55e								2	2N	S	U	<10	Dead.		6.60	137
20	Ash	13	0	6	2	0	27								2	2S	S	U	<10	Primary failure of main stem. Showing early signs of Ash Dieback.		3.24	33
21	English oak	14	5	5	3	6	55e								4	4SW	S	U	<10	Dead. Main stem and crown smothered in ivy.		6.60	137
22	Mixed broadleaf hedgerow	6av	2av				15av								0	-	S	B2	>20	Established but outgrown hedgerow along tree line adjoining Shipley Road. Includes hawthorn, hazel, blackthorn, field maple and holly.	Remove section as shown.	1.80	10
23	Row of English oak & ash	18av	11av				65av								3	3E	E	A2	>40	Prominent row of trees alongside Shipley Road. All stems smothered in ivy. Most trees contain some large sections of dead wood.	Remove dead wood in excess of 25mm in diameter. Remove 4 stems as shown.	7.80	191
24	English oak	14	4	7	6	6	55e								7	7S	S	U	<10	Dead.		6.60	137
25	Row of Leyland cypress	13av	3av				20av								0	-	S	C2	>10	Row of outgrown conifers in north-western corner of site.		2.40	18
26	Mixed broadleaf hedgerow	6av	3av				15av								0	-	S	B2	>20	Established and sprawling hedgerow of mixed native species including hazel, hawthorn, blackthorn, field maple as well as a small horse chestnut.		1.80	10

Schedule of trees on land at Woodfords, Shipley Road, Southwater, Horsham, West Sussex RH13 9BQ

Tree No.	Species	Ht (m)	Branch Spread (m)				Stem diameters (cm)							Height of crown clearance (m)	Height of first branch (m) and direction (compass point)	Age class	Category grading	Estimated remaining contribution (yrs)	Condition Physiological / Structural	Tree Works to BS3998	Root protection radius (m)	Root protection area sq.m	
							Single Stem	2-5 stems					More than 5 stems										
			N	E	S	W		Stem 1	Stem 2	Stem 3	Stem 4	Stem 5	Mean dia										No. stems
27	Row of English oak	18av	11av				70av								2	3S	E	A2	>40	Prominent row of trees along northern boundary of site. All stems smothered in ivy. Some large sections of dead wood within crown.	Remove dead wood in excess of 25mm in diameter.	8.40	222
28	Group of ash	13av	3av				30av								0	-	S	U	<10	Advanced Ash Dieback. Some trees are dead.		3.60	41
29	English oak	14	5	4	4	2	55e								7	7S	S	U	<10	Dead. Main stem smothered in ivy.		6.60	137
30	Group of English oak	15av	6av				40av								2	2S	S	B2	>20	Small components of tree-belt.		4.80	72
31	English oak	18	9	10	10	7	65e								2	2SE	S	A2	>40	Contributes to linear belt of trees along northern boundary.		7.80	191
32	Group of English oak	12av	6av				35av								2	2S	S	B2	>20	A group of smaller trees contributing to tree-belt on northern boundary.		4.20	55
33	Group of ash	15av	7av				45av								2	2S	S	C2	>10	Group of trees contributing to tree-belt on northern boundary. Showing signs of Ash Dieback.		5.40	92
34	Mixed broadleaf woodland	<19	<10				<60								0	-	E	A2	>40	Small block of woodland outside north-eastern corner of site. Upper canopy consists primarily of English oak and ash. The latter exhibits signs of Ash Dieback. Mixed understorey of hazel, holly, field maple, hawthorn and blackthorn. Delineated at southern edge by ditch.		7.20	163
35	Mixed broadleaf hedgerow	9av	3av				25av								0	-	E	B2	>20	Established but outgrown hedgerow on bank alongside ditch. Mixed species including hawthorn, blackthorn, hazel, holly and field maple.		3.00	28
36	Group of English oak	18av	10av				70av								3	3W	E	A2	>40	Larger components of a tree-belt along the south-eastern boundary of the site. All stems covered in ivy.		8.40	222
37	Pair of ash	17av	6av				45av								3	3E	S	C2	>10	A pair of slender stems growing within tree-belt. Both showing signs of Ash Dieback.		5.40	92

Schedule of trees on land at Woodfords, Shipley Road, Southwater, Horsham, West Sussex RH13 9BQ

