



Gladman Developments Ltd

Land off St Mary's Road, Hayling Island

Arboricultural Assessment

December 2021

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1.0 INTRODUCTION

- 1.1 This report has been prepared by FPCR Environment and Design Limited on behalf of Gladman Development Ltd to present the findings of an Arboricultural Assessment and survey of trees located at Land off St Mary's Road, Hayling Island (hereafter referred to as the site), OS Grid Ref SZ 719 997, as shown in Figure 1. The survey was carried out on 24th August 2016 and updated on 27th March 2018 and 24th November 2021.
- 1.2 The tree survey and assessment of existing trees has been carried out in accordance with guidance contained within British Standard 5837:2012 '*Trees in Relation to Design, Demolition and Construction - Recommendations*' (hereafter referred to as BS5837). The guidelines set out a structured assessment methodology to assist in determining which trees would be deemed either as being suitable or unsuitable for retention.
- 1.3 The guidance also provides recommendations for considering the relationship between existing trees and how those trees may integrate into designs for development; demolition operations and future construction processes so that a harmonious and sustainable relationship between any retained trees and built structures can be achieved.
- 1.4 The purpose of the report is therefore to firstly present the results of an assessment of the existing trees' arboricultural value, based on their current condition and quality and to secondly provide an assessment of impact arising from the proposed development of the site.
- 1.5 This report has been produced to accompany an outline planning application for a residential development and has included an assessment of any impact to the tree cover. The survey has therefore focused on any trees present within or bordering the site that may potentially be affected by the future proposals or will pose a constraint to any proposed development.
- 1.6 The site comprises two field parcels separated north to south by a drainage ditch, situated on Hayling Island. The site abuts St Mary's Road along a section of its eastern boundary, a public footpath abuts the site's northern and western boundaries. Tree cover was confined to the site boundaries, with the exception of a self-seeded tree group around a farm building and drainage pond in the centre of the site.

Statutory Considerations

- 1.7 Local authorities have a Duty under the Town and Country Planning Act to create Tree Preservation Orders (TPO) in order to protect and preserve specific trees and woodlands that bring significant amenity benefit to a particular site or location. Under a TPO it is a criminal offence to cut down, top, lop, uproot or willfully destroy a tree protected by that Order, or to cause or permit such actions, if carried out without the prior written consent of the acting LPA. Anyone found guilty of such an offence is liable and in serious cases, may result in prosecution and incur an unlimited fine.
- 1.8 Following consultation with the Local Planning Authority, Havant Borough Council, it is understood that there is a Tree Preservation Order, namely TPO 884, TPO 1615 and TPO 2048, which applies to a number of trees present within the assessment site and therefore statutory constraints apply to the development in respect of trees. A plan detailing trees covered by the TPO has been included within the report as Appendix C and further details are given in Table 2.

- 1.9 Information provided on Tree Preservation Orders is accurate to the date of this assessment and cannot be assumed to remain unchanged. The last check was carried out on the 03.12.2021.

2.0 METHODOLOGY

- 2.1 The survey of trees has been carried out in accordance with the criteria set out in Chapter 4 of BS5837. The survey has been undertaken by a suitably qualified and experienced arboriculturalist and has recorded information relating to all those trees within the site and those adjacent to the site which may be of influence to any proposals. Trees were assessed for their arboricultural quality and benefits within the context of the proposed development in a transparent, understandable and systematic way.
- 2.2 Trees have been assessed as groups where it has been determined appropriate. The term group has been applied where trees form cohesive arboricultural features either aerodynamically, visually or culturally including biodiversity or habitat potential for example parkland or wood pasture.
- 2.3 An assessment of individual trees within groups has been made where 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.
- 2.4 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 and 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.
- 2.5 **Category (U) – (Red):** Trees which are unsuitable for retention and are in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. Trees within this category are:
- 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.
- 2.6 **Category (A) – (Green):** Trees that are considered for retention and are of high quality with an estimated remaining life expectancy of at least 40 years with potential to make a lasting contribution. Such trees may comprise:

- Sub category (i) 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.
- Sub category (ii) trees, groups or woodlands of particular visual importance as arboricultural and / or landscape features.
- Sub category (iii) trees, groups or woodlands of significant conservation, historical, commemorative or other value for example veteran or wood pasture.

2.7 **Category (B) – (Blue):** Trees that are considered for retention and are of moderate quality with an estimated remaining life expectancy of at least 20 years with potential to make a significant contribution. Such trees may comprise:

- Sub category (i) 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.
- Sub category (ii) 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.
- Sub category (iii) trees with material conservation or other cultural value.

2.8 **Category (C) – (Grey):** 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 category (i) unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.
- Sub category (ii) 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.
- Sub category (iii) trees with no material conservation or other cultural value.

Tree Schedule

2.9 Appendix A presents details of any individual trees, groups and hedgerows found during the assessment including heights, diameters at breast height, crown spread (given as a radial measurement 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.

2.10 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.

Hedgerows

2.11 For the purposes of this assessment, a hedgerow is described as any boundary line of trees or shrubs less than 5m wide at the base and are managed under a regular pruning regime. Hedgerows and substantial internal or boundary hedges (including evergreen screens) have

been recorded including lateral spread, height and stem diameter(s). Where trees are present within a hedgerow that are significantly different in character from the remainder, these have been identified and recorded separately.

- 2.12 A tree survey in accordance with BS5837 does not assess hedgerows against the Hedgerow Regulations 1997 or specifically from an ecological perspective, and is outside the scope of this assessment.

Other Considerations

- 2.13 It may be necessary during detailed design to undertake further assessment and accurate positioning of woody species within hedgerows and tree groups to assist structural calculations for foundation design of structures in accordance with current building regulations. Knowledge of soil type was not known at the time of this tree assessment. If a current soil survey of the site has taken place then it must be read in conjunction with the results of the tree survey.
- 2.14 The exact position of individual trees or species included as part of a tree group, hedgerow or woodland should be checked and verified on site prior to any decisions for foundation design, tree operations or construction activity being undertaken. Further survey work would be required for calculating foundation depths in accordance with NHBC Chapter 4.2 Building near Trees.

Conditions of Tree Survey

- 2.15 The survey was completed from ground level only and from within the boundary of the site. Aerial tree inspections or the internal condition of the stem/s or branches were not undertaken at this stage as this level of survey is beyond the scope of the initial assessment. Evaluation of tree condition given within this assessment applies to the date of survey and cannot be assumed to remain unchanged. It may be necessary to review these within 12 months, in accordance with sound arboricultural practice.

Site Plans

- 2.16 Figure 1 identifies the assessment area including trees beyond the application boundary that may be affected by future development of the site and should not be considered as the application boundary.
- 2.17 The individual positions of trees and groups have been shown on the Tree Survey Plan, Figure 2. The positions of trees are based on a topographical / land survey, as far as possible, supplied by the client. Where topographical information has not identified the position of trees and hedgerows, their relation to any existing surrounding features has been plotted using a global positioning system and aerial photography to provide approximate locations. The crown spread, root protection area and shade pattern (where appropriate) are also indicated on this plan.
- 2.18 As part of the Arboricultural Impact Assessment, a Tree Retention Plan, Figure 3 has been prepared to show the proposed layout in relation to the existing tree cover allowing an assessment of any potential conflicts. The plan also identifies which trees would be required to be removed or retained as part of the proposed development.

Tree Constraints and Root Protection Areas

- 2.19 Below ground constraints to future development are represented by the area surrounding the tree containing sufficient rooting volume for the specimen to have the best chance of survival in the long term which is identified as the root protection area (RPA). The RPA has been calculated in accordance with section 4.6 of BS5837 and requires suitable protection in order for the tree to be successfully incorporated into any future scheme.
- 2.20 Where groups of trees have been assessed, the Root Protection Area has been shown based on the maximum sized tree in any one group and so may exceed the Root Protection Area required for some of the individual specimens within the group. Further detailed inspection of the individual trees forming a group may be required where development impacts upon the group.
- 2.21 Above ground constraints such as the current and potential crown spread of the trees and an illustration of the shade pattern (where appropriate) have been considered and identified within the Tree Survey Plan and Tree Retention Plan indicates their potential area of shading influence.

3.0 RESULTS

- 3.1 A total of twenty individual trees, eleven groups of trees and two hedgerows were surveyed as part of the Arboricultural Assessment. Trees were surveyed as individual trees and groups of trees where examples are clearly present as per the description. Refer to Figure 2 – Tree Survey Plan and Appendix A – Tree Schedule for full details of the trees included in this assessment.

Results Summary

- 3.2 Tree cover was confined to the site boundaries and included mature tree cover within the grounds of St Mary's Church, adjacent to the public footpath, and within the rear gardens of properties on St Mary's Road. Self-seeded tree cover had also established around a farm building and drainage pond within the centre of the site. The table below summarises the trees assessed. Several of the trees have been discussed in more detail following the table, owing to their physical condition or arboricultural significance.

Table 1: Summary of Trees by Retention Category

	Individual Trees	Total	Groups of Trees	Total
Category U - Unsuitable	T16, T18	2		0
Category A (High Quality / Value)	T5	1		0
Category B (Moderate Quality / Value)	T1, T2, T3, T6, T12, T13, T20, T22	8	G3, G5	2
Category C (Low Quality / Value)	T4, T7, T8, T9, T10, T11, T14, T17, T23	9	G1, G2, G4, G6, G7, G8, G9, G10, G11, H1, H2	11

- 3.3 Access to the site is currently achieved via a farm track from St Mary's Road on the site's eastern boundary. G1 an outgrown hedgerow and self-seeded tree group made up of hawthorn *Crataegus monogyna* and blackthorn *Prunus spinosa* had established along both sides of this existing access track. Attaining up to 5m in height and having limited landscape value from an arboricultural perspective as a result of its sporadic appearance resulted in G1 being considered of low quality and retention category C.
- 3.4 Two tree groups (G2 and G3) and a single individual tree (T1) stood beyond the site's northern boundary with the grounds of the St Mary's Church. T1 a single mature Monterey pines *Pinus radiata* and G3 a group of six mature Monterey pines where situated 2m beyond the application boundary and had reached heights of up to 18m. Both were considered as moderate quality and retention category B as they lacked the quality required to merit category A designation.
- 3.5 A public footpath runs adjacent to a section of the site's eastern boundary, along which two tree groups (G5 and G6) and ten individual trees (T2-T11) were recorded. Of the ten individual trees three are mature English oak *Quercus robur* though only one (T5) was considered retention category A being a particularly good example of the species. The remaining tree cover along this boundary which included a further two ash *Fraxinus excelsior*, three field maple *Acer campestre* and a single goat willow *Salix caprea* were considered of moderate or low quality and retention category B or C accordingly dependant on their current condition and the presence of existing defects which deducted from their safe life expectancy.
- 3.6 Three tree groups (G7-G9) and three individual trees (T12-T14) were recorded along the site's southern boundary. With the exception of G7 an outgrown hedgerow which contained elder *Sambucus nigra*, wych elm *Ulmus procera* and damson *Prunus insititia* and had established along and self-seeded within the application boundary, the remainder of this southern boundary tree cover stood beyond the application boundary within the rear gardens of adjacent properties.
- 3.7 A single tree group (G10) and three individual trees (T16-T18) were recorded within the centre of the application boundary around an existing farm building and drainage pond. G10 a blackthorn thicket which contained a number of self-seeded ash trees was considered to be of low arboricultural quality and retention category C. T16 a mature ash tree which displayed extensive die back and had limited future potential and T18 a walnut *Juglans regia* which was largely dead at the time of the assessment, were both considered unsuitable for retention.
- 3.8 Two individual trees (T20 & T22) were recorded along the site's eastern boundary, both of which stood beyond the application boundary by c. 1m within the rear gardens of adjacent properties.
- 3.9 A blackthorn and hawthorn thicket (G11) had established along a small section of the drainage ditch which separated the site into two field parcels. The group was considered of low value from an arboricultural perspective as a result of its sporadic appearance, and the individual specimens attaining heights of only 4m.

