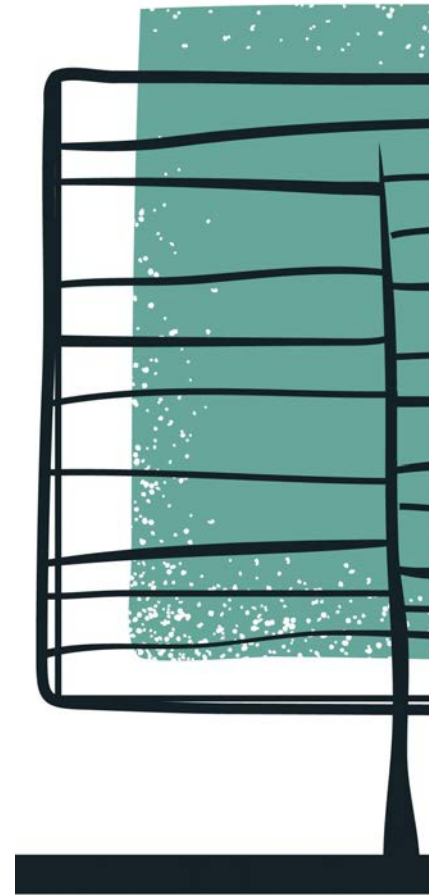




Report No: LTM0495.AIA.01

Date: 16/05/2022

Project: Land at Church Lane, Moston, Manchester, M9 4WH

BS 5837:2012 Arboricultural Impact Assessment

Inspection Record.

Date of Inspection	Surveyor
10/05/2022	Matthew Lally. FdSc MA ArborA

Lally Tree Management.

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Revision	Date	Prepared by	Status
Final	16/05/2022	M. Lally	Complete

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Executive Summary

The proposed development site is located within a residential suburb of Moston which lies approximately 3.5 kilometres, as the crow flies, north-east from Manchester City centre. The site is currently derelict with a variety of bordering trees and shrubs.

Trees present that could be potentially affected by the development are as follows:

Category A	Category B	Category C	Category U
0	5 Trees 3 Groups	2 Trees 7 Groups	4 Trees

It is proposed to construct an apartment building along with associated parking, hardstanding areas and soft landscaping. To facilitate this development, trees requiring removal or other works are as follows:

Tree Category. Trees Requiring Works				
Tree Work Type	Category A	Category B	Category C	Category U
Tree Removal	0	5 x Trees 2 x Groups 1 x Tree from 1 Group	2 x Trees 5 x Groups	4 x Trees
Pruning Works	0	0	0	0
Supervised Excavation and root pruning	0	1 x Tree from 1 Group	0	0

1.0 Introduction

- 1.0.1 The author of this report is Matthew Lally (MAborA) FdSc. Matthew is a professional member of the Arboricultural Association, The Consulting Arborist Society and an Associate member of the Institute of Chartered Foresters and is therefore required to uphold ethical standards laid out by these institutions.
- 1.0.2 This Arboricultural Impact Assessment has been commissioned by HAD & Co Property Consultants LTD and is prepared in relation to the proposed development at land at Church Lane, Moston.

An outline of the assessment boundary can be found in figure 1.



Figure 1. Assessment Boundary Plan

- 1.0.3 The tree survey & assessment of existing trees has been guided by the recommendations within British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations'. The recommendations set out a structured assessment methodology to assist in determining which trees would be deemed either as being suitable or unsuitable for retention.
- 1.0.4 British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' includes guidance for considering the relationship between existing trees and how to integrate their needs into a successful development. A harmonious and

sustainable relationship between any retained trees and new structure and/or hard surfaces is at the heart of the guidance.

- 1.0.5 The survey was carried out Tuesday 10th May 2022 by means of inspection from ground level by an experienced and qualified arboriculturalist. The inspection can be restricted in cases where trees were Ivy clad or surrounded by dense vegetation.
- 1.0.6 Due to the size and nature of the site, it was decided that the survey methodology would include broadly grouping trees that share very similar characteristics. This method is in line with point 4.2.4 of BS 5837:2012 that states 'Trees forming groups should be identified and considered as groups where the arboriculturist determines that this is appropriate. It may be appropriate to assess the quality and value of trees as a whole, rather than individuals.'
- 1.0.7 British Standard 5837:2012 recommends the assessment of trees is made as objectively as possible, but the findings will always remain the opinions of the surveyor. The tree categorisation method identifies the quality and value of the existing tree stock, allowing informed decisions to be made concerning development design layout.
- 1.0.8 Table 1 provides a summary of the documents that have been made available by the client:

Table 1 – Documents made available by client.

