Tree Survey and Impact Assessment

for land at

Charwood House,
Southwater
Horsham

Client

Chess Dynamics Ltd

September 2026

2591-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevA

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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. 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.

Keen Consultants accept no responsibility or liability for any use that is made of this document other than by the client for the purpose for which it was commissioned and prepared.

Document history

Revision	Issue Status	Details	Approved/Date
Rev0	Final	Initial combined Tree Survey and Impact Assessment	JK / 14 July 2026
RevA	Final	Updated Tree Survey	JK / 03 September 2026

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1.0 Introduction

1.1 This report sets out the information about trees to inform the planning process about the quality of trees on site. Following the tree survey the information is extended to consider the impact to them from the proposed development and how construction may proceed whilst ensuring trees are successfully retained.

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.

1.3 The area subject of this survey consists of a rectangular plot of land containing Charwood House located at the southern end of Wilberforce Way Southwater.

1.4 The site is dominated by the current building and extensive areas of hard surface.

1.5 Two oak trees have been retained from a former landscape. These are located east of the existing building. Other trees have been planted at the time Charwood House was laid out.

1.6 Other trees are located near by as part of the landscaping for the industrial estate.

1.7 At the time of the tree survey we checked the online portals, including Horsham District Council 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 upon the site. The Tree Preservation Orders are included 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 NOT located within/adjacent to 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.

1.8 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.

1.9 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.

1.10 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.

1.11 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:

2.2.1 was conducted on the 11 May 2026 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*;

2.2.2 is intended for planning purposes only;

2.2.3 is not intended for the detailed design of foundations (further information upon vegetation can be provided upon request);

2.2.4 is not a detailed health and safety condition survey of trees;

2.2.5 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;

2.2.6 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. The (online) 'Geology of Britain Viewer' that contains British Geological Survey materials © NERC [2018] reveals the following soil information:

2.4.1 Bedrock geology: Horsham Stone Member-Sandstone.

2.4.2 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

4.1 This assessment will consider the impact upon trees of implementing the proposals shown on the drawings listed below:

Table 1 - List of drawings referred to in the impact assessment

Originator	Drg No	Title
HNW Architects	26010-HNW-ZZ-ZZ-DR-A-2103 Rev P05	Proposed Site Plan Option 3
Lizard Landscape Design and Ecology	LLD3832-LAN-DWG-010 Rev 03	Landscape Masterplan
Keen Consultants	2591-KC-XX-YTREE-TCP01Rev0	Tree Constraints Plan
Keen Consultants	2591-KC-XX-YTREE-TPP01RevA	Tree Protection Plan

4.2 Site proposals considered in this application include:

4.2.1 Reorganisation and addition of parking area

4.2.2 Utilities and services

4.2.3 New and replacement tree planting

4.3 The proposals are considered with reference to the following guidance documents referred to in this report:

Table 2 - List of documents used to inform the impact assessment

Originator	Title/Reference
British Standards Institute	*BS5837:2012 Trees in relation to design, demolition and construction – Recommendations*
Trees and Design Action Group	*Trees in the townscape: A guide for decision makers*
Ministry of Housing, Communities and Local Government	*National Planning Policy Framework (NPPF)* (August 2026)

4.4 National planning policy (DP3, N2, N3 and N6 of the NPPF) makes clear the important contribution made by trees to the character and quality of built environments, and their role 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.

4.5 In summary, the proposals seek to retain the majority of trees and can be constructed to avoid material harm to the retained trees. Space is available for new tree planting to offset losses.

Impact of application proposals

4.6 The proposals seek to re-organise, and add to, the parking provision at Charwood House. Most of the proposals will coincide with the existing areas of hard surface or are provided remote from trees. In such places, they result in no material impact to the adjoining trees.

4.7 A proposed row of four new bays at the north eastern corner of the building requires the loss of tree 6, a small Scots pine that is growing in very close proximity to the building.

4.8 Six new bays in the north eastern corner of the site require the loss of tree 7, a small, multi-stemmed cherry.

4.9 Also in the north eastern corner of the site, a row of four proposed bays requires the loss of tree 10, a small English oak.

4.10 Three new bays are proposed in the north western tip of the site. These require the removal of tree 19, a small English oak tree of little merit.

4.11 At the south western corner of the building, three new bays are proposed that require the loss of a small field maple sapling.

4.12 Nearby, in the south western corner of the site, the widening of the existing hard standing, to provide an additional parking bay, requires the loss of tree 21, another small field maple.