Statutory Constraints

- 3.10 The following table details which trees are included in the Havant Borough Council Tree Preservation Orders, TPO 2048, TPO 0884 and TPO 1615. The trees identified within the TPO are protected by law from felling or uprooting, pruning including 'topping/lopping' and willful damage or destruction. The granting of full planning permission would override the protection afforded by the Tree Preservation Order to those trees shown as removed to facilitate the proposals within the approved plans.

Table 2: Tree Preservation Order Details

Tree No. taken from FPCR	TPO reference no.
T1	1615 – T25
T2	2048 – T1
T3	2048 – T2
T5	2048 – T3
T12	884 – T15
G3	1615 – T27 – 32

- 3.11 Prior to any tree surgery and / or felling of protected trees it will be necessary to apply to the relevant local planning authority to gain consent for the works. For more information regarding Conservation Areas and Tree Preservation Orders it is advised that contact is made with the Local Planning Authority's arboricultural officer, or other such relevant person.

4.0 ARBORICULTURAL IMPACT ASSESSMENT

- 4.1 The following paragraphs present a summary of the tree survey and discussion of particular trees and groups recorded in the context of any proposed development in the form of an Arboricultural Impact Assessment in accordance with section 5.4 of BS5837. Any final tree retentions will need to be reconciled with the advice contained within this report.
- 4.2 The impact assessment has been based upon the Development Framework Plan (7478-P-01 Rev A) and seeks to outline the relationship between the proposals and the existing trees and hedgerows. The Framework Plan shows the proposals for an application for outline planning permission for the erection of up to 300 residential dwellings, structural planning and landscaping, informal public open space, children's play areas, sustainable drainage system (SuDS) vehicular access from St Mary's Road and associated ancillary works. All matters reserved with the exception of the main vehicular accesses.
- 4.3 Through good design and by virtue of the existing tree cover being located around the extents of the site the proposals have allowed for the retention of all moderate and high quality trees and tree groups, only requiring the removal of two sections of low quality tree groups and single category U, required to provide access to the site and achieve a feasible internal layout.
- 4.4 The proposed main vehicular access to the site is from St Mary's Road and will utilise an existing access track which will be enhanced. The enhancement works along with widening the access point, which is currently a single track, will require the removal of a section of G1; an outgrown

hedgerow and self-seeded tree group considered of low quality. The removal of this section of tree group is unavoidable should the site be developed as it allows the provision of a suitable access. The removal of this section of G1 should not raise any objection from an arboricultural perspective and the removal of this tree cover would be more than adequately mitigated for through new tree planting proposed as part of a detailed landscaping scheme.

- 4.5 A small section of G10 an outgrown blackthorn thicket will require removal due to the alignment of the developable area of the site. Again this group was considered to be of low quality and its removal to facilitate the proposed development should not raise any objection from an arboricultural perspective and would be mitigated for through new tree planting proposed as part of a subsequent detailed application.
- 4.6 T18 a walnut which was dead at the time of the 2021 assessment therefore afforded retention category U, would be removed as part of the proposed development. Considered as unsuitable for retention T18 should not form a material constraint within the development process and its removal should not raise any objection. T16 also considered as unsuitable for retention would pose no immediate risk and could therefore be retained within this indicative layout for any ecological and habitat potential it may provide.
- 4.7 Retained tree cover within the grounds of St Mary's Church and adjacent to the public footpath along the site's western boundary has been shown to be considered within the outline application with suitable buffers having been illustrated which will encompass the entirety of the root protection areas of these retained trees. This will see the trees retained within a similar growing environment and provided adequate space to mature.
- 4.8 T23 was a young, category C English oak, planted in memoriam. It's retention and future growing conditions have been facilitated by it's inclusion within the area of Public Open Space.
- 4.9 Where trees have been shown to be retained adjacent to proposed residential areas the detailed layout of these residential parcels should take into consideration both the root protection area and illustrative shade patterns of these retained trees. The layout of development plots should ensure that no construction is proposed within root protection areas of retained trees and shading is minimized.
- 4.10 The design of a proposed SUDS basin within the southern portion of the site should also take into consideration the root protection areas of retained trees within this portion of the site and should be designed as to avoid any excavation within these areas to ensure no root damage occurs.

New Tree Planting

- 4.11 New tree planting will form an integral part of the new development however, proposals for new tree planting should be appropriate for the future use of the site and not just aim to improve the existing tree population. As part of the development proposals new tree planting has been illustrated within landscaped areas. The purpose and function of this new tree planting should be understood from the start of any design stages so that key objectives from a landscape perspective can also be achieved.

- 4.12 The success of any landscaping scheme relies on an adequate provision of a high quality rooting environment within which trees can thrive and reach their full potential. Planting trees with due care and consideration can, in the long term, provide a greater return on a schemes green investment and ensure trees remain healthy and grow to mature proportions. Healthy mature trees integrate well into the built environment; increase the maturity of the landscape; help provide a natural green and leafy urban environment in which people would want to reside whilst also benefiting local wildlife.
- 4.13 The landscaping scheme should consider the use of both native tree species (for their low maintenance requirements and nature conservation value) and ornamental species (for their contribution to urban design and amenity value). Species choices should be selected on the basis of their suitability for the final site use. Furthermore, during the design process consultation should be made with the Local Planning Authority to obtain information on their tree strategy and incorporate the planting proposals with any local policies and initiatives and/or Biodiversity Action Plans (BAP).
- 4.14 Careful consideration would need to be given to the following: ultimate height and canopy spread, form, habit, density of crown, potential shading effect, colour, water demand, soil type and maintenance requirements in relation to both the built form of the new development and existing properties. Through careful species selection, the landscape scheme shall reduce the risk of trees being removed in the future on the grounds of nuisance which can be perceived, within the context of trees as, low overhanging branches, excessive shading, seasonal leaf fall and the misinformed perception that trees close to buildings cause damage.
- 4.15 Tree planting should be avoided where this may obstruct any underground apparatus, which should be ducted or otherwise protected at the time of construction to enable trees to be planted without resulting in future conflicts.

Tree Management

- 4.16 The layout of the development is currently reserved for subsequent approval. In the course of a reserved matters application pursuant to layout, a review of the relationship between the layout and the retained trees should be undertaken by a qualified arboriculturalist to assess the existing tree cover and prepare a schedule of tree works.
- 4.17 All retained trees should be subjected to sound arboricultural management as recommended within section 8.8.3 of BS5837 *Post Development Management of Existing Trees*, where there is a potential for public access in order to satisfy the landowner's duty of care. Additionally, inspections annually and following major storms should be carried out by an experienced arboriculturalist or arborist to identify any potential public safety risks and to agree remedial works as required.
- 4.18 All tree works undertaken should comply with British Standard 3998:2010 and should therefore be carried out by skilled tree surgeons. It would be recommended that quotations for such work be obtained from Arboricultural Association Approved Contractors as this is the recognised authority for certification of tree work contractors.
- 4.19 All vegetation and, particularly, woody vegetation proposed for clearance should be removed outside of the bird-breeding season (February – August inclusive) as all birds are protected under

the Wildlife and Countryside Act, 1981 (as amended) whilst on the nest. Where this is not possible, vegetation should be checked for the presence of nesting birds prior to removal by an experienced ecologist.

5.0 TREE PROTECTION MEASURES

- 5.1 Retained trees will be adequately protected during works ensuring that the calculated root protection area for all retained trees can be appropriately protected through the erection of the requisite tree protection barriers. Measures to protect trees should follow the guidance in BS5837 and will be applied where necessary for the purpose of protecting trees within the site whilst allowing sufficient access for the implementation of the proposed layout. These have been broadly summarised below.

General Information and Recommendations

- 5.2 All trees retained on site will be protected by suitable barriers or ground protection measures around the calculated RPA, crown spread of the tree or other defined constraints of this assessment as detailed by section 6 and 7 of BS5837.
- 5.3 Barriers will be erected prior to commencement of any construction work and before demolition including erection of any temporary structures. Once installed, the area protected by fencing or other barriers will be regarded as a construction exclusion zone. Fencing and barriers will not be removed or altered without prior consultation with the Project Arboriculturalist.
- 5.4 Any trees that are not to be retained as part of the proposals should be felled prior to the erection of protective barriers. Particular attention needs to be given by site contractors to minimise damage or disturbance to retained specimens.
- 5.5 Confirmation that tree protective fencing or other barriers have been set out correctly should be gained prior to the commencement of site activity.

Tree Protection Barriers

- 5.6 Tree protection fencing should be fit for the purpose of excluding any type of construction activity and suitable for the degree and proximity of works to retained trees. Barriers must be maintained to ensure that they remain rigid and complete for the duration of construction activities on site.
- 5.7 In most situations, fencing should comprise typical construction fencing panels attached to scaffold poles driven vertically into the ground. For particular areas where construction activity is anticipated to be of a more intense nature, supporting struts, acting as a brace should be added and fixed into position through the application of metal pins driven into the ground to offer additional resistance against impacts.
- 5.8 Where site circumstances and the risk to retained trees do not necessitate the default level of protection an alternative will be specified appropriate to the level / nature of anticipated construction activity. The recommended methods of fencing specifications for this site have been illustrated in Appendix B.

- 5.9 It may be appropriate on some sites to use temporary site offices, hoardings and lower level barrier protection as components of the tree protection barriers. Details of the specific protection barriers for the site can be provided should the application be approved, as part of a site specific Arboricultural Method Statement for a Reserved Matters application and in accordance with the guidance contained within BS5837.

Protection outside the exclusion zone

- 5.10 Once the areas around trees have been protected by the barriers, any works on the remaining site area may be commenced providing activities do not impinge on protected areas.
- 5.11 All weather notices should be attached to the protective fencing to indicate that construction activities are not permitted within the fenced area. The area within the protective barriers will then remain a construction exclusion zone throughout the duration of the construction phase of the proposed development. Protection fencing signs can be provided upon request.
- 5.12 Wide or tall loads etc should not come into contact with retained trees. Banksman should supervise transit of vehicles where they are in close proximity to retained trees.
- 5.13 Oil, bitumen, cement or other material that is potentially injurious to trees should not be stacked or discharged within 10m of a tree stem. No concrete should be mixed within 10m of a tree. Allowance should be made for the slope of ground to prevent materials running towards the tree.
- 5.14 No fires will be lit where flames are anticipated to extend to within 5m of tree foliage, branches or trunk, taking into consideration wind direction and size of fire.
- 5.15 Notice boards, telephone cables or other services should not be attached to any part of a retained tree.
- 5.16 Any trees which need to be felled adjacent to or are present within a continuous canopy of retained trees, must be removed with due care (it may be necessary to remove such trees in sections).
- 5.17 In the event of having caused any branch or limb damage to retained trees it is strongly recommended that suitable tree surgery be carried out, in accordance with British Standard 3998:2010 and in agreement with the Local Planning Authority prior to correcting the damage, upon completion of the development.

Protection of Trees Close to the Site

- 5.18 A number of trees were located on the boundaries of the site and therefore the root protection area and crown spread of these trees will need to be protected in the same way as all the retained trees within the site. All trees located outside the boundaries of the assessment site yet within close proximity to works should be adequately protected during the course of the development by barriers or ground protection around the calculated root protection area.