Document Type	Reference No.	Author	Date
Topographical Survey	Church Lane-cpls-a1 (1).pdf	CPLS	26/03/2017
Proposed site plan	Church Lane_Moston_Manchester_M9 4WH-Proposed Site Plans HAD3384-10.pdf	HAD & Co	02/02/2022

- 1.0.9 The supplied drawing included tree positions but these should be checked onsite.
- 1.0.10 Weather conditions during the survey were dry and still.
- 1.0.11 Assessing the potential influence of trees upon load bearing soils, beneath existing and proposed structures resulting from water abstraction by trees or rehydration of shrinkable soils was not included in the contract brief and is therefore not considered in the report. The consultant cannot be held responsible for damage arising from such action.
- 1.0.12 Potentially hazardous trees are highlighted, and appropriate recommendations are made. However, this report is not a substitute for a full tree risk assessment or management plan which are specifically designed to minimise risk and liability associated with responsibility for trees.

2.0 Planning Policy

2.1 National Planning Policy Framework (NPPF)

2.1.1 When determining planning applications, Local Planning Authority's (LPA) should apply the following principles:

- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternate site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
- Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity (paragraph 175).

2.1.2. The trees proposed for removal within this report is neither considered aged or veteran and therefore the principles for refusal within the NPPF would not be considered applicable.

2.2 Local Planning policy

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance Adopted April 2007

4.15: DP Part 1 Policies E2.3 and E2.4 require the protection of wildlife, wildlife habitats, and where possible, the creation of new nature reserves and features which will sustain wildlife. Part 1 Policy E2.6 states that the City Council wishes to prevent the loss of existing trees. Developers will need to contribute to Manchester's Biodiversity Strategy by demonstrating in their Environment Standards Statement how they have taken full account of the effect of their proposed development on biodiversity. This should highlight how existing species and habitats would be protected and how the proposed development would enhance the ecological value of the site. Mature trees and hedges should be retained on site wherever possible. Where this is not possible, developers will be expected to agree an appropriate scheme for replanting with the Development Control case officers. Developments should result in no net loss in overall biodiversity value and maximise opportunities to meet and exceed our target to achieve a 10% net increase in tree cover across new developments. In exceptional cases, where planting is unachievable on site, permission may be granted to plant elsewhere in the City to ensure no overall net loss in tree resources. Existing green links across the site should be maintained and the opportunity taken to create new links as appropriate. Landscaping and new planting should include species appropriate for the proposed development that will encourage wildlife. Full plans should be included in the report showing retained, enhanced and new ecological features, the number of on-site trees pre and post

development, and a 5 year management plan. Wood and wood products should come from Forest Stewardship Council sources. Tropical hardwoods should be avoided.

3.0 Legislation

Statutory Considerations

3.0.1 A Tree Preservation Order (TPO) is an order made by a local planning authority to protect specific trees, groups of trees or woodlands in the interests of amenity. A TPO prohibits the:

- cutting down
- topping
- lopping
- uprooting
- willful damage
- willful destruction

of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent. Anyone found guilty of such an offence is liable and in serious cases, may result in prosecution and incur an unlimited fine.

3.0.2 It is understood following consultation with the Local Planning Authority, Manchester City Council, that there is a Tree Preservation Order that affects this land. It is The Manchester City Council (Brook Villas, Church Lane, Moston) TPO 2004, a copy of which is attached for your records (see appendix five). The relevant permissions must be sought from the LPA before undertaking any works to trees.

3.0.3 Felling Licence

3.0.4 Tree felling is also restricted under the Forestry Act 1967. Under this act, there is an exemption from the need for a felling licence for "Felling trees immediately required for the purpose of carrying out development authorised by planning permission (granted under the Town and Country Planning Act 1990) ..."

3.0.5 If full planning permission is granted, then any trees which require felling to implement the approved plans are exempt from this statutory protection. Outline planning permission does not provide an exemption to the regulations that control tree felling in the Forestry Act 1967.