4.13 In the south eastern corner of the site, tree 24, a small goat willow is proposed for removal.

4.14 South west of the existing access from Wilberforce Way it is proposed to remove trees 1 to 3 and 26 to 28. These small trees are closely spaced and do not have sufficient room to develop. Their removal frees up space for the adjoining oak tree, protected by tree preservation order, to develop more fully and to become more visible, ensuring the amenity the tree provides, and is protected by the tree preservation order, is more prominent.

4.14 Trees 31 and 32 are proposed for removal. These two trees, a cherry and a dogwood, are etiolated specimens, growing in competition with the adjoining oaks and confined by the building. Their removal will provide more space for the oak tree to develop.

4.15 Most proposed areas of hard surface are remote from trees. The exceptions are the proposed footpath connection north of tree 5 and small areas of proposed parking adjoining trees 29 and 30 (only 6.34% of the root protection area of tree 29 and 1.71% of the root protection area of tree 30 are covered by the proposed surface, much less than the 20% maximum that guidance permits).

4.16 These intrusions have been minimised to avoid material impact to trees but will need to be constructed using specialist measures.

4.17 BS5837 provides guidance within section 7.4 on what are acceptable methods to achieve hard surfacing within a root protection area. The conditions on this site are favourable to adopting these specialist measures of construction.

4.18 In this instance, there is scope to achieve the hard surfaces, minimising the depth of sub-base and surfacing through the use of 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.

4.19 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

4.20 The proposed drainage and services are not shown on the proposed layout however there is ample scope to locate them outside of root protection areas and require no specialist measures for their installation.

4.21 If services do need 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.

5.0 New and replacement tree planting

5.1 The development proposals bring forward opportunity to plant a selection of trees throughout the development. New tree planting is indicated on the Landscape Masterplan with trees introduced within the open areas to replace those lost. The planting of new trees helps conserve and maintain local tree cover as well as providing an enhancement.

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 DP3, N2 and N3 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.

7.0 Summary of impact assessment

7.1 The proposed development results in the loss of very few trees, all 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 can be 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 can be provided as part of these development proposals. This new cohort of trees can provide a diverse portfolio of tree 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.

Veteran trees

Natural England have introduced Standing Guidance that requires the allocation of buffer zones to veteran (including ancient) trees. They have prescribed that a buffer zone of 15 times the stem diameter of the tree is allocated. This will result in a buffer zone of larger size (Natural England do not specify what shape it shall be) than the root protection area. Where veteran trees are identified during the tree survey they are allocated a Natural England buffer zone on the Tree Constraints Plan.

The Guidance says no development can take place within the buffer zone It is silent on what can and cannot be done when the land within the buffer zone is previously developed. The spirit of the guidance is to avoid harm to or improve the growing conditions of veteran trees.

With this added layer of protection it is important to establish if a tree is veteran or not. The Guidance was not intended to be applied to all mature trees but to the sub-set of trees that are of great age. This is analogous with the NPPF requirement to safeguard trees that have attained an age where they are worthy of veteran or ancient status.

It is therefore important to establish a basis for defining trees as veteran as opposed to those trees that may have veteran characteristics or those trees that are mature.

Stem size is a useful guide and, in combination with size, so are characteristics of the tree. If we consider the guidance on stem size being a suitable guide to classifying trees as veteran we see:

a) The most up to date (2013) guidance is that in [1]*Ancient and other veteran trees: further guidance on management* edited by David Lonsdale and published by The Tree Council in conjunction with The Ancient Tree Forum. Lonsdale considers that many trees may have veteran characteristics at any age however proposes, at a species level, size thresholds when a tree may be considered a veteran. A chart (see Figure 1 below) lists, species by species, the size criteria for trees reaching veteran status and then moving on to the later, ancient stage of life. Of those species listed in the chart we only need consider oak. We see that until trees attain a stem girth of around 3.6m (equivalent stem diameter of 1.15m) then an oak is only considered to be 'Locally notable'

b) A somewhat older (1999) publication, [2]*Veteran Trees: A guide to good management* edited by Helen Read and published by English Nature et al, is very similar in its definition by setting out three distinct bands for oak trees:

   i) those with a diameter of more than 1.0m are potentially interesting

   ii) those with a diameter of more than 1.5m are valuable in terms of conservation

   iii) those over 2.0m in diameter are truly ancient

c) English Nature's own [3]*Development of a veteran tree site assessment protocol (Report Number 628)* of 2005 sought to give more structure to grading sites where veteran trees were present. It considered that trees over 1.0m diameter could be classed as veteran.