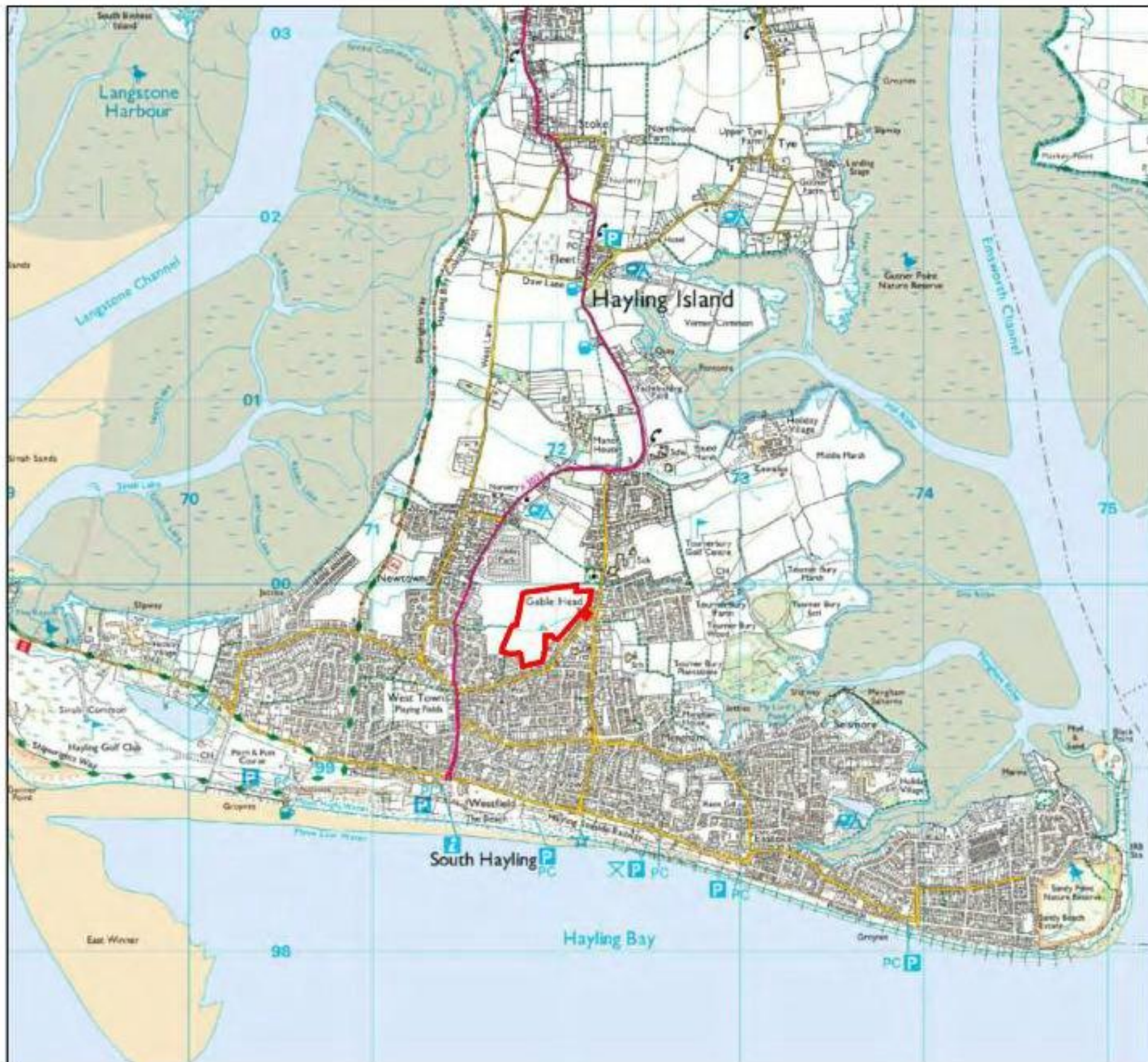
6.0 CONCLUSION

- 6.1 The site situated on Hayling Island, comprises two field parcels separated north to south by a drainage ditch. St Mary's Road abuts a section of the site's eastern boundary, a public footpath abuts a section of the site's western boundary and St Mary's Church stands beyond the site's northern boundary.
- 6.2 Tree cover was confined to the site boundaries and included mature trees within the grounds of St Mary's Church, mature trees adjacent to the public footpath and the site's western boundary and trees within the rear gardens of properties on St Mary's Road which backed onto the site. Self-seeded tree cover had also established around a farm building and drainage pond within the centre of the site.
- 6.3 Through good design and by virtue of the existing tree cover being located around the site boundaries the proposals have allowed for the retention of all the moderate and high quality trees and tree groups. Only requiring the removal of two sections of low quality tree groups and single category U tree to provide access to the site from St Mary's Road and to allow for a feasible internal layout to be achieved.
- 6.4 The removal of this tree cover would be unavoidable should the site be developed and as such should not raise any objection from an arboricultural perspective. The removal of this tree cover would be more than adequately mitigated for through new tree planting proposed as part of a detailed landscaping scheme submitted at the appropriate stage of the planning process.
- 6.5 Retained boundary tree cover has been shown to be considered within the outline application with suitable buffers having been illustrated which will encompass the root protection areas of these retained trees seeing them retained within a similar growing environment and provided adequate space to mature.
- 6.6 In conclusion the proposed development should not raise an objection from an arboricultural perspective, with the layout having allowed for the retention of all moderate and high quality trees and proposed new tree planting set to more than adequately mitigate for the removal of the low quality trees required to facilitate its construction.

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FIGURES

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KEY



Assessment Boundary

rev	date	description	by
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masterplanning
 environmental assessment
 landscape design
 urban design
 ecology
 architecture
 arboriculture

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client
Gladman Developments Ltd.

project
St Mary's Road
Hayling Island

drawing title
ASSESSMENT BOUNDARY PLAN
FIGURE 1

scale
1:25000 @ A4

drawn
EC

date
September 2016

drawing number

7478-A-01

rev

-

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CAD file: J:\7409\7478\ARB\Plans\Fig 1 Assessment Boundary Plan.dwg

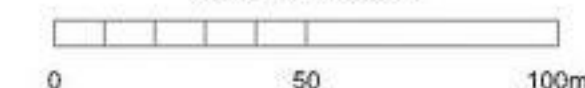
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- KEY**
- Tree/Group to be Retained
 - Tree/Group to be removed to facilitate the proposals
 - Category U - Unsuitable for retention on arboricultural grounds
 - Hedgerow Proposed to be Retained and Incorporated into the New Development
 - Hedgerow Proposed to be Removed to Facilitate the Development upon Approval of the Application
 - Root Protection Area (Shown for retained trees only)
 - Individual / Group Number and BS 5837:2012 Category
 - Individual / Group Number to be Removed and BS 5837:2012 Category
 - Indicative Shade Pattern (where appropriate)

Scale 1:2000 @ A3



NOTES

All dimensions to be verified on site. Do not scale this drawing. Use figured dimensions only. All discrepancies to be clarified with project Arboriculturalist. Drawing to be read in conjunction with Arboricultural Assessment and Appendix A - Tree Schedule.

Drawing has been produced in colour and is based on digital information in .dwg format, aerial images and/or GPS location where appropriate. A monochrome copy should not be relied upon. The exact position of individual trees or species included as part of a tree group, woodland or hedgerow should be checked and verified on site prior to any decisions for foundation design, tree operations or construction activity being undertaken. Further survey work would be required for calculating foundation depths.

Trees are living organisms that change over time, the condition of all trees illustrated herein, are to be checked by the project Arboriculturalist should works commence 12 months after the date of this survey.

SOME TREES MAY BE SUBJECT TO STATUTORY CONSTRAINTS. IT IS THEREFORE ADVISED THAT NO WORKS SHOULD BE UNDERTAKEN TO ANY TREES ILLUSTRATED HEREIN WITHOUT FIRST OBTAINING THE RELEVANT AUTHORISATION TO DO SO UNLESS AGREED AS PER THE APPROVED PLANS THROUGH PLANNING CONSENT.

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rev	date	description	by
-	09.09.16	7478-L-02 Rev D	EC
A	30.11.16	7478-L-02 Rev F	EC
B	13.12.16	7478-L-02 Rev G	EC
C	10.04.18	7478-L-02 Rev I	HR
E	25.11.21	Site Re-survey & 7478-P-01-A	MHE

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project
**St Mary's Road
Hayling Island**

drawing title
**TREE RETENTION PLAN
FIGURE 3**

scale
1:2000 @ A3

drawn
HR

date
November 2021

drawing number

7478-A-03

rev

E

CAD file: J:\7400\7478\ARB\Plans\Fig 3 Tree Retention Plan Rev E.dwg

APPENDIX A

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Appendix A - Tree Schedule

Measurements	Age Class	Overall Condition	Root Protection Area (RPA)
Height - Measured using a digital laser clinometer (m)	YNG: Young trees up to ten years of age	G - Good: Trees with only a few minor defects and in good overall health needing little, if any attention	• The RPA Radius column provides the extent of an equivalent circle from the centre of the stem (m). • The RPA is calculated using the formulae described in paragraph 4.6.1 of British Standard 5837: 2012 and is indicative of the rooting area required for a tree to be successfully retained. Tree roots extend beyond the calculated RPA in many cases and where possible a greater distance should be protected. • Where veteran trees have been identified the RPA has been calculated in accordance with Natural England guidance i.e. 15x the stem diameter, uncapped.
Stem Dia. - Diameter measured (mm) in accordance with Annex C of the BS5837	SM: Semi-mature trees less than 1/3 life expectancy	F - Fair: Trees with minor rectifiable defects or in the early stages of stress from which it may recover	
Crown Radius - Measured using a digital laser clinometer radially from the main stem (m)	EM: Early mature trees 1/3 – 2/3 life expectancy	P - Poor: Trees with major structural and/or physiological defects such that it is unlikely the tree will recover in the long term	
Abbreviations est - Estimated stem diameter avg - Average stem diameter for multiple stems upto - Maximum stem diameter of a group	M: Mature trees over 2/3 life expectancy	D - Dead: This could also apply to trees in an advanced state of decline and unlikely to recover	
	OM: Over mature declining or moribund trees of low vigour	The BS category particular consideration has been given to the following • The health, vigour and condition of each tree • The presence of any structural defects in each tree/group and its future life expectancy • The size and form of each tree/group and its suitability within the context of a proposed development • The location of each tree relative to existing site features e.g. its screening value or landscape features • Age class and life expectancy	
	V: Veteran tree possessing certain attributes relating to veteran trees		

Structural Condition
The following is an example of considerations when inspecting structural condition: - The presence of fungal fruiting bodies around the base of the tree or on the stem, as they could possibly indicate the presence of possible internal decay - Soil cracks and any heaving of the soil around the base - Any abrupt bends in branches and limbs resulting from past pruning - Tight or weak 'V' shaped forks and co-dominant stems - Hazard beam formations and other such biomechanical related defects (as described by Claus Mattheck, Body Language of Trees HMSO Research for Amenity Trees No. 4 1994) - Cavities as a result of limb losses or past pruning - Broken branches or storm damage - Damage to roots - Basal, stem or branch / limb cavities - Crown die-back or abnormal foliage size and colour