Tree No.	Species	Ht (m)	Branch Spread (m)				Stem diameters (cm)								Height of crown clearance (m)	Height of first branch (m) and direction (compass point)	Age class	Category grading	Estimated remaining contribution (yrs)	Condition Physiological / Structural	Tree Works to BS3998	Root protection radius (m)	Root protection area sq.m
							Single Stem	2-5 stems					More than 5 stems										
			N	E	S	W		Stem 1	Stem 2	Stem 3	Stem 4	Stem 5	Mean dia	No. stems									
38	English oak	16	9	5	8	8	72								4	4W	E	A2	>40	Contributes to line of trees along south-eastern boundary of site.		8.64	235
39	Row of English oak	17av	10av				70av								2	2W	E	A2	>40	Closely spaced group of trees along south-east boundary of site. All stems smothered in ivy. Group includes occasional field maple.		8.40	222
40	Group of field maple	14av	6av				40av								2	2SW	E	B2	>20	Contribute to linear tree-belt along south-east boundary of site.		4.80	72
41	Group of ash	15av	5av				30av								4	4SE	S	C2	>10	Contribute to linear tree-belt along south-east boundary of site. All showing signs of Ash Dieback and unsuited to long-term retention.		3.60	41
42	Group of English oak	18av	11av				70av								3	3NW	E	A2	>40	Closely spaced group of trees growing along south-east boundary of site. Most contains some dead wood within the crown.		8.40	222
43	English oak	15	5	5	4	7	49								3	3W	E	A2	>40	Contributes to tree group at south-eastern boundary of site.		5.88	109
44	English oak	16	8	7	8	8	69								2	2W	E	A2	>40	Stands at edge of group of trees along south-east boundary of site.		8.28	215
45	Row of English oak	17av	9av				65av								4	4SE	E	A2	>40	Closely spaced group of trees along south-east boundary of site.		7.80	191
46	English oak	17	7	6	5	8	67								2	2N	E	A2	>40	Contributing to group of trees along south-east boundary but set slightly remote.		8.04	203
47	English oak	18	10	7	11	10	74								2	2W	E	A2	>40	Contributing to group of trees along south-east boundary but set slightly remote.		8.88	248
48	English oak	17	9	9	10	9	74e								5	5E	E	A2	>40	Contributing to group of trees along south-east boundary but set slightly remote. Ivy covered main stem.		8.88	248
49	English oak	12	6	2	7	7	49								2	2SW	S	B2	>20	Supressed by adjoining larger tree.		5.88	109
50	Pair of English oak	15av	8av				60av								2	2E	E	A2	>40	Contributing to linear tree group along south-east boundary of site. Most stems covered in ivy.		7.20	163

Schedule of trees on land at Woodfords, Shipley Road, Southwater, Horsham, West Sussex RH13 9BQ

Tree No.	Species	Ht (m)	Branch Spread (m)				Stem diameters (cm)						Height of crown clearance (m)	Height of first branch (m) and direction (compass point)	Age class	Category grading	Estimated remaining contribution (yrs)	Condition Physiological / Structural	Tree Works to BS3998	Root protection radius (m)	Root protection area sq.m		
							Single Stem	2-5 stems														More than 5 stems	
			N	E	S	W		Stem 1	Stem 2	Stem 3	Stem 4	Stem 5										Mean dia	No. stems
51	Group of hawthorn	5av	3av				15av								0	-	Y	C2	>10	Possibly remnants of hedgerow.	Remove 1 stem as shown.	1.80	10
52	Row of Leyland cypress	3av	1av				10av								0	-	Y	C2	>10	Group of small trees contributing to hedge.	Remove.	1.20	5
53	English oak	13	5	4	6	6	66								2	2NE	E	B2	>20	Contributes to line of oak trees bisecting fields. Lack of vitality. Some damage to bark on lower stem.		7.92	197
54	English oak	11	4	2	2	4	33								2	2N	S	B2	>20	Contributing to row of trees bisecting fields.		3.96	49
55	English oak	15	8	5	7	6	71								2	2S	E	B2	>20	Contributing to row of trees bisecting fields. Extensive damage to bark on lower stem and some decay.		8.52	228
56	English oak	17	7	5	6	6	71								2	2S	E	A2	>40	Larger and better specimen forming row of trees bisecting fields.		8.52	228
57	English oak	17	7	10	7	7	87								2	2SW	E	A2	>40	Larger and better specimen forming row of trees bisecting fields. Some broken branches and dead wood within crown.		10.44	342
58	Pear	7	3	3	3	4		34	26						2	2S	E	U	<10	Extensive browsing damage at base. Distinct lack of vitality.	Remove.	5.14	83
59	Pear	7	2	2	3	3							13	6	2	2S	S	C1	>10	Established tree growing in field. Extensive browsing damage.	Remove.	3.82	46
60	Pear	9	4	6	4	4		45e	45e						2	2E	E	C1	>10	Growing amidst dense bramble. Ivy smothered main stems.	Remove.	7.64	183
61	Eucalyptus	17	8	9	9	10		65e	65e						3	3E	E	C1	>10	Established tree growing amidst dense vegetation.	Remove.	11.03	382
62	Row of Western red cedar	7av	2av				10av								0	-	Y	C2	>10	Group of conifers growing amidst bramble. Lacking vitality.	Remove.	1.20	5
63	Mixed broadleaf hedgerow	5av	3av				10av								0	-	S	B2	>20	Established but outgrown hedgerow at edge of field. Predominantly blackthorn with some hawthorn, sycamore and field maple.	Remove.	1.20	5
64	Sycamore																U			Dead.	Remove.	0.00	0