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[1] *Ancient and other veteran trees: further guidance on management* edited by David Lonsdale and published by The Tree Council in conjunction with The Ancient Tree Forum

[2] *Veteran Trees: A guide to good management* edited by Helen Read and published by English Nature *et al*

[3] *Development of a veteran tree site assessment protocol* (Report Number 628) of 2005

In summary, a tree may enter its veteran stage at 1.0m diameter but a more reliable size threshold, as held out by the latest guidance on the matter, is 1.5m diameter.

The other factor, tree characteristics, is also worth considering as veteran tree characteristics can be found on even young trees. Of course, if we count every tree with veteran tree characteristics as veteran we do a disservice to those truly veteran trees that warrant protection.

Read (1999), as set out above, considers veteran tree characteristics as:

- large girth for species
- major trunk cavities or progressive hollowing
- naturally forming water pools
- decay hollows
- physical damage to trunk
- bark loss
- large quantities of deadwood within the crown
- sap runs
- crevices in the bark, under branches or on the root plate sheltered from direct rainfall
- fungal fruiting bodies
- high number of interdependent wildlife species
- epiphytic plants
- an 'old' look
- high aesthetic interest

Lonsdale (2013) adds to this list:

- progressive narrowing of successive annual increments in the stem
- changes in crown architecture
- progressive or episodic reduction in post-mature crown size, often known as retrenchment

Lonsdale also states that "In order to qualify as a veteran, the tree should show signs of crown retrenchment and signs of decay in the trunk, branches or roots, such as exposed deadwood or fungal fruit bodies".

The English Nature Report Number 628 refers to Read (1999) for a list of veteran features but does add that in addition a tree may also:

- have a pollard form or show indications of past management
- have a cultural/historic value
- be in a prominent position in the landscape

These three criteria, when examined, are not truly indicative of a veteran tree on their own as these criteria could be applied to street trees in peri-urban locations that date from the mid-20th century - many of those are of pollard form, have cultural and historic value and a prominent position in the landscape.

In summary, it is important to consider the size of the tree and its characteristics. Just because a tree is mature does not mean it is veteran neither does the presence of veteran characteristics alone.

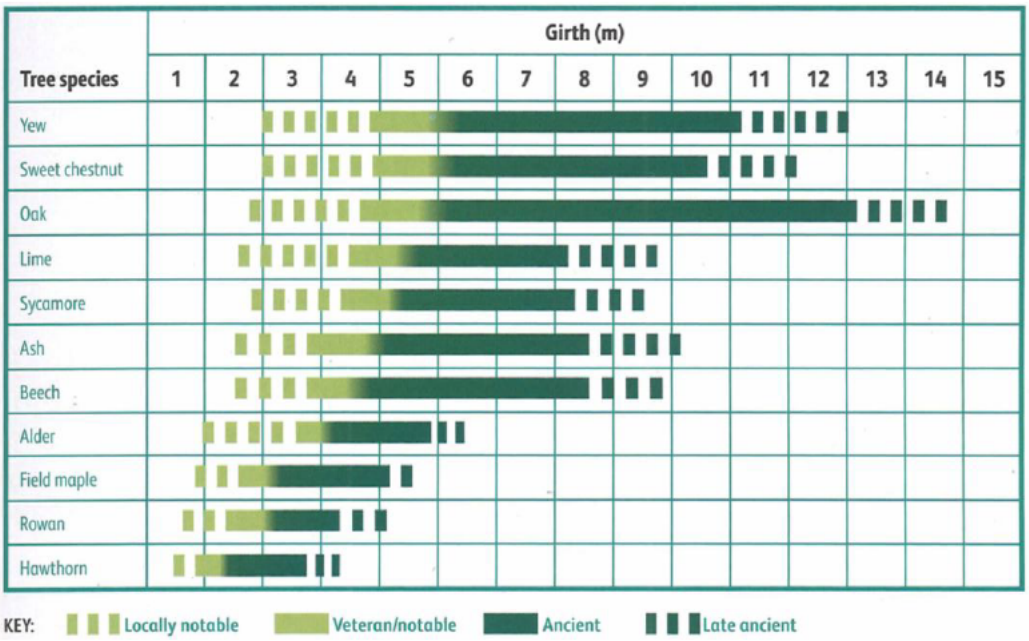


Figure 1- Chart of girth in relation to age and developmental classification of trees

Appendix 3

Schedule of Trees

for land at

Charwood House,
Southwater
Horsham

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	*Suffix 'e' denotes an estimated dimension.* *Suffix 'av' denotes an average dimension*
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 at Charwood House, Southwater Horsham