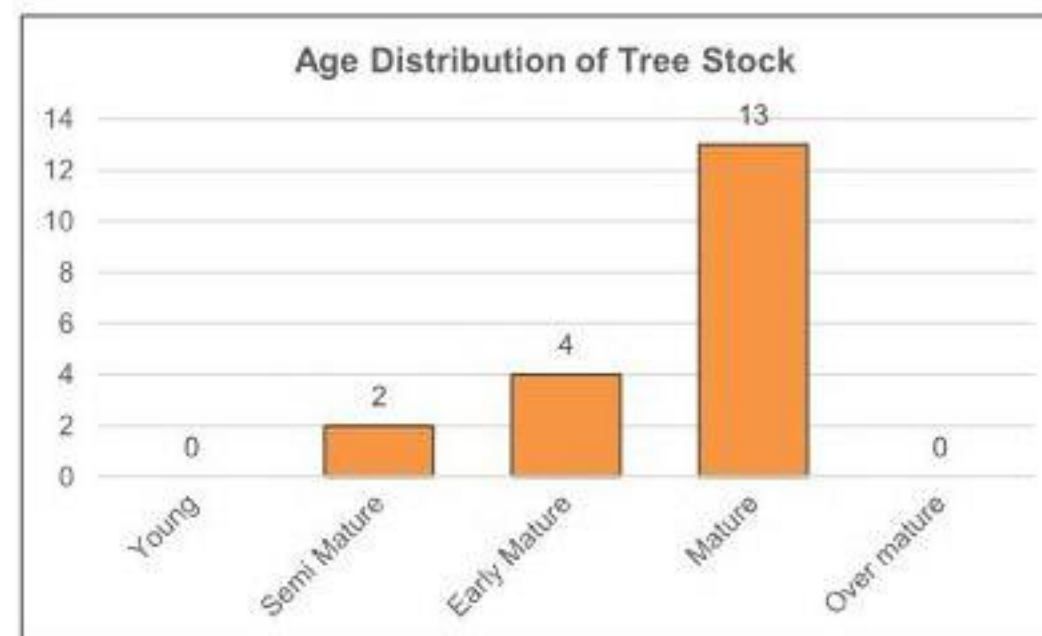
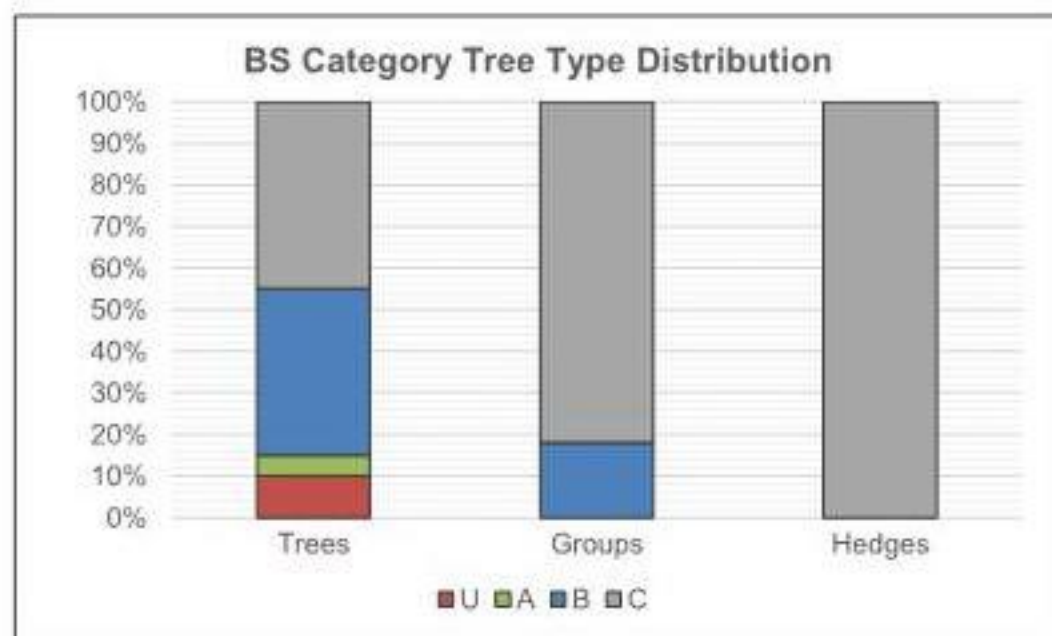
Quality Assessment of BS Category
Category U - Trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.
Category A - Trees of high quality with an estimated remaining life expectancy of at least 40 years.
Category B - Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.
Category C - Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.
Sub-categories: (i) - Mainly arboricultural value (ii) - Mainly landscape value (iii) - Mainly cultural or conservation value

Appendix Summary

	Individual Trees	Totals	Tree Groups and Hedgerows	Totals
Category U	T16, T18	2		0
Category A	T5	1		0
Category B	T1, T2, T3, T6, T12, T13, T14, T20, T21, T22	8	G3, G5	2
Category C	T4, T7, T8, T9, T10, T11, T15, T17, T19	9	G1, G2, G4, G6, G7, G8, G9, G10, G11, H1, H2	11
	Total	20	Total	13

BS Category Tree Type Distribution displays the proportion of trees assessed in each type to enable a better understanding of the category distribution.

Age Distribution of Tree Stock shows the number of trees in each age category across the tree stock allowing assessment of their longevity to be made.



Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
INDIVIDUAL TREES										
T1	Monterey Pine Pinus radiata	18	1000	6	M	G	Branch stubs evident Broken branches evident Characteristic for species Light ivy cover Major dead wood evident in the crown (>75mm) Pruning wounds on southern aspect, partially occluded Situated offsite by 2m	452	12.0	B (i)
T2	English Oak Quercus robur	17	630 630	8	M	F	Characteristic for species Epicormic growth evident within the crown Major and minor dead wood evident in the crown Twin stemmed from 1m Included fence within main stem Ditch on southern side of stem Compaction from a path at the base of the main stem	359	10.7	B (i)
T3	English Oak Quercus robur	10	770	7	M	F	Basal cavity extends through stem Broken branches evident Epicormic growth evident within the crown Light ivy cover Low crown form Flail damage evident Major dead wood evident in the crown (>75mm) Pruning wounds noted	268	9.2	B (i)
T4	Field Maple Acer campestre	10	250 200 150	3	M	P	Minor dead wood evident in the crown (<75mm) Multi leadered form Pruning wounds noted Suppressed crown form	57	4.2	C (i)
T5	English Oak Quercus robur	17	880	9	M	G	Characteristic for species Epicormic growth evident within the crown Light ivy cover Low crown form Flail damage evident Major dead wood evident in the crown (>75mm) No major defects were noted	350	10.6	A (i)
T6	English Oak Quercus robur	8	380	4	SM	F	Branch stubs evident Characteristic for species Low crown form Pruning wounds noted	65	4.6	B (i)

Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
T7	Ash Fraxinus excelsior	8	480 340 210	4	M	P	Basal cavity observed Coppiced form Dense ivy cover on main stem Multi stemmed from base Pruning wounds noted	176	7.5	C (i)
T8	Ash Fraxinus excelsior	10	330 280	3	EM	P	Etiolated form Included bark union Light ivy cover Suppressed crown form Twin stemmed from base	85	5.2	C (i)
T9	Field Maple Acer campestre	5	260	3	EM	P	Dense ivy cover on main stem Limited future potential Suppressed crown form	31	3.1	C (i)
T10	Field Maple Acer campestre	7	280 280	5	M	P	Crossing and rubbing branches Limited future potential Twin stemmed from 1m	71	4.8	C (i)
T11	Goat Willow Salix caprea	4	9x 150	4	M	P	Branch stubs evident Coppiced form Dense ivy cover on main stem Low crown form Multi stemmed from base Pruning wounds noted	92	5.4	C (i)
T12	Monterey Pine Pinus radiata	10	est 550	5	M	G	Branch stubs evident Characteristic for species Pruning wounds noted Situated offsite by 2m Unable to gain access	137	6.6	B (i)
T13	Sycamore Acer pseudoplatanus	14	550 550	7	M	F	Major dead wood evident in the crown (>75mm) Multi leadered form Pruning wounds noted Twin stemmed from 1.5m	274	9.3	B (i)

Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
T14	Ash Fraxinus excelsior	14	800	8	M	F	Basal suckers present Branch stubs evident Broken branches evident Light ivy cover Minor dead wood evident in the crown (<75mm) Twin stemmed from 2m with included bark union Close cultivation of soil on the northern aspect High seed loading at the time of survey, likely due to ash dieback.	290	9.6	C (i)
T15	Ash Fraxinus excelsior						Tree removed as of November 2021			
T16	Ash Fraxinus excelsior	9	est 400 300 200	3	M	P	Broken branches evident Coppiced form Dieback of the crown observed Limited future potential Major dead wood evident in the crown (>75mm) Multi stemmed from base Failed stems noted Branch socket cavities within the crown	N/A	N/A	U
T17	English Oak Quercus robur	10	est 300	3	SM	P	Branch stubs evident Broken branches evident Flail damage evident Ivy on stem Self seeded specimen	41	3.6	C (i)
T18	Common Walnut Juglans regia	4	est 300	2	M	P	Dead specimen	N/A	N/A	U
T19	Monterey Cypress Cupressus macrocarpa						Tree removed as of November 2021			
T20	Contorted Willow Salix matsudana Tortuosa	6	est 250	3	EM	F	Characteristic for species Dense ivy cover on main stem Dense undergrowth at the base Situated offsite by 1m	28	3.0	B (i)

Tree No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
T21	English Oak Quercus robur						Tree removed as of November 2021			
T22	Common Walnut Juglans regia	7	est 350	4	EM	F	Pruning wounds noted Situating offsite by 1m Typical crown form Unable to gain access due to dense bramble growth.	55	4.2	B (i)
T23	English Oak Quercus robur	2	50	1	Y	F	Memorial tree located immediately south of G2, towards the eastern end. Specimen has two supporting stakes.	1	0.6	C (i)

Group No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
GROUPS OF TREES										
G1	Elder Sambucus nigra Hawthorn Crataegus monogyna Damson Prunus insititia	5	upto 200	2	EM	P	Dense undergrowth at the base Flail damage evident Outgrown hedgerow Pruning wounds noted Sporadic self-seeded trees	18	2.4	C (ii)
G2	Beech Fagus sylvatica Elder Sambucus nigra Field Maple Acer campestre Hawthorn Crataegus monogyna	6	avg 150	2	EM	P	Extensive flail damage evident Gaps present in hedgerow Sporadic self-seeded trees Un-maintained hedgerow	10	1.8	C (ii)
G3	Monterey Pine Pinus radiata	16	upto 650	6	M	F	Branch stubs evident Broken branches evident Characteristic for species Minor dead wood evident in the crown (<75mm) Pruning wounds noted Situating offsite by 2m	191	7.8	B (ii)
G4	Blackthorn Prunus spinosa	2	est 50 50 50 50	1.5	EM	P	Dense undergrowth at the base Sporadic self-seeded group of trees Overhead cables present	5	1.2	C (ii)
G5	English Oak Quercus robur Hawthorn Crataegus monogyna Hybrid Black Poplar Populus x canadensis	18	upto 550	5	EM	F	Dense ivy cover on main stem Flail damage evident Situating offsite beyond public footpath Larger specimens within understorey hedgerow	137	6.6	B (ii)
G6	Elder Sambucus nigra Hawthorn Crataegus monogyna English Elm Ulmus procera	4	avg 100	2	SM	P	Dense undergrowth at the base Gaps present in hedgerow Multi stemmed and single stem forms Pruning wounds noted Sporadic self-seeded trees	5	1.2	C (ii)