Schedule of trees on land at Woodfords, Shipley Road, Southwater, Horsham, West Sussex RH13 9BQ

Tree No.	Species	Ht (m)	Branch Spread (m)				Stem diameters (cm)								Height of crown clearance (m)	Height of first branch (m) and direction (compass point)	Age class	Category grading	Estimated remaining contribution (yrs)	Condition Physiological / Structural	Tree Works to BS3998	Root protection radius (m)	Root protection area sq.m
							Single Stem	2-5 stems					More than 5 stems										
			N	E	S	W		Stem 1	Stem 2	Stem 3	Stem 4	Stem 5	Mean dia	No. stems									
65	English oak	12	5	7	7	7	64								2	2W	E	A2	>40	Contributes to row of trees along south-east boundary of site.		7.68	185
66	Group of mixed broadleaves	10av	5av				30av								0	-	Y	B2	>20	Contributes to row of trees along south-east boundary of site. Slightly larger than the understorey that runs beneath.		3.60	41
67	English oak	16	9	11	10	6	90e								2	2NE	E	A1	>40	Larger tree growing within tree-belt along south east boundary of site. Lower stem partially smothered in ivy. North-westerly crown trimmed to provide clearance from overhead wires.		10.80	366
68	Row of English oak	17av	9av				70av								0	-	E	A2	>40	Closely spaced group of trees on south-east boundary of site. All stems covered in ivy. Crowns trimmed on north-western side to provide clearance from overhead wires.		8.40	222
69	Field maple	13	7	7	7	3	45e								2	2N	S	B2	>20	Contributes to hedge line. Lower stem partially covered in ivy. Grown beyond fence line.		5.40	92
70	Mixed broadleaf hedgerow	6av	3av				15av								0	-	E	B2	>20	Established but outgrown hedgerow. Core of hedge seems to be south of the ditch but some stems lie to the north. Some stems have been reduced in height where the overhead wires pass over.		1.80	10
71	English oak	15	8	8	8	7	80e								3	3NW	E	A1	>40	Larger component of hedge line. Standing within dense vegetation so unable to inspect base.		9.60	290
72	Field maple	12	6	6	6	6	45e								0	-	S	B2	>20	Larger component of hedgerow. Standing amidst dense vegetations hence unable to inspect base.		5.40	92
73	English oak	14	4	5	5	2	65e								2	2N	S	A2	>40	Larger component of hedgerow.		7.80	191
74	English oak	16	7	5	8	7	70e								4	4N	S	A2	>40	Larger component of hedgerow.		8.40	222
75	English oak	14	7	7	8	7	80e								2	2NE	E	A1	>40	Larger component of hedgerow. Main stem covered in ivy.		9.60	290

Schedule of trees on land at Woodfords, Shipley Road, Southwater, Horsham, West Sussex RH13 9BQ