TPO 0894	TPO 1425	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
					N	E	S	W	Single Stem	2-5 stems					More than 5 stems										
										Stem 1	Stem 2	Stem 3	Stem 4	Stem 5	Mean dia	No. stems									
		1	Group of hawthorn	3av	1av				5av								0	-	Y	C2	>10	Group of small trees at entrance to site.		0.60	1
		2	English oak	13	3	5	4	3	30e								2	2N	Y	C2	>10	One of a pair of small trees within hawthorn. Ivy smothered stem.		3.60	41
		3	English oak	9	5	4	2	2	20e								2	2E	Y	C2	>10	One of a pair of small trees within hawthorn. Ivy smothered stem.	Crown lift to 5m above existing access.	2.40	18
		4	Corsican pine	11	3	5	6	4	63								1.5	1.5S	Y	B2	>20	One of a pair of similar trees at entrance.	Crown lift to 5m above existing access.	7.56	180
		5	Corsican pine	13	5	5	3	5	45								2	2NE	Y	B2	>20	One of a pair of similar trees at entrance.	Crown lift to 3m above proposed path.	5.40	92
		6	Scots pine	11	5	5	4	3	28								1	2NE	Y	C1	>10	Small tree close to building.	Remove.	3.36	35
		7	Cherry	10	3	3	6	5							10	7	2	2S	Y	C1	>10	Small multi stemmed tree at corner of site.	Remove.	3.17	32
		8	Cherry	7	2	4	2	1							10	6	2	2S	Y	C1	>10	Small multi stemmed tree at corner of site.		2.94	27
		9	Cherry	11	6	5	4	6		19	24	22					2	2S	Y	C1	>10	Small multi stemmed tree at corner of site.		4.52	64
		10	English oak	5	3	2	2	2	23								1	1S	Y	C1	>10	Small tree adjoining car park.	Remove.	2.76	24
		11	Pair of mountain ash	4av	1.5av				12av								1	1N	Y	C2	>10	Pair of small trees at edge of group.		1.44	7
		12	Scots pine	9	3	2	2	3	24								1	1S	Y	C2	>10	Part of a group of trees on site frontage.		2.88	26
		13	Hornbeam	8	3	2	2	2	17								1.5	1.5W	Y	C2	>10	Part of a group of trees on site frontage.		2.04	13
		14	Scots pine	9	2	2	3	2	22								1.5	1.5S	Y	C2	>10	Part of a group of trees on site frontage.		2.64	22
		15	Hornbeam	9	3	3	3	2	18								1.5	1.5S	Y	C2	>10	Part of a group of trees on site frontage.		2.16	15
		16	Scots pine	8	3	2	2	2	15								1.5	1.5S	Y	C2	>10	Part of a group of trees on site frontage.		1.80	10
		17	Hornbeam	7	3	2	2	2	12								1.5	1.5N	Y	C2	>10	Part of a group of trees on site frontage.		1.44	7
		18	Group of whitebeam	5av	2av				12av								2	2N	Y	C2	>10	Part of a group of trees on site frontage.		1.44	7
		19	English oak	10	4	4	5	4	19								1.5	1.5S	Y	C1	>10	Small tree at edge of car park.	Remove.	2.28	16
A1		20	Row of mixed broadleaves	14av	7av				45av								0	-	S	B2	>20	Row of trees alongside service road. Species include English oak, ash and field maple. Understorey of hazel, field maple and goat willow.		5.40	92
		21	Field maple	10	6	6	6	6	31								2	2N	Y	C1	>10	Small tree adjoining gate way.	Remove.	3.72	43

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Schedule of trees at Charwood House, Southwater Horsham