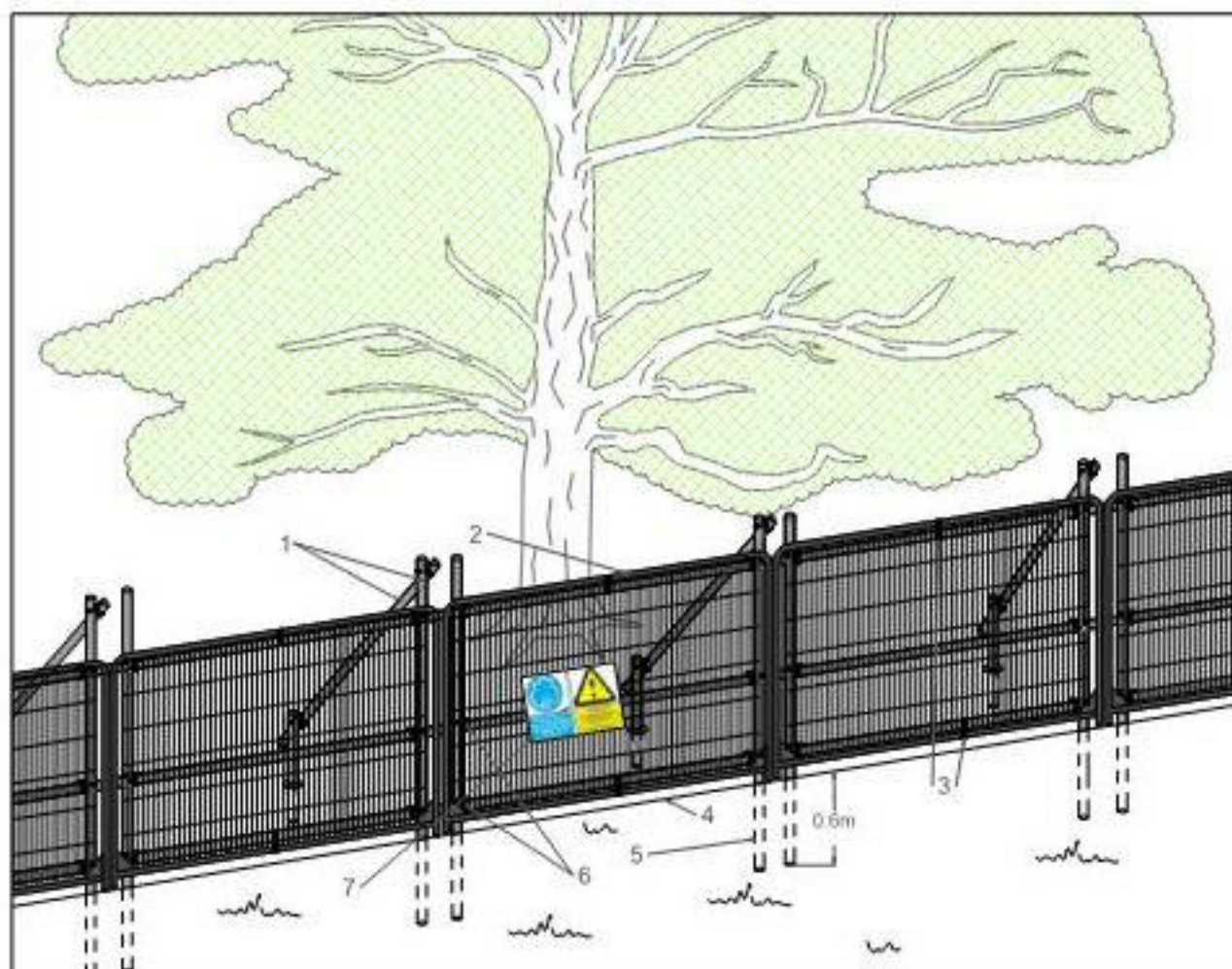
Group No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
G7	Elder Sambucus nigra Wych Elm Ulmus glabra Damson Prunus insititia	8	avg 200	2	SM / EM	P	Broken branches evident Dead trees noted Dense undergrowth at the base Flail damage evident Gaps present in hedgerow Outgrown hedgerow Sporadic self-seeded trees	18	2.4	C (ii)
G8	Leyland Cypress Cupressocyparis leylandii	13	est 400	3	M	F	Two trees Characteristic for species Interlocking crowns Light ivy cover Topped at 13m Situated offsite by 2m	72	4.8	C (ii)
G9	Elder Sambucus nigra Damson Prunus insititia	7	upto 200 200 100	2	EM	P	Dense ivy cover on main stem Dense undergrowth at the base Flail damage evident Interlocking crowns Sporadic self-seeded group of trees	41	3.6	C (ii)
G10	Ash Fraxinus excelsior Blackthorn Prunus spinosa Goat Willow Salix caprea Hawthorn Crataegus monogyna	8	avg 50 50 50 50	2	SM / EM	P	Dense undergrowth at the base Flail damage evident Interlocking crowns Multi stemmed from base Sporadic self-seeded group of trees Thicket	5	1.2	C (ii)
G11	Blackthorn Prunus spinosa Hawthorn Crataegus monogyna	4	avg 50 50 50 50	2	SM / EM	P	Dense undergrowth at the base Interlocking crowns Sporadic self-seeded group of trees Un-maintained hedgerow Thicket	5	1.2	C (ii)

Hedge No	Species	Height	Stem Dia.	Crown Radius	Age Class	Overall Condition	Structural Condition	RPA	RPA Radius	BS5837 Cat
HEDGEROWS										
H1	Leyland Cypress Cupressocyparis leylandii	2	est 100	0.5	EM	F	Gaps present in hedgerow Maintained hedgerow	5	1.2	C (ii)
H2	Leyland Cypress Cupressocyparis leylandii	2	est 100	0.5	EM	F	Gaps present in hedgerow Maintained hedgerow	5	1.2	C (ii)

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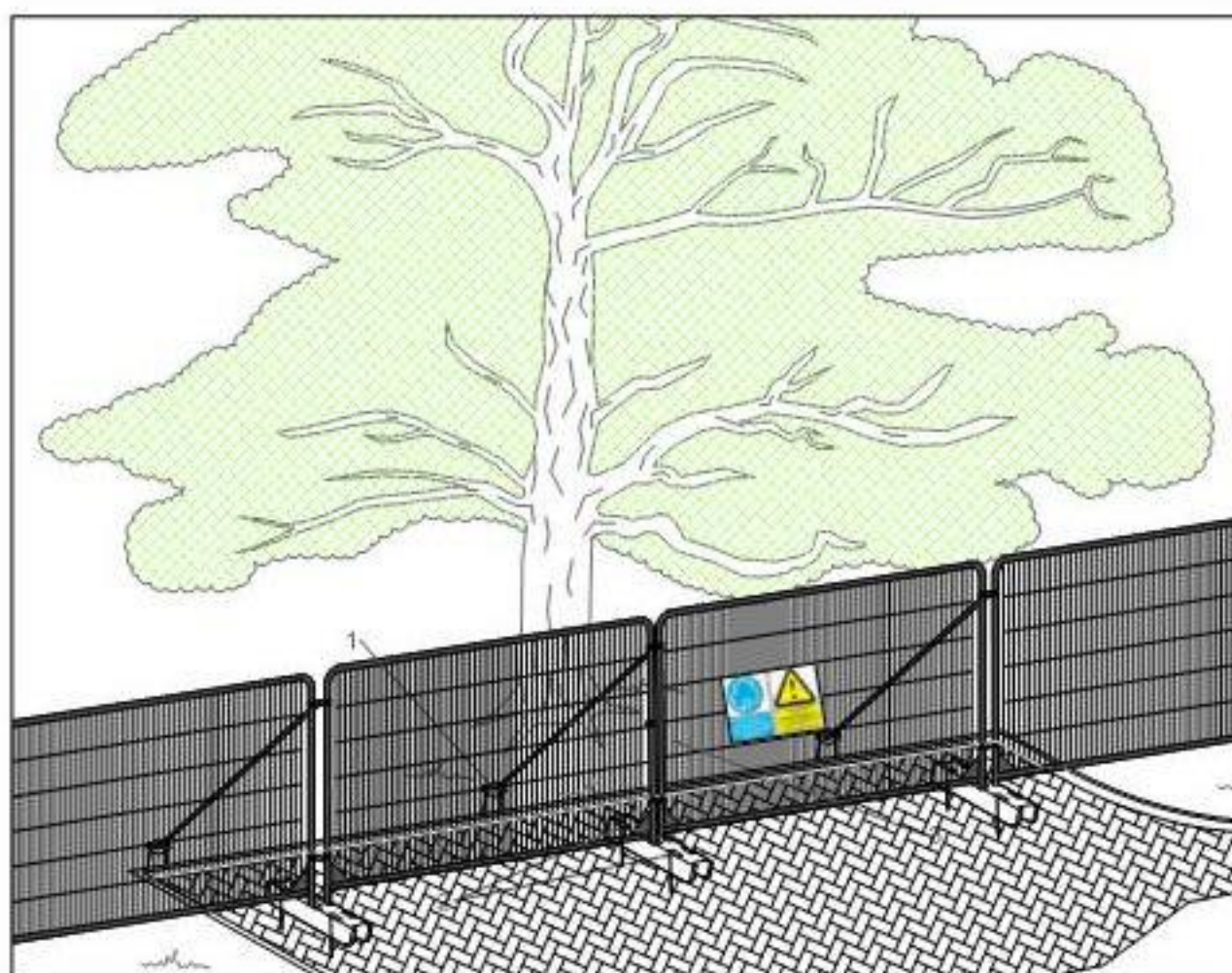
APPENDIX B

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Standard specification for protective barrier

1. Standard scaffold poles
2. Heavy gauge 2m tall galvanized tube and welded mesh infill panels
3. Panels secured to scaffold frame with wire ties
4. Ground level
5. Uprights driven into the ground until secure (min depth of 0.6m)
6. Standard scaffold clamps
7. Construction Exclusion Zone signs



Above ground stabilising systems

1. Stabiliser strut with base plate secured with ground pins
2. Feet blocks secured with ground pins
3. Construction Exclusion Zone signs

Protective Fencing to be positioned to the specified dimensions in accordance with Figure 3 Tree Retention Plan

NOTES

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APPENDIX B PROTECTIVE FENCING SPECIFICATIONS

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APPENDIX C

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NOTE

The attached Tree Preservation Order is in the form required by the current Regulations. However since these Regulations were made the provisions of a number of the Acts referred to in the Order have been replaced by the Town and Country Planning Act 1971 as follows:-

<u>Page of Order</u>	<u>Reference in Order</u>	<u>Replacing Provisions (Sections) of 1971 Act</u>
1 & 3	S.29 Town & Country Planning Act 1962	60
1, 3 & 8	S.16 Civic Amenities Act 1967	61
2,3,7 & 9	Pt.III of the Town & Country Planning Act 1962	Pt.III
2	S.25 Countryside Act 1968	175,179,3 Schedule 24 Para. 9
3,7,8 & 9	S.80 Town & Country Planning Act 1968	46, 164
3	S.128 Town & Country Planning Act 1962	179
3	S.62 Town & Country Planning Act 1962	102
4	S.13, 14 & 15 Civic Amenities Act 1967	62,103,111, 246,102
6	S.29(7) Town & Country Planning Act 1962	60
6	S.13(1) Civic Amenities Act 1967	62
8	S.22 Town & Country Planning Act 1962	35
9	S.27 Town & Country Planning Act 1962	45
9	S.27(2) Town & Country Planning Act 1962	45
9	Part IV Town & Country Planning Act 1962	Pt. V
9	Part II Town & Country Planning Act 1968	Pt. V
9	Part V Town & Country Planning Act 1968	Principally Pts. IV & V

J. FORDER
Borough Secretary

Town Hall,
Havant,
Hants.

THE COUNCIL OF THE BOROUGH OF HAVANT.
TOWN AND COUNTRY PLANNING ACTS 1962 and 1968.

CIVIC AMENITIES ACT, 1967.

TREE PRESERVATION ORDER No. 884

The COUNCIL OF THE BOROUGH OF HAVANT (in this Order called "The Authority") in pursuance of the powers conferred by Section 29 of the Town and Country Planning Act, 1962, and Section 16 of the Civic Amenities Act, 1967, and subject to the provisions of the Forestry Act, 1967, hereby make the following order:-

1. In this Order -

"The Act" means the Town and Country Planning Act, 1962;
"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 Minister" 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, group 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 carrying out of which consent is required.
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..../....

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.).

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 woodland or the woodland 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 interest of good forestry;
- or
- (b) in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

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 Minister 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 provisions of this Order and Section 25 of the Countryside Act 1968, 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;
- (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 river authority or a drainage board, 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 requirements of the river those byelaws and the condition.

8. The provisions set out in provisions of Part III of Country Planning Act, 1968 adapted Order, shall apply in relation to

9. Subject to the provisions loss or damage in consequence modification) of consent under the consent subject to conditions, at within the time and in the manner recover from the Authority compensation. Provided that no compensation shall damage suffered by reason of such of any trees the subject of a certificate of this Order.

10. In assessing compensation payable account shall be taken of:

(a) any compensation or contribution claimant or any other person, in of this or any other Tree Preservation or under the terms of any interim of the Town and Country Planning compensation which has been paid provision relating to the preservation contained in an operative scheme 1932, and

(b) any injurious affection to from the felling of the trees the

11. (1) A claim for compensation shall be made by serving it effected by delivering the claim addressed to the Clerk thereof or

(2) The time within which an shall be a period of twelve the authority, or of the Minister, has been made to the Minister again the date of the decision of the Mi

12. Any question of disputed compensation with the provisions of section

13. (1) It is hereby directed that Civic Amenities Act, 1967, the Order shall take effect provisionally is made and shall continue in force a period of six months beginning which the Order is confirmed or, is confirmed only by the Minister, the Authority that he does not propose

(2) This Order shall apply to hereto, which is to be planted when the tree is planted.

NOTE: Any person contravening the uprooting or wilfully destroying a or lopping a tree in such a manner

to the requirements of the river authority, or drainage board, 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 and of section 80 of the Town and Country Planning Act, 1968 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 under section 29 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 shall be in writing and shall be made by serving it on the Authority, such service to be effected by delivering the claim at the office of the Clerk of the Authority addressed to the Clerk thereof or by sending it by prepaid post so addressed.

(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 Minister, as the case may be, or whether an appeal has been made to the Minister against the decision of the Authority, from the date of the decision of the Minister on the appeal.

12. Any question of disputed compensation shall be determined in accordance with the provisions of section 128 of the Act.