Tree No.	Species	Ht (m)	Branch Spread (m)				Stem diameters (cm)								Height of crown clearance (m)	Height of first branch (m) and direction (compass point)	Age class	Category grading	Estimated remaining contribution (yrs)	Condition Physiological / Structural	Tree Works to BS3998	Root protection radius (m)	Root protection area sq.m
							Single Stem	2-5 stems					More than 5 stems										
			N	E	S	W		Stem 1	Stem 2	Stem 3	Stem 4	Stem 5	Mean dia	No. stems									
76	English oak	15	10	9	11	10	95e								2	3N	E	A1	>40	Larger tree growing within hedgerow. Partial loss of vitality. Some large sections of dead wood within crown. Lower stems smothered in ivy.		11.40	408
77	Mixed hedgerow	3av	2av				10av								0	-	Y	C2	>10	Mixed hedgerow along boundary of site. Predominantly Leyland cypress with some blackthorn, hawthorn and elm.		1.20	5
78	Mixed broadleaf hedgerow	9av	3av				15av								0	-	E	B2	>20	Established but outgrown hedgerow alongside Shipley Road. Southern end contains mini elms most of which are dead and need to be removed. Hedge has spread predominantly with blackthorn and would benefit from being brought back under management. Other species include sycamore, field maple, horse chestnut and hawthorn.	Remove dead elms.	1.80	10
79	Red horse chestnut	11	5	5	5	5	40e								2	2E	S	B2	>20	Contributes to tree cover alongside Shipley Road. Ivy smothered stem.		4.80	72
80	Group of horse chestnut	14av	6av				40av								2	2E	E	B2	>20	Row of trees contributing to tree cover alongside Shipley Road. All stems covered in ivy.		4.80	72
81	Horse chestnut	12	5	6	5	6		35e	25e						2	2E	S	B2	>20	Contributes to tree cover alongside Shipley Road. Ivy smothered stems.		5.16	84
82	Red horse chestnut	13	5	6	4	6	45e								0	-	S	B2	>20	Contributes to tree cover alongside Shipley Road. Ivy smothered stems.		5.40	92
83	Gleditsia	14	3	7	3	6		20e	17e						2	2E	S	C1	>10	Contributing to tree cover along Shipley Road. Lower stems covered in ivy.		3.15	31
84	Horse chestnut	9	2	4	3	3	40e								2	2E	S	C2	>10	Contributes to tree cover along Shipley Road but of low vitality. Main stem covered in ivy.		4.80	72
85	Row of Leyland cypress	13av	3av				20av								0	-	S	C2	>10	Row of outgrown conifers at edge of garden.		2.40	18

Appendix 4

Tree Preservation Order

DATED 29th February 2012

TPO/1436

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
As amended by the Town and Country Planning (Trees) (Amendment) (England)
Regulations 2008

HORSHAM DISTRICT COUNCIL

(Land west of Rascals Close, Southwater)

TREE PRESERVATION ORDER 2012

Horsham District Council
Park House
North Street
Horsham
West Sussex RH12 1RL

Authority

In the exercise of Paragraph 8.7 of
the Scheme of Delegation to Officers

Town and Country Planning (Trees) Regulations 1999
As amended by the Town and Country Planning (Trees) (Amendment) (England)
Regulations 2008

TREE PRESERVATION ORDER

Town & Country Planning Act 1990
Land west of Rascals Close, Southwater, Tree Preservation Order, 2012

The **HORSHAM DISTRICT COUNCIL** in exercise of the powers conferred on them by Sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order:

Citation

1. This Order may be cited as the Horsham District Council (**Land west of Rascals Close, Southwater**) Tree Preservation Order 2012.

Interpretation

2. In this Order "the authority" means the Horsham District Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

Application of Section 201

3. The authority hereby direct that section 201 (provisional Tree Preservation Orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 29th February 2012.

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation Orders or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), Orders affecting land where Forestry Commissioners interested)], and subject to article 5, no person shall:
 - a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exemptions

5. (1) Nothing in Article 4 shall prevent:
 - (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary:
 - (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
 - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;

- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
 - (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
 - (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
 - (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
 - (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
 - (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
 - (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or
 - (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.
- (2) In paragraph (1), "statutory undertaker" means any of the following:
- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power;
 - a relevant airport operator (within the meaning of Part V of the Airports Act 1986);
 - the holder of a licence under section 6 of the Electricity Act 1989;
 - a gas transporter;
 - the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied;
 - a water or sewerage undertaker;

- the Civil Aviation authority, a body acting on behalf of that authority or a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000,
- a universal postal service provider in connection with the provision of a universal postal service.