TPO 0894	TPO 1425	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
					N	E	S	W	Single Stem	2-5 stems					More than 5 stems										
										Stem 1	Stem 2	Stem 3	Stem 4	Stem 5	Mean dia	No. stems									
		22	Group of mixed broadleaves	9av	4av				20av								0	-	Y	B2	>20	Small copse of trees beyond palisade fence. Mixed species including hazel, hawthorn, ash, goat willow. Ash showing signs of Ash Dieback.	Crown lift to 5m above parking bays.	2.40	18
		23	Goat willow	13	7	8	8	9		45e	45e	45e					2	2N	E	C2	>10	Larger component of offsite copse. Attaining proportions where it is liable to stem failure.	Crown lift to 5m above parking bays.	9.35	275
		24	Goat willow	11	6	5	4	5		36	21						2	2N	S	C1	>10	Small tree growing amidst dogwood.	Crown lift to 5m above parking bays.	5.00	79
		25	Goat willow	7	3	3	3	3							10	6	2	2N	Y	C1	>10	Small tree growing in adjoining property.		2.94	27
		26	Cherry	8	2	2	3	2	17								2	2S	Y	C1	>10	Small tree growing in shrub bed. Tight union between stems liable to failure in future years.	Remove.	2.04	13
		27	Hornbeam	6	2	3	3	4	16								1	2S	Y	C1	>10	Small tree growing close to boundary.	Remove.	1.92	12
		28	English oak	9	3	3	6	3	24								1.5	1.5E	Y	C1	>10	Small tree growing toward edge of site.	Crown lift to 5m above parking bays.	2.88	26
	T3	29	English oak	16	7	7	8	5	74								2	2E	S	B2	>20	One of a pair of similar sized trees adjoining building. Has been crown reduced in the past.		8.88	248
	T4	30	English oak	15	7	6	8	6	72								4	4W	S	B2	>20	One of a pair of similar sized trees adjoining building. Has been crown reduced in the past. Partial covering of ivy on lower stem.		8.64	235
		31	Cherry	10	2	3	2	2	12								2	2E	Y	C1	>10	Etiolated form and growing against building.		1.44	7
		32	Dogwood	10	2	2	4	3		10	11						0	-	Y	C1	>10	Etiolated form.		1.78	10
		33	Group of hornbeam	12av	5av				25av								0	-	Y	B2	>20	Group of trees to east of Wilberforce Way.		3.00	28
		34	Group of mixed broadleaves	12av	5av				25av								0	-	Y	B2	>20	Group of trees growing to east of Wilberforce Way. Mixed species include field maple, rowan, goat willow, English oak, purple hazel.		3.00	28
		35	Mixed tree belt	13av	6av				30av								0	-	Y	B2	>20	Group of trees to west of Wilberforce Way. Species include cherry, dogwood, field maple, hazel and Corsican pine.		3.60	41

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Appendix 4

Tree Preservation Order

L:\planning/TPOA1990

TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

HORSHAM DISTRICT COUNCIL

TREE PRESERVATION ORDER, 1997

SOUTHWATER COMMERCIAL PARK, SOUTHWATER.

THE HORSHAM DISTRICT COUNCIL in this order called "the authority" in pursuance of the powers conferred in that behalf by Sections 198 to 201 of the Town and Country Planning Act 1990 and subject to the provisions of the Forestry Act 1967 and S.39(2) of the Housing and Planning Act 1986 (saving for the effect of Section 2(4) Opencast Coal Act 1958).

1. **In this Order:-**

"the Act" means the Town and Country Planning Act 1990;
"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years, lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more and a mortgagee in possession; and "the Secretary of State" means the Secretary of State for the Environment.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping. lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3. An application for consent made to the authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates and the operations for the carrying out of which consent is required.

NOTE - If it is desired to **fell** any of the trees included in this Order whether included as trees, groups of trees or woodlands, and the trees are trees for the felling of which a licence is required under the Forestry Act, 1967, application should be made not to the authority for consent under this Order but to the Conservator of Forests for a licence under that Act (Section 15(5)).

4. (1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent:

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied -

(a) That the refusal or condition is in the interests of good forestry; or

(b) in the case of trees, other than trees comprised in a group of trees or in a woodland, that the trees have an outstanding or special amenity value; or

(c) in the case of trees which are comprised in a group of trees or in a woodland, that the group of trees or the woodland, as the case may be, has an outstanding or special amenity value,

but a certificate shall not be given in the case of trees falling within (c) above if the application in respect of them has been referred by the Forestry Commissioners under section (15)(1)(b) or 15(2)(a) of the Forestry Act 1967.

6. (1) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless -

(a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act; or

(b) the authority with the approval of the Secretary of State dispense with replanting,

the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to the provision of this Order and Section 204 of the Act, replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to:-

(a) species;

(b) number of trees per acre (hectare);

(c) the erection and maintenance of fencing necessary for protection of the replanting;

(d) the preparation of ground, draining, removal of brushwood, lop and top; and

(e) protective measures against fire.

7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by a water authority since 31st March 1974, by any other authority (whose functions are now exercised by a water authority) who at any time prior to 1st April 1974 exercised the functions in respect of which the byelaw was made, by a drainage board, or by the Greater London Council in the exercise of any of its functions in relation to the maintenance, improvement or construction of watercourses or of drainage works restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any such condition or direction has effect subject to the requirement of the water authority, the drainage board, or the Greater London Council under those byelaws and the condition or direction shall have effect accordingly.

8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he

makes a claim on the authority within the time and in the manner prescribed by this order, be entitled to recover from the authority compensation in respect of such loss or damage:

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

10. In assessing compensation payable under the last preceding Article account shall be taken of:

(a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order made under Sections 198 to 201 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932 and

(b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

11. (1) A claim for compensation under this Order pursuant to Sections 203 and 204 of the Act shall be in writing and shall be made by serving it on the authority, such service to be effected by addressing the claim to the authority and leaving it at or sending it by post to the principal office of the authority.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Secretary of State as the case may be, or where an appeal has been made to the Secretary of State against the decision of the authority, form the date of the decision of the Secretary of State on the appeal.