13. (1) It is hereby directed that the provisions of Section 16 of the Civic Amenities Act, 1967, shall apply to this Order and that this Order shall take effect provisionally as from the date on which the Order is made and shall continue in force provisionally until the expiration of a period of six months beginning with that date, or until the date on which the Order is confirmed or, in the case of an Order which can be confirmed only by the Minister, the date on which the Minister notifies the Authority that he does not propose to confirm it, whichever first occurs.

~~(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 the 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 £400 or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding £200 on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

(within

No. on Map.

If a tree other than one to which an 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 60 (6) of the Town and Country Planning Act 1971 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.

FIRST SCHEDULE
Trees Specified Individually
(encircled in black on the map)

<u>No. on map.</u>	<u>Description.</u>	<u>Situation.</u>
T.1.T.2.T.10. T.12.	Austrian Pine. Pinus Nigra	37, St. Mary's Road, Hayling Island.
T.3.T.5.,T.11.	Copper Beech. Fagus Sylvatic Cuprea	" " "
T.4. T.15.	Scots Pine Pinus Sylvestris	" " "
T.6. T.7. T.8. T.13. T.14.	Lime Tilia Vulgaris	" " "
T.9.	Sycamore Acer Pseudoplatanus	" " "

(within a co

No. on Map

Trees Specified by References to an Area.
(within a dotted black line on the map)

<u>No. on map.</u>	<u>Description.</u>	<u>Situation.</u>
	NONE	

NOTE for Office Use. S.I.
be included in the Sc
where necessary.

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

<u>No. on Map.</u>	<u>Description</u>	<u>Situation</u>
	NONE	

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Woodlands
(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
	NONE	

tion.

NOTE for Office Use. S.I. 17/1969 states that every heading should be included in the Schedule, and the word "NONE" written in where necessary.

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 (a)* 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 Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908;

(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 river authority established under the Water Resources Act 1963, a drainage board constituted or treated as having been constituted under the Land Drainage Act, 1930, the Conservators of the River Thames, or the Lee Conservancy Catchment Board, where the tree interferes or would interfere with the exercise of any of the functions of such river authority, drainage board, Conservators of the River Thames or Lee Conservancy Catchment Board in relation to the maintenance, improvement or construction of water courses or of drainage works; or

(a)* 1967 C.10.

(4) Where an appeal is made or direction of the authority of this section, may at any part of the decision of the authority or not, or may cancel or may deal with the application

(5) Before determining either the appellant or the respondent the opportunity of appearing before the Minister for the purpose.

(7) The decision of the Minister shall be final.

24. Appeal in default of the Order is made to the authority receipt of the application, or agreed upon in writing between either -

(a) give notice to the

(b) give notice to him Minister in accordance

the provisions of the last paragraph of the application as if the consent of the authority, and as if notified to the applicant at the end of the extended period, as the case may be.

27. Power to revoke or vary the authority that appears to the authority that under the Order granted on an authority may by Order revoke or vary the Order, consider expedient.

(2) Subject to the provisions of Section 80 of the Town and Country Planning Act 1947, a section shall not take effect until the Minister may confirm any such order or subject to such modification as he may think fit.

(3) Where an authority under this section, the authority their reason for making the order, the aforesaid statement on the order and on any other person who is within the period of two years from the date of the order to whom the notice is served so as to afford to that person, before, and being heard by, the authority.

(4) The power conferred by this section shall be exercised at any time before the order has been completed.

Provided that the revocation of so much of those operations as are so revoked shall not affect the validity of any order made in pursuance of this section.

(5) Where a notice has been served under sub-section (3) of this section, the authority may, in pursuance of the decision of the Minister under this section, make any order which it may think fit.

(4) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

(5) Before determining an appeal under this section, the Minister shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(7) The decision of the Minister on any appeal under this section shall be final.

24. Appeal in default of decision. Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either -

- (a) give notice to the applicant of their decision on the application; or
- (b) give notice to him that the application has been referred to the Minister in accordance with directions given under Section 22 above;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

27. 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) Subject to the provisions of Section 16 of the Civic Amenities Act, 1967, and Section 80 of the Town and Country Planning Act, 1968, an Order under this section shall not take effect unless it is confirmed by the Minister; and the Minister may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an authority submit an Order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Minister, before confirming the Order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed:

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

(5) Where a notice has been served in accordance with the provisions of sub-section (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under sub-section (2) of this section.

- (iv) the Minister of Defence for the Royal Air Force, the Minister of Technology or the Board of Trade where in the opinion of such Minister or Board 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 Part III of 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;
- (e) in pursuance of the powers conferred on the Conservators of the River Thames by virtue of Section 105 of the Thames Conservancy Act, 1932.

THIRD SCHEDULE

Provisions of the following parts of (a) Part III of the Town and Country Planning Act, 1962, and (b) Section 80 of the Town and Country Planning Act, 1968, as adapted and modified to apply to this Order.

(a) Part III of the Town and Country Planning Act, 1962.

21. Effect of consents under the Order. (1) Without prejudice to the following provisions as to the 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 insofar as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.

22. Reference of applications to the Minister. (1) The Minister may give directions to the authority requiring applications for 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 Minister accordingly.

(4) Where an application for consent under the Order is referred to the Minister 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 Minister 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 Minister for the purpose.

(6) The decision of the Minister on any application referred to him under this section shall be final.

23. Appeals against decisions. (1) Where an application is made to the authority for consent under the Order and that consent is refused by that 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 under this section appeal to the Minister.

(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Minister may allow.

(b) Town and Country Planning Act, 1968

80. Unopposed revocation or modification of consent. (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under Section 27 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Minister 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 such Order.

(2) The Authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Minister that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Minister, such Order may take effect by virtue of this section and without being confirmed by the Minister.

(3) The Authority shall also serve notices to the same effect on the persons mentioned in sub-section (1) above.

(4) The Authority shall send a copy of any advertisement published under sub-section (2) above to the Minister, not more than three days after the publication.

(5) If within the period referred to in sub-section (2) (a) above no person claiming to be affected by such Order has given notice to the Minister as aforesaid and the Minister has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in sub-section (2) (b) of this section take effect by virtue of this section and without being confirmed by the Minister as required by Section 27 (2) of the Town and Country Planning Act, 1962.

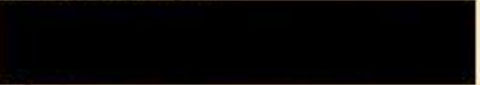
(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Minister under Part III or Part IV of the Town and Country Planning Act, 1962, or under Part II or Part V of the Town and Country Planning Act, 1968.

THE COMMON SEAL of the
Council of the Borough of
Havant was hereunto affixed
this *twentieth*
day of *November* nineteen
hundred and *seventy five*
in the presence of:


Borough Secretary

Confirmed by the Council of the Borough of Havant
in pursuance of Regulation 6 of the Town and Country
Planning (Tree Preservation Order) Regulations, 1969,
this *twenty-ninth* day of *January* 1976.

THE COMMON SEAL of the Council
of the Borough of Havant was
hereunto affixed
this *Twenty-ninth*
day of *January* nineteen
hundred and seventy *six*
in the presence of:


Borough Secretary

DATE 10th November 1975.

THE COUNCIL OF THE BOROUGH OF
HAVANT

Town and Country Planning Acts
1962 and 1968

Civic Amenities Act 1967

TREE PRESERVATION ORDER

No. 884

37, St. Mary's Road, Hayling Island.

J. FORDER,
TOWN HALL,
HAVANT,
HANTS.

KEY PLAN.

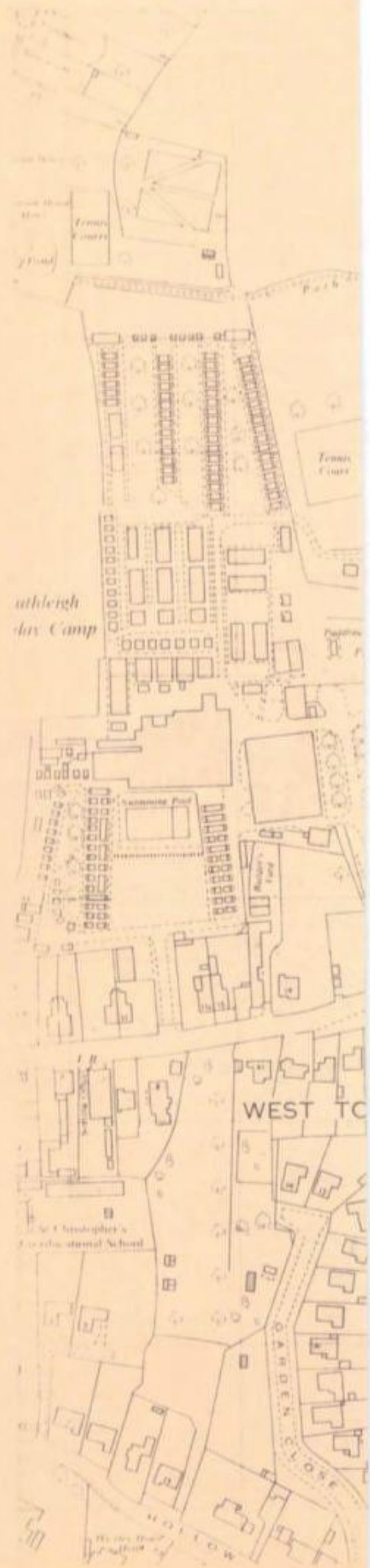
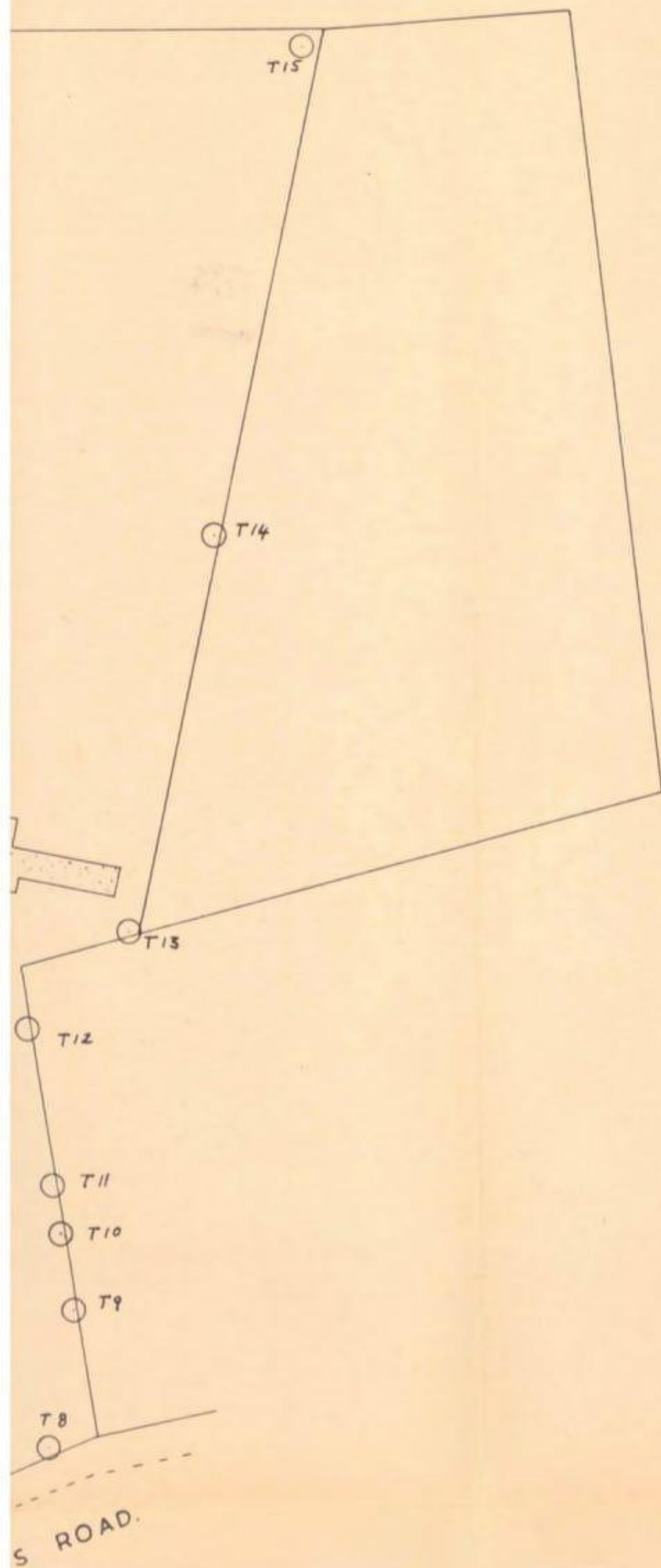


NOTES			
No.	COMMON NAME	BOTANICAL NAME	
T1, T2, T10, T12.	Austrian Pine	Pinus Nigra	
T3, T5, T11.	Copper Beech	Fagus Sylvatica Cuprea	
T4, T15	Scots Pine	Pinus Sylvestris	
T6, T7, T8, T13, T14.	Lime	Tilia Vulgaris	
T9	Sycamore	Acer Pseudoplatanus	
REV	DESCRIPTION	DATE	INIT'S
D.E.RIDLEY, C. ENG. M.I.C.E. M.I.MUN.E. DIRECTOR OF TECHNICAL SERVICES			
DRAWN BY :- G.S. TRACED BY :- DATE :- JUNE '75 SCALE :- order map 1:500 Key plan 1:2500			
DRG. NO. 3001/6/274		NEG. NO. 10,677	

TION ORDER No 884.
DAD, HAYLING ISLAND.