4.0 Survey Methodology

- 4.0.1 The trees were surveyed in accordance with Chapter 4 of BS5837:2012. The tree metrics have been recorded in the tree schedule in appendix one. Where groups of trees and woodland groups have been recorded, average height, average crown spread and average diameter at breast height (DBH) are reported. Where access to the base of any trees was limited then measurements were estimated.
- 4.0.2 Trees have been assessed as individual trees (T), groups of trees (G), hedgerows (H) or woodland Groups (W) where it has been determined appropriate.
- The term group has been applied where trees form cohesive arboricultural features either aerodynamically, visually or culturally.
 - 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 or have been managed under a regular pruning regime.
 - For the purposes of this assessment, woodland is described as a habitat where 'trees are the dominant plant form. The individual tree canopies generally overlap and interlink, often forming a more or less continuous canopy'.
- 4.0.3 All the trees were assessed using: a grading A to C (retention) and U (removal); condition and age class as defined in appendix two.
- 4.0.4 Where appropriate, canopy spread for each tree was recorded at four cardinal points in order to reproduce an accurate representation of the crown shape of the tree on the tree plan in appendix four.
- 4.0.5 The survey included all trees within the proposal area and trees near to the proposal.

Veteran and Ancient Trees

- 4.0.6 Veteran trees and Ancient Woodland are important components of the landscape, their importance can be for a number of reasons including that of their ecological, social, cultural and historic value.
- 4.0.7 Veteran Trees and Ancient Woodlands are material considerations within the planning process and their importance is specifically recognised within the National Planning Policy Framework (NPPF) 2019
- 4.0.8 Ancient Tree Guide No4 Published by the Woodland Trust and the Ancient Tree Forum states that:

'An ancient tree is one that has passed beyond maturity and is old, or aged, in comparison with other trees of the same species. Its canopy may be small. It will probably have a very wide trunk relative to other trees of the same species and it is very likely that it will be hollow'

AND

'Veteran is a term describing a tree with habitat features such as wounds or decay. The terms ancient and veteran have been used interchangeably in the past, however, it is important to know what the differences between them [are]. A veteran tree is a survivor that has developed some of the features found on an ancient tree, not necessarily as a consequence of time, but of its life or environment. Ancient veterans are ancient trees, not all veterans are old enough to be ancient. A veteran may be a young tree with a relatively small girth in contrast to an ancient tree but bearing the 'scars' of age such as decay in the trunk, branches or roots, fungal fruiting bodies, or dead wood. These veteran features will still provide wildlife habitat'

4.0.9 Different methodologies are available for the defining of Veteran & Ancient trees in the field. Lally Tree Management use RAVEN (Recognition of Ancient, Veteran and Notable Trees) allowing quick and easy assessments to be made, whilst trying to ensure these valuable assets to our environment do not go un-noticed.

4.0.10 No Veteran Trees or Ancient Trees were identified on this site.

5.0 Development Proposals

5.0.1 Overlaying the development plans & their associated infrastructure over the existing site plans has highlighted a number of areas where trees are in conflict with the proposal. This plan has been made available in appendix 4 and given the title 'Arboricultural Implications Plan'

5.0.2 In order to fully assess the impact of the proposals an Impact Table has been created detailing each tree, which shows the proximity of the associated works to the tree.

5.0.3 The aforementioned data and plans are analysed to determine whether the development will have a detrimental impact on the health of each tree. Once this has been determined, remedial measures can be detailed to reduce the impact the proposals will have on the treescape.

5.0.4 Impact Table: -

Tree No.	Root Protection Area identified (m ²) in Table 2 of BS 5837:2012	Distance to Proposed Hard Standing (m)	Distance to Proposed Development (m)	Can the Tree/s be Successfully Retained	Retention Category
G1	9	-	-	No	C2
T2	408	-	-	No	B1
T3	24	-	-	No	B1
G4	28	-	-	No	C2
T5	100	-	-	No	B1
G6	55	-	-	No	C2
T7	62	-	-	No	B1
G8	35	-	-	No	B2
T9	65	-	-	No	U
T10	33	-	-	No	C1
T11	55	-	-	No	U
T12	152	-	-	No	C1
G13	22	-	-	No	C2
T14	72	-	-	No	B1
G15	7	17.20	23.60	Yes	C2
G16	46	-	-	No	B2
G17	5	20.20	23.80	Yes	C2
T18	113	-	-	No	U
T19	163	-	-	No	U
G20	5	-	-	No	C2

Tree No.	Root Protection Area identified (m ²) in Table 2 of BS 5837:2012	Distance to Proposed Hard Standing (m)	Distance to Proposed Development (m)	Can the Tree/s be Successfully Retained	Retention Category
G21	72	2.65	4.55	1 x tree to be removed. 1 x tree to be retained as outlined in section 7.2.	B2