12. Any question of disputed compensation under Sections 203 and 204 shall be determined in accordance with the provisions of Section 205 of the Act.

13. (1) The provisions of Sections 198 to 201 of the Act shall apply to this Order and the Order shall take effect on the date of service thereof.

[(2) This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein, as from the time when that tree is planted.]

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000 or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding level 4 on the standard scale of fines (currently £1,000) on summary conviction.

If a tree, except in the case of a tree to which the Order applies as part of a woodland, is removed, uprooted or destroyed in contravention of an Order or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by Section 198 (6) of the Town and Country Planning Act 1990 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days previous notice of the removal, etc., should be given to the authority to enable the latter to decide whether or not to dispense with the requirement.

In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the trees removed, uprooted or destroyed by planting the same number of trees either on or near the land on which the trees removed, uprooted or destroyed stood or on such other land as may be agreed between the local planning authority and the owner of the land, and (in either case) in such places as may be designated by the local planning authority.



TREES SPECIFIED BY REFERENCE TO AN AREA
(within a dotted black line on the map)

A1 - THE TREES OF WHATEVER SPECIES STANDING WITHIN THE AREA MARKED A1

A2 - THE TREES OF WHATEVER SPECIES STANDING WITHIN THE AREA MARKED A2

TREES SPECIFIED INDIVIDUALLY
(encircled in black on the map)

T1 - ASH
T2 - ASH
T3 - OAK
T4 - OAK
T5 - ASH
T6 - OAK
T7 - OAK
T8 - OAK
T9 - OAK
T10 - ASH
T11 - OAK
T12 - ASH
T13 - ASH
T14 - ASH
T15 - ASH
T16 - BEECH
T17 - BEECH
T18 - OAK

[redacted]

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THIS IS THE PLAN REFERRED TO IN THE
HORSHAM DISTRICT COUNCIL

SOUTHWATER COMMERCIAL PARK
SOUTHWATER

516202E,127895N

TREE PRESERVATION ORDER 1997

Horsham District Council
NEW PARK HOUSE . NORTH STREET . Horsham 21500
HORSHAM . SUSSEX . RH12 1RL
Tony Curtis . Director . Directorate of Planning

Ref No.	TP00894		
Date.	23/04/1997	Scale.	1:1250
Drawn.	BM	Checked.	VH/PGH
Drawing No.		Revisions.	

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY
(encircled in black on the map)

No. on Map			Description		Situation	
T1 - ASH	T6 - OAK		T11 - OAK	T16 - BEECH		
T2 - ASH	T7 - OAK		T12 - ASH	T17 - BEECH		
T3 - OAK	T8 - OAK		T13 - ASH	T18 - OAK		
T4 - OAK	T9 - OAK		T14 - ASH			
T5 - ASH	T10 - ASH		T15 - ASH			

TREES SPECIFIED BY REFERENCES TO AN AREA
(within a dotted black line on the map)

No. on Map	Description	Situation

GROUP OF TREES
(within a broken black line on the map)

No. on Map	Description	Situation

WOODLANDS
(within a continuous black line on the map)

No. on Map	Description	Situation

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority to

(1) the cutting down of any tree on land which is subject to a forestry dedication covenant where

(a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;

(b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.

(2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme or other grant scheme under Section 4 of the Forestry Act 1967 except a scheme which applies to a forestry dedication covenant;

(3) the cutting down, uprooting, topping or lopping of a tree

(a) in pursuance of the power conferred on the Post Office by virtue of Section 5 of the Telegraph (Construction) Act 1908 and Section 21 of the Post Office Act 1969, or by or at the request of the Post Office where the land on which the tree is situated is operational land as defined by the Post Office Operational Land Regulations and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking

(b) by or at the request of

(i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;

(ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line;

(iii) a water authority established under the Water Act, 1973, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, or the

Greater London Council where the tree interferes or would interfere with the exercise of any of the functions of such water authority, drainage board, Council in relation to the maintenance, improvement or construction of watercourses or of drainage works; or

(iv) the Secretary of State for Defence, the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;

(c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under the Act, or deemed to have been so granted for any of the purposes of that Part;

(d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden;

[Where the trees are within the Thames catchment area]

[(e) in pursuance of the powers of the Thames Water Authority under Section 105 of the Thames Conservancy Act 1932]

THIRD SCHEDULE

Provisions of the following parts of the Town and Country Planning Act 1990 as adapted and modified to apply to this Order.