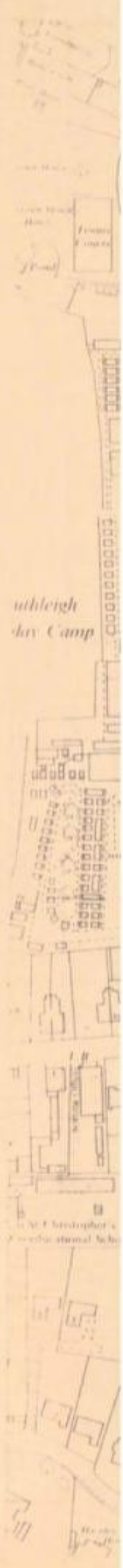
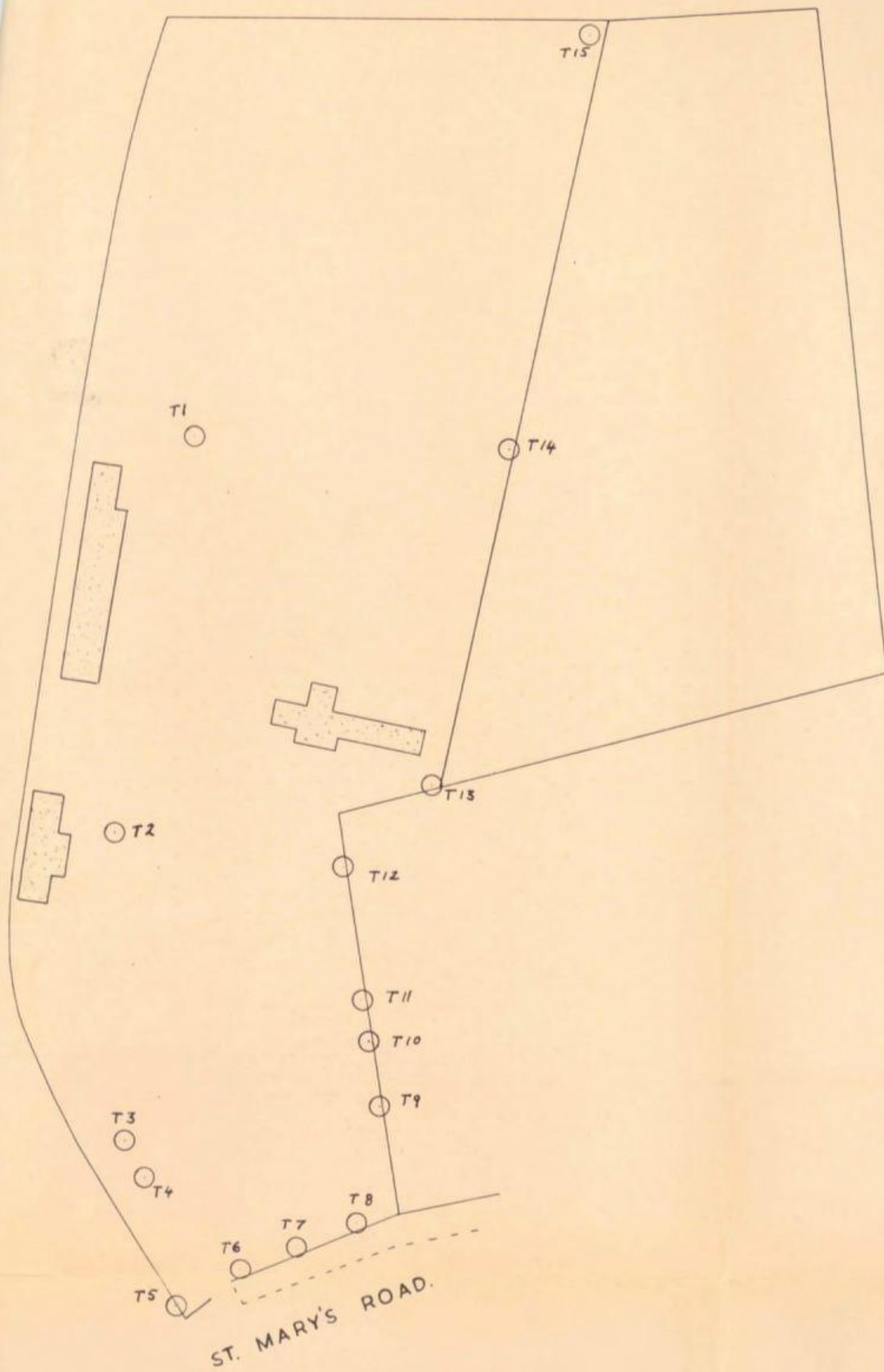
ER MAP.

K



H OF HAVANT

TREE PRESERVA
37. ST. MARY'S RO



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day Camp



BOROUGH OF HAVANT

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THE COUNCIL OF THE BOROUGH OF HAVANT

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER 1615

St. Mary's Church, Church Road Hayling Island

The Council of the Borough of Havant in this order called "the authority", in pursuance of the powers conferred in that behalf by Sections 198 and 201 of the Town and Country Planning Act 1990, and subject to the provisions of the Forestry Act 1967, hereby makes the following Order:

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.

2. Subject to the provisions of this Order and to the exemption specified in the First 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 Third Schedule hereto or comprised in a group of trees and woodlands is defined in the manner indicated in the said Third Schedule on groups of trees and woodlands is defined in the manner indicated in the said Third 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 Third 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.

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 immediately vicinity thereof), as the authority may think fit, or may refuse consent:

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)).

Provided that where the application relates to any woodland specified in the Third 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 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;
- (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 Sections 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 the 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 if 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;
- (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 river authority, a drainage board, the Conservator of the River Thames or the Lee Conservancy Catchment Board 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 requirements of the river authority, drainage board, the Conservator of the River Thames or the Lee Conservancy Catchment Board under those byelaws and the condition or direction shall have effect accordingly.

8. The provisions set out in the Second Schedule to this Order, being provisions of Part III of the Act and of Section 199 of the Town and Country Planning Act 1990 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 any claimant or any other person, in respect of the same trees under the terms of this or any of Tree Preservation Order under Section 198 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 shall be in writing and shall be made by serving it on the authority, such service to be effected by delivering the claim at the offices of the authority addressed to the Clerk thereof or by sending it by prepaid post so addressed.
- (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, from the date of the decision of the Secretary of State on the appeal.
12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 203 of the Act.
13. (1) The provisions of Section 201 of the Town and Country Planning Act 1990 shall apply to this Order and the Order shall take effect on the date on which this Order is made as set out in the execution hereto.
- (2) The time within 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, from the date of the decision of the Secretary of State on the appeal.

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 £1000 or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding £200 on a summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree other than one to which an 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 approximate size and species at the same place as soon as he reasonably can. Except in an emergency, not less than five 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.

FIRST 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 where 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 Postmaster General by virtue of section 5 of the Telegraph (Construction) Act 1908;
- (b) by or at the request of:
- (i) a statutory undertaker or holder of a licence under Section 6(1) of the Electricity Act 1989 where a land on which the tree 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) a licence holder within the meaning of Part I of the Electricity Act 1989, where such tree obstructs the construction by the licence holder any electric line within the meaning of Part I of the said Act of 1989 or interferes or would interfere with the maintenance of working of any such line;
- (iii) the National Rivers Authority a drainage board constituted or treated as having been constituted under the Land Drainage Act 1991, the Conservators of the River Thames, or the Lee Conservancy Catchment Board, where the tree interferes or would interfere with the exercise of any of the functions of such river authority, drainage board, Conservators of the River Thames or Lee Conservancy Catchment Board in relation to the maintenance, improvement or construction of water courses or of drainage works; or
- (iv) the Minister of Defence for the Royal Air Force, the Minister of Technology or the Board of Trade where in the opinion of such Minister or Board 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 Part III of 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 area administered by the Conservators of the River Thames by virtue of Section 105 of the Thames Conservancy Act 1932;

- (e) in pursuance of the powers conferred on the Conservators of the River Thames by virtue of Section 105 of the Thames Conservancy Act 1932.

SECOND SCHEDULE

Provisions of the following parts of (a) Part III of the Town and Country Planning Act 1962 and (b) Section 80 of the Town and Country Planning Act 1968 as adapted and modified to apply to this Order.

(a) Part III of the 1962 Town and Country Planning Act 1962

21. (1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any directions as to replanting given by the authority on the granting of such consent, shall (except insofar as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.
22. (1) The Secretary of State may give directions to the authority requiring applications for 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.
- (6) The decision of the Secretary of State on any application referred to him under this section shall be final.
23. (1) Where an application is made to the authority for consent under the Order and that consent is refused by that 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 under this section appeal to the Secretary of State.

- (2) A notice under this section shall be served in writing within twenty eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.
- (4) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.
- (5) Before determining an appeal under this section, the Secretary of State shall, if either the appellant 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 appeal under this section shall be final.
24. Where an application for consent under the Order is made to the authority, then unless two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either:
- (a) give notice to the applicant of their decision on the application; or
- (b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under Section 22 above;
- the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.
27. (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) (Subject to the provisions of Section 99 and 201 of the Act an Order under this section shall not take effect unless it is confirmed by the Secretary of State and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

- (3) Where an authority submit an Order to the Secretary of State for his confirmation under this section, the authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within a period of twenty eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed:
- Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.
- (5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under subsection (2) of this section.

(b) Town and Country Planning Act 1968

80. (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under Section 27 above revoking or modifying any consent granted on an application made under a Tree Preservation Order but have not submitted such Order 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 such Order.
- (2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty eight days from the date on which the advertisement first appears) within which persons affected by such 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 (not less than fourteen days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary of State, such 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) above.
- (4) 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.

- (5) If within the period referred to in subsection (2) (a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in subsection (2) (b) of this section take effect by virtue of this section and without being confirmed by the Secretary of State as required by section 27(2) of the Town and Country Planning Act 1962.
- (6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III or Part IV of the Town and Country Planning Act 1990.