6.0 Impact Assessment

6.1 To assess the implications of the Impact Table each tree can be categorised in the following way: -

	Trees to be Retained		Trees to be Removed	
	With No Impact	With detailed construction	Due to Condition	Due to Development
Category A	-	-	-	-
Category B	-	G21 (1 x tree)	-	T2, T3, T5, T7, G8, T14, G16, G21 (1 x tree)
Category C	G15, G17,	-	-	G1, G4, G6, T10, T12, G13, G20
Category U	-	-	T9, T11, T18, T19	-

7.0 Mitigation Proposals

7.1 Compensatory Planting

7.1.1 Due to the loss of the trees identified in section 6.1 it is proposed that along with the general soft landscaping for the development, more substantial supplementary tree planting will support the application.

7.1.2 This will have a number of benefits for the development and the character of the area. These being: -

- Give a greater diversity of age class on the site, increasing sustainability.
- Give a greater diversity of species and therefore wildlife habitat.

7.1.3 The trees proposed are listed in the schedule below: -

Tree Species	Tree Size
<i>Acer campestre</i>	6-8 cm girth
<i>Betula pendula</i>	6-8 cm girth
<i>Pinus sylvestris</i>	6-8 cm girth
<i>Quercus robur Fastigiata</i>	6-8 cm girth
<i>Sorbus aucuparia</i>	6-8 cm girth
<i>Crataegus laevigata</i>	6-8 cm girth
<i>Crataegus monogyna 'Stricta'</i>	6-8 cm girth
<i>Crataegus crus-galli</i>	6-8 cm girth
<i>Malus tschonoskii</i>	6-8 cm girth
<i>Carpinus betulus 'Frans Fontaine'</i>	6-8 cm girth
<i>Betula utilis var. jacquemontii</i>	6-8 cm girth
<i>Corylus avellana</i>	-
<i>Prunus spinosa</i>	-

7.1.4 The extent of mitigation planting required will need to be confirmed in agreement with the Local Planning Authority once the development proposal is finalised. Requirements usually involve replacement of trees on a two for one basis. This is based on tree sizes of 12-14cm girth.

7.2 Root Pruning

7.2.1 The proposed construction of the car park area and activity area encroaches into the RPA of G21 by approximately 9%

7.2.2 To facilitate the development and prevent damage to any tree roots within the RPAs of these trees, all excavation should be supervised by an Arboricultural Consultant and any root pruning that is required should be undertaken by the Arboricultural Consultant.

7.2.3 As the area is already compacted building waste within the RPA of this tree, it is felt that if the following points are adhered to then the long-term health and retention of G21 will not be adversely affected.

- Excavation must be carried out using hand tools to avoid direct damage to the bark of the roots. It may be possible in some instances to use specialised equipment such as high air pressure machinery to excavate the soil with minimal disturbance to roots.
- Exposed roots will be wrapped in moist, clean Hessian to prevent the roots from drying out in hot or dry weather. The hessian must be removed before backfilling.
- Roots less than 25mm diameter may be pruned back, preferably to a growing point. A sharp cutting tool such as bypass secateurs or a handsaw should be used to leave the smallest wound possible. Roots greater than 25mm in diameter should be retained wherever possible.

- Root pruning should be carried out under the supervision of the Arboricultural Consultant.
- Backfilling of any excavation must be carried out by hand to avoid direct root damage or compaction, where possible. Builder sand must not be used in the backfill material.

8.0 Caveats and Limitations

- 8.1 The report is for the sole use of the client and its reproduction or use by anyone else is forbidden unless written consent is given by the author.
- 8.2 This is an arboricultural report and as such no reliance should be given to comments relating to buildings, engineering, soils ecological or archaeological data. If either is commented upon within the report further professional advice should be sought.
- 8.3 This is not a Tree Risk Assessment. As such this report should not be taken to mean or imply that any of the inspected trees should be considered safe. A Tree Risk Assessment can be provided but would be subject to additional survey requirement and further fees.
- 8.4 Trees are growing dynamic structures. Whilst reasonable effort has been made to identify defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. No tree is ever absolutely safe due to the unpredictable laws and forces of nature. As a result of this, natural failure of intact trees will occur; extreme climatic conditions can cause damage to even apparently healthy trees.
- 8.5 For the purposes of this survey all dimensions of trees and their associated parts are based on estimation unless otherwise stated.
- 8.6 Trees are living organisms whose health, condition and structure can change quickly and without warning. Therefore, the contents of this report are valid for a period of one year from the date of this survey.