75. (1) Without prejudice to the following provisions, as to the duration revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.

77. **Reference of applications to the Secretary of State**

(1) The Secretary of State may give directions to the authority requiring applications for the consent under the Order to be referred to him instead of being dealt with by the authority.

(2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

(4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

(5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of state for the purpose.

(7) The decision of the Secretary of State on any application referred to him under this section shall be final.

78. Right to appeal against decisions and failure to take such decisions

(1) Where an application is refused by the authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice appeal to the Secretary of State.

(2) A person who has made such an application may also appeal if the authority have neither given notice to the applicant of their decision nor given notice that the application has been referred to the Secretary of State in accordance with Section 77 within such period as may be prescribed by the development order or within such extended period as may at any time be agreed upon in writing between the applicant and the authority.

(3) Any appeal under this Section shall be made by notice served within such time and in such manner as may be prescribed by a development order.

(4) The time prescribed for service of such a notice must not be less than twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or in the case of an appeal under subsection (2) 28 days from the end of the period prescribed, or as the case may be, the extended period mentioned.

79. **Determination of appeals**

(1) On an appeal under Section 78 the Secretary of State may allow or dismiss the appeal, or reverse or vary any part of the authority's decision (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 authority so wish, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any appeal under this section shall be final.

97. **Power to revoke or modify the consent under the Order**

(1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as they consider expedient.

(2) In exercising their functions under subsection (1) the authority shall have regard to the development plan and to any other material considerations.

(3) The power conferred by this section may be exercised at any time before the operations for which consent has been given have been completed.

(4) The revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

S.98 **Procedure for S.97 Orders : Opposed Cases** Except as provided in Section 99 an Order under Section 97 shall not take effect unless it is confirmed by the Secretary of State.

(2) Where an authority submit such an order to the Secretary of State for confirmation they shall serve notice on the Owner of the land affected, the occupier of the land affected and any other person who in their opinion will be affected by the Order.

(3) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for that purpose.

(4) If within that period such a person so requires, before the Secretary of State confirms the Order, he shll give such an opportunity both to him and to the authority.

(5) The period referred to in subsection (3) must not be less than 28 days from the service of the notice.

(6) The Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

99 **Procedure for S.97 Orders : Unopposed Cases**. This section applies where the local planning authority have made an Order under Section 97 above revoking or modifying any consent granted on an application made under a Tree Preservation Order but have not sumitted it to the secretary of State for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to it.

(2) Where is Section applies, instead of submitting the order to the Secretary of State for confirmation the authority shall advertise in the prescribed maner the fact that such Order has been made and the advertisement must specify:

(a) the period within which persons affected by the Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose and

(b) the period at the expiration of which, if no such notice is given to the Secretary of State, the Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

(3) The authority shall also serve notices to the same effect on the persons mentioned in subsection (1)(b).

(4) The period referred to in subsection (2)(a) must not be less than 28 days from which the advertisement first appears.

(5) The period referred to in subsection (2)(b) must not be less than 14 days from the expiration of the period referred to in subsection (2)(a).

(6) The authority shall send a copy of any advertisement published under subsection (2) above to the Secretary of State, not more than three days after the publication.

(7) If no person claiming to be affected by the Order has given notice to the Secretary of State under subsection (2)(a) within the period referred to in that subsection and the Secretary of State has not directed within that period that the Order be submitted to him for confirmation, the Order shall take effect at the expiry of the period referred to in subsection (2)(b), without being confirmed by the Secretary of State as required by Section 98(1).

(8) This Section does not apply to an order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under this part or part VII of the Act.

GIVEN under the Common Seal of the
HORSHAM DISTRICT COUNCIL

the twenty-eighth day of May 19 97

.....
Deputy Chief [redacted]



DATED 28th May 1997

TOWN AND COUNTRY PLANNING ACT, 1990

TREE PRESERVATION ORDER

relating to

SOUTHWATER COMMERCIAL PARK, SOUTHWATER.

DATED 16th September, 2010

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

HORSHAM DISTRICT COUNCIL

(Land North of Southwater Street, Southwater)

TREE PRESERVATION ORDER 2010

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

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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 North of Southwater Street, Southwater, Tree Preservation Order, 2010

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 North of Southwater Street, Southwater)** Tree Preservation Order 2010.

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 16th September, 2010.

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

7. (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

8. (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

9. (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 sixteenth day of September, 2010

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

[redacted]

~~Head Of Financial & Legal Services/~~
~~Chief Executive~~

Director of Corporate Resources

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Oak	Position as shown on map
T2	Oak	..
T3	Oak	..
T4	Oak	..
T5	Oak	..