THIRD SCHEDULE

Trees Specified Individually (encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1 & T23	Beech (Fagus Sylvatica)	St. Mary's Church Church Road Hayling Island
T2 to T4	Yew (Taxus Baccata)	St. Mary's Church Church Road Hayling Island
T6 to T8	Yew (Taxus Baccata)	St. Mary's Church Church Road Hayling Island
T11 to T20	Yew (Taxus Baccata)	St. Mary's Church Church Road Hayling Island
T22	Yew (Taxus Baccata)	St. Mary's Church Church Road Hayling Island
T5 & T9	Oak (Quercus Robur)	St. Mary's Church Church Road Hayling Island
T10	Cherry (Prunus species)	St. Mary's Church Church Road Hayling Island
T21	Irish Yew (Taxus Baccata Fastigiata)	St. Mary's Church Church Road Hayling Island
T24 & T25	Monterey Pine (Pinus Radiata)	St. Mary's Church Church Road Hayling Island
T26 - T.32	Pine (Pinus Nigra Var.)	St. Mary's Church Church Road Hayling Island

Trees Specified by Reference to an Area (within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
	NONE	

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

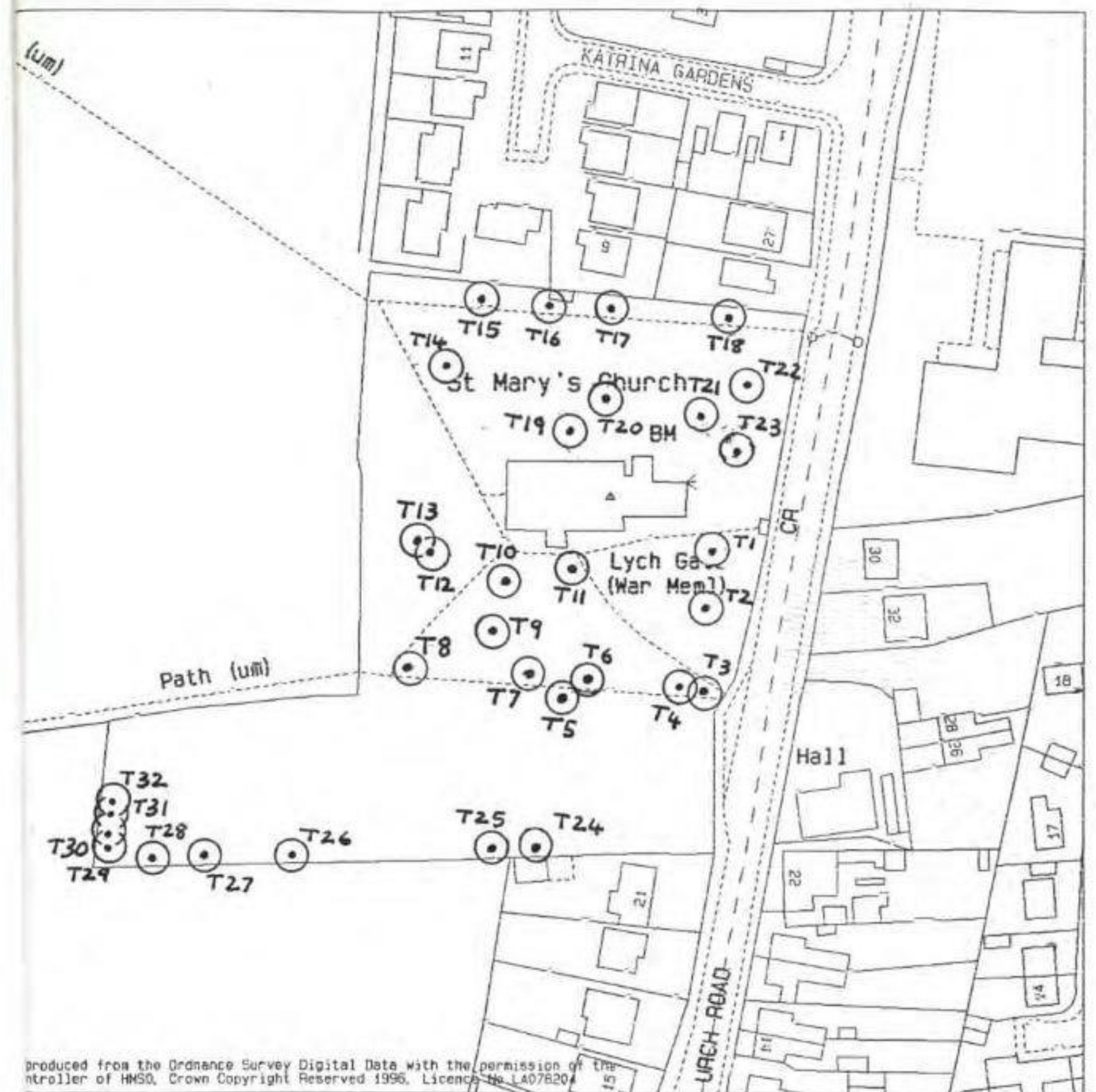
<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
	NONE	

Woodlands (within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
	NONE	

BE COMMON SEAL OF THE COUNCIL)
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May 1996 in the)
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T1, T23	BEECH	<i>Fagus sylvatica</i>
T2-T4, T6-T8, T11-T20, T22	YEW	<i>Taxus baccata</i>
T5, T9	OAK	<i>Quercus</i> spp.
T10	CHERRY	<i>Prunus</i> spp.
T21	IRISH YEW	<i>Taxus baccata</i> var. <i>fastigiata</i>
T24, T25	MONTEREY PINE	<i>Pinus radiata</i>
T26-T32	PINE	<i>Pinus nigra</i> var.

Campbell BA (Hons) MRTPI
 of Development Control
 t Borough Council
 Offices
 Centre Road
 t, Hants. PO9 2AX
 t (01705) 474174



TITLE: Tree Preservation Order 1615 St. Mary's Church, Church Rd, HI	
DRAWN BY: pdm	SCALE: 1: 1250
ORG. NO.	DIGITAL MAPPING
DATE: 22/02/96	SW CORNER: 472081.9, 99919.8

DATED 7th May 1996

THE COUNCIL OF THE BOROUGH OF
HAVANT

Town and Country Planning Act 1990

TREE PRESERVATION ORDER No. 1615

C P DUGGAN LLB
Borough Secretary and Solicitor
Havant Borough Council
Civic Offices
Civic Centre Road
HAVANT
Hampshire PO9 2AX

ORDERS/TPO

Confirmed by the Council of the Borough of Havant
in pursuance of the Town and Country Planning (Tree
Preservation Order) Regulations, 1969, as modified by the
Town and Country Planning (Tree Preservation Order)
(Amendment) Regulations, 1981, this 11th day
of May 1996
THE COMMON SEAL of the Council)
of the Borough of Havant was hereunto)
affixed this 11th day of)
May nineteen hundred and ninety)

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**THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

Town and Country Planning Act 1990

**The Council of the Borough of Havant Tree Preservation Order No.
2048/2016**

Land to west of Rook Farm, 91 St Mary's Road Hayling Island Hampshire

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

Citation

1. This Order may be cited as The Council of the Borough of Havant Tree Preservation Order No.2048/2016.

Interpretation

2. (1) In this Order "the authority" means The Council of the Borough of Havant.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2011.

Effect

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

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

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

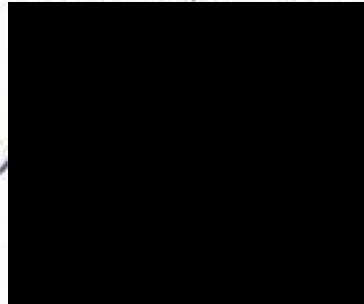
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23 and where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this twenty-first day of July 2016

The COMMON SEAL of the COUNCIL OF THE
BOROUGH OF HAVANT was hereunto affixed
in the presence of -



Authorised signatory



CONFIRMATION OF ORDER

This Order was confirmed by the Council of the Borough of Havant without
modification on the day of 2016.

The COMMON SEAL of the COUNCIL OF THE
BOROUGH OF HAVANT was hereunto affixed
in the presence of -

Authorised signatory

SCHEDULE 1

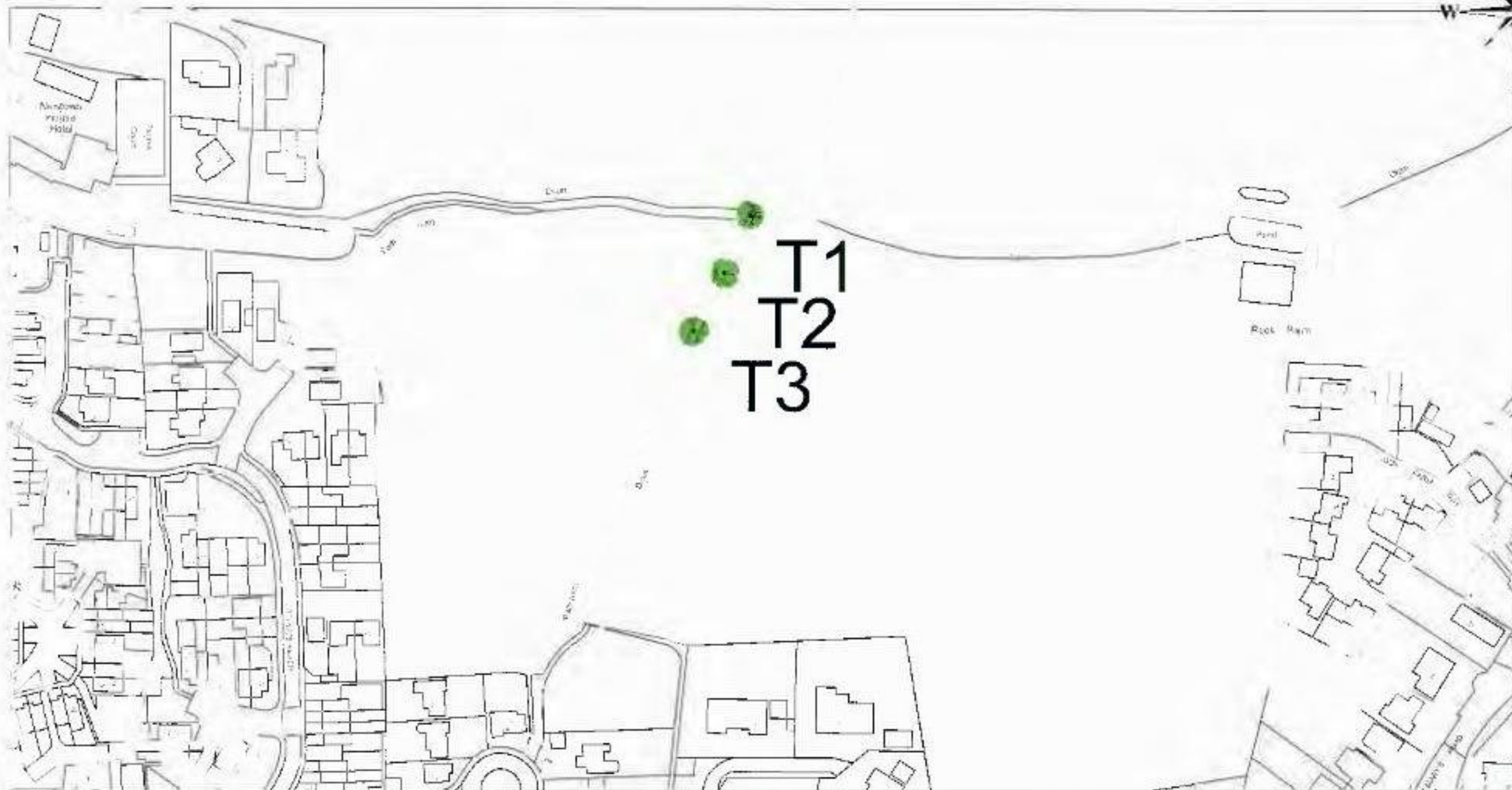
SPECIFICATION OF TREES

No	Tree specified individually <i>(encircled in black on the map)</i>	Botanic Name (ind)	Situation (ind)
T1	Oak	Quercus robur	Land to the west of Rook Farm, 91 St Mary's Road, Hayling Island Hampshire
T2	Oak	Quercus robur	
T3	Oak	Quercus robur	

No	Tree specified by area <i>(within a dotted line on the map)</i>	Botanic Name (area)	Situation (area)
None			

No	Groups of tree <i>(within a broken line on the map)</i>	Botanic Name (group)	Situation (group)
None			

No	Woodlands <i>(within a continuous black line on the map)</i>	Botanic Name (woodland)	Situation (woodland)
None			



Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

tel: 023 9247 4174 fax 023 9248 0263
www.havant.gov.uk



Title:

TPO 2048

T1 Oak (Quercus Robur)
T2 Oak (Quercus Robur)
T3 Oak (Quercus Robur)

Land West of Rook Farm, Hayling Island

Drawn By:

Scale:

Drawing No:

Cleaner, Safer, More Prosperous