Appendix One

Tree Survey Data & Site Notes

*The recommendations in this section are based on the site survey only and are NOT recommendation based on any proposed development plans.



BS5837:2012 TREE SCHEDULE



DATE OF SURVEY: 10/05/2022

JOB REFERENCE: LTM0495.AIA.01

SITE ADDRESS: Church Lane

Tree No.	Species	Stem Dia (mm)	RPA (m ²)	RPA Radius (m)	Height (m)	Age Class	Crown Spread (m)				Crown Clearance (m)	Condition	Comments	Recommendations	Remaining Contribution	BS5837 Retention Category
							N	E	S	W						
G1	Ash x 3. Sycamore x 1	140	9	1.68	4	SM	3	3	3	3	3N	B	Located on site boundary adjacent to Church Road. Ash showing signs of Ash dieback. Poor form. Self set. Low arboricultural value.	No action	10+	C2
T2	Horse Chestnut	950	408	11.4	14	M	9	9	8	8	1.5S	A	Good form and vitality. No significant risk features observed. Old pruning wounds fully occluded.	No action	40+	B1
T3	Hawthorn	230	24	2.76	9	M	3	1	2	1	4N	A	High visibility. Good vitality. No significant risk features observed.	No action	40+	B1
G4	Sycamore x 6	250	28	3	14	EM	3	3	3	3	3N	B	Self set boundary group adjacent to Church Road. Historical excavation in root plate with large severed roots. Tree appears stable. Low Arboricultural value.	No action	20+	C2
T5	Sycamore	470	100	5.64	14	EM	2	3	5	3	2S	B	Codominant form. Good vitality. Included basal unions but of little concern. Acceptable condition.	No action	20+	B1
G6	Sycamore x 2	350	55	4.2	14	EM	4	3	1	5	4N	B	Excavation in root plate with large severed roots. Growing in close proximity to pavement.	No action	20+	C2
T7	Sycamore	370	62	4.44	14	EM	2	5	4	5	1.5E	A	Good form and vitality. No significant risk features observed. Asymmetrical crown due to adjacent trees.	No action	40+	B1
G8	Norway Maple x 2. Birch x 1	280	35	3.36	14	EM	4	4	4	4	1.5E	A	A group of 3 boundary trees. No significant risk features observed.	No action	40+	B2
T9	Dead	380	65	4.56	5	EM	1	1	1	1	0N	D	Dead standing tree. Stem snapped at 5m and lying on ground.	Remove	<10	U
T10	Ash	270	33	3.24	6	SM	2	2	2	2	2N	B	Ash dieback present. Tree appears stable.	No action	10+	C1
T11	Horse Chestnut	350	55	4.2	10	SM	3	3	1	2	4N	D	Dead fallen tree.	Remove	<10	U

BS5837:2012 TREE SCHEDULE



DATE OF SURVEY: 10/05/2022

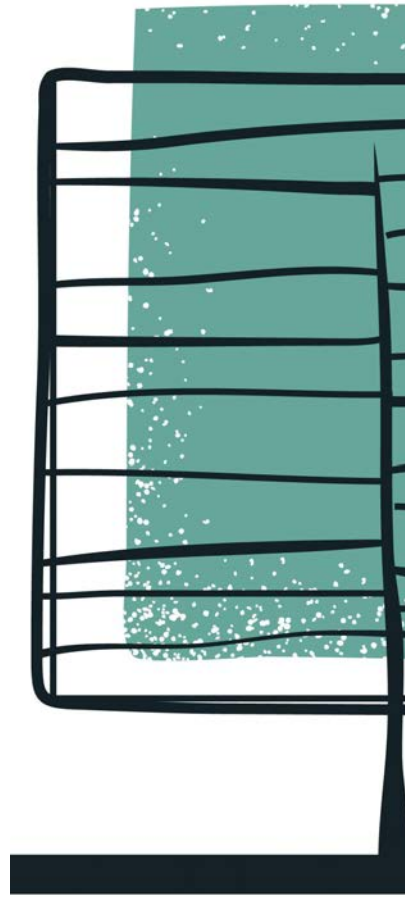
JOB REFERENCE: LTM0495.AIA.01

SITE ADDRESS: Church Lane

Tree No.	Species	Stem Dia (mm)	RPA (m