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
None	None	None

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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)	(a) In subsection (1) - (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 (ii) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission". (b) In subsection (2) - (i) after "contain" insert ", as regards each such order", and (ii) for paragraphs (a) and (b) substitute - (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". (c) Omit subsections (3) and (4) (as required by section 198(4)).
Section 70 (determination of applications: general considerations)	(a) In subsection (1) - (i) substitute -
	"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; (ii) after "think fit", insert - "(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and (iii) omit "subject to sections 91 and 92,". (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

	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).". (c) Omit subsections (2) and (3).
Section 75 (effect of planning permission)	(a) In subsection (1) substitute - (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". (b) Omit subsections (2) and (3).
Section 78 (right to appeal against planning decisions and failure to take such decisions)	(a) In subsection (1) substitute - (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 - "(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,". (b) Omit subsection (2). (c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute - "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.".
	(d) For subsection (4), substitute - "(4) The appellant shall serve on the authority a copy

	of the notice mentioned in subsection (3).". (e) For subsection (5), substitute - "(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 (determination of appeals)	(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority". (b) Omit subsection (3). (c) In subsection (4), substitute - (i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part 1 of Schedule 5"; (ii) "consent under a tree preservation order" for "planning permission"; and (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.". (d) Omit subsections (6) and (6A). (e) In subsection (7), omit the words after "section 78".

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.

[End of document]

Head of Planning and Environmental Services TPO 1425

10th December2010

The following Tree Preservation Order has been served and the statutory consultation period for the receipt of representations has now expired. No representations have been received with regard to the Order enabling it to be confirmed under the Scheme of Delegation to Officers.

HORSHAM DISTRICT COUNCIL (Land North of Southwater Street, Southwater).
TREE PRESERVATION ORDER 2010
(ORDER NO. 1425)

Type of Order: Individual

Modifications: None

Comments: None

[redacted]...
Arboricultural Officer

10/12/10.....
Date

I hereby authorise confirmation of the Tree Preservation Order listed above under Paragraph 8.7 of the Scheme of Delegation to Officers.

[redacted].....
Head of Planning and Environmental Services

10/12/10.....
Date

N

WILBERFORCE WAY

RSPCA

El Sub Sta

T4

T3

T2

T1

T5

Southwater Street

Blakes Farm Cottage

Lea Bridge

Olcote

Wellers Farm

Wellfield House

61.8m

Nye's Cottage

Foxholes

Yew Tree Cottage

Wheels

60.0m

Oakhurst

SOUTHWATER STREET

61.0m

Pegglesbrook

59.6m

Wren House

Saddlers

Son

The Riedal

Oakside

Fairfields

Saul

Badgers

Brook

Spring

Blake's Farm

The Old Barns

Pennock Barn

TREES SPECIFIED INDIVIDUALLY
(encircled in black on the map)

T1 - OAK
T2 - OAK
T3 - OAK
T4 - OAK
T5 - OAK

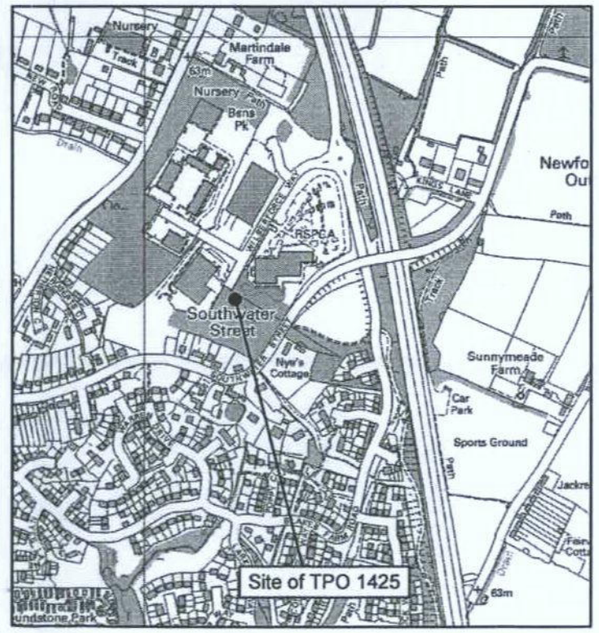
THIS IS THE PLAN REFERRED TO IN THE
HORSHAM DISTRICT COUNCIL

LAND NORTH OF
SOUTHWATER STREET,
SOUTHWATER

516119E 127575N

TREE PRESERVATION ORDER 2010

Reference No : TPO1425	
Date 16/9/10	Scales : 1:1250 & 1:10,000
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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