1. Article 6 omitted by regulation 2(4)(a) of the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008, Statutory Instrument 2008, No. 2260

Application of provisions of the Town and Country Planning Act 1990

- (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part 1 of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

Directions as to replanting

- (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.
- (3) A direction under paragraph (1) may include requirements as to:
 - (a) species;
 - (b) number of trees per hectare;
 - (c) the preparation of the relevant land prior to the replanting; and
 - (d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

- (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of:
 - (a) the refusal of any consent required under this Order; or
 - (b) the grant of any such consent subject to conditions,
 he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this article:
 - (a) if more than 12 months has elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
 - (b) if the amount in respect of which the claim would otherwise have been made is less than £500.

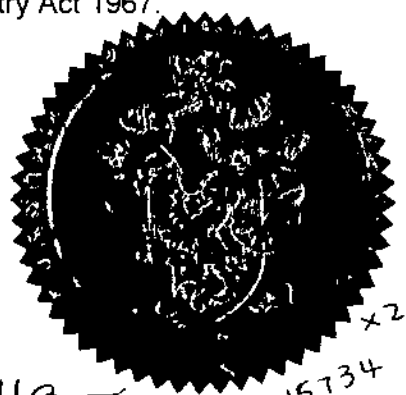
- (3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.
- (4) In any other case, no compensation shall be payable to a person:
- (a) for loss of development value or other diminution in the value of the land;
 - (b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
 - (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
 - (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.
- (5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.
- (6) In this article:

"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

"owner" has the meaning given to it by section 34 of the Forestry Act 1967.

Dated this twenty ninth day of February 2012

THE COMMON SEAL of the HORSHAM
DISTRICT COUNCIL was hereunto
affixed in the presence of:



S. McNilla

x2
15734

Head of Financial & Legal Services/
Chief Executive



Vine Cottage

Letter
Box

Reksley

Tanglewood

El Sub Sta

Drain

Issues

GVC

SHIPLEY ROAD

RASCALS CLOSE

CH

50.2m

SD McNillan
HEAD OF FINANCIAL &
LEGAL SERVICES

WOODLAND
(within a continuous black line on the map)

W1 - MIXED WOODLAND STRIP
W2 - MIXED WOODLAND STRIP
W3 - MIXED WOODLAND STRIP

THIS IS THE PLAN REFERRED TO IN THE
HORSHAM DISTRICT COUNCIL

LAND WEST OF
RASCALS CLOSE, SOUTHWATER

515670E 125172N

TREE PRESERVATION ORDER 2012

Reference No : TPO1436

Date : 14/02/12

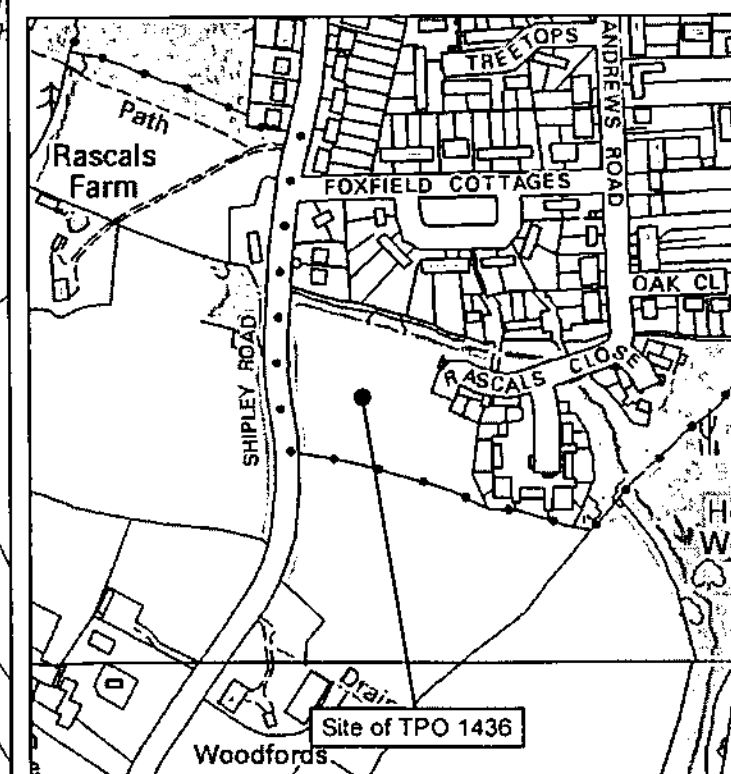
Scales : 1:1000 & 1:5000

Drawn : BM

Checked : WJ

Drawing No :

Revisions :



Horsham District Council

Park North, North Street, Horsham
West Sussex RH12 1RL
Rod Brown : Head of Planning & Environmental Services

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SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
None	None	None

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

Reference on map	Description	Situation
None	None	None

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

Reference on map	Description (including numbers of trees in the group)	Situation
None	None	None

Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
W1	Mixed Woodland Strip	On northern boundary
W2	Mixed Woodland Strip	On western boundary
W3	Mixed Woodland Strip	On southern boundary

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SCHEDULE 2

PART 1 PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED WITH ADAPTATIONS OR MODIFICATIONS

Provision	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1) -</p> <p>(i) omit - ", in such manner as may be prescribed by a development order," "such" in the second place where it appears, and "as may be so prescribed", and</p> <p>(ii) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission".</p> <p>(b) In subsection (2) -</p> <p>(i) after "contain" insert ", as regards each such order", and</p> <p>(ii) for paragraphs (a) and (b) substitute -</p> <p>(a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and</p> <p>(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it".</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1) -</p> <p>(i) substitute -</p>
	<p>"Subject to subsections (1A) and (1B), where" for "Where"; "the authority" for "local planning authority"; "consent under a tree preservation order" for "planning permission" where those words first appear; and "consent under the order" for "planning permission" in both of the other places where those words appear;</p> <p>(ii) after "think fit", insert - "(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and</p> <p>(iii) omit "subject to sections 91 and 92,".</p> <p>(b) After subsection (1) insert - "(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of</p>

	<p>the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).".</p> <p>(c) Omit subsections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In subsection (1) substitute -</p> <ul style="list-style-type: none"> (i) "Any" for the words from "Without" to "any"; (ii) "consent under a tree preservation order" for "planning permission to develop land"; (iii) "the consent" for "the permission"; and (iv) "the land to which the order relates" for "the land". <p>(b) Omit subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions and failure to take such decisions)	<p>(a) In subsection (1) substitute -</p> <ul style="list-style-type: none"> (i) "the authority" for "a local planning authority"; (ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear; (iii) "consent under such an order" for "planning permission" in the second place where those words appear; (iv) for paragraph (c) substitute - <ul style="list-style-type: none"> "(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,". <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute -</p> <p>"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served -</p> <ul style="list-style-type: none"> (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow; (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant."
	<p>(d) For subsection (4), substitute -</p> <p>"(4) The appellant shall serve on the authority a copy</p>

	<p>of the notice mentioned in subsection (3).".</p> <p>(e) For subsection (5), substitute -</p> <p>"(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.".</p>
Section 79 (determination of appeals)	<p>(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority".</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute -</p> <p>(i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part 1 of Schedule 5";</p> <p>(ii) "consent under a tree preservation order" for "planning permission"; and</p> <p>(iii) "the authority" for "the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71.".</p> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after "section 78".</p>

PART II

PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS ADAPTED AND MODIFIED BY PART 1.

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

SECTION 69

- (1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority
- (2) The register shall contain, as regards each such order,
 - (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
 - (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.
-
- (5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

SECTION 70

- (1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order:
 - (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
 - (b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

SECTION 75

Any grant of consent under a tree preservation order shall (except insofar as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

SECTION 78

- (1) Where the authority:
 - (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
 - (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent or grant it subject to conditions;
 - (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or

- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,
- the applicant may by notice appeal to the Secretary of State.

-
- (3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:
- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.
- (4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).
- (5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

....

SECTION 79

- (1) On an appeal under section 78 the Secretary of State may:
- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to him in the first instance.
- (2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the local planning authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
-
- (4) Subject to subsection (2), the provisions of Section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order falls to be determined by the authority.
- (5) The decision of the Secretary of State on such an appeal shall be final.
-
- (7) Schedule 6 applies to appeals under section 78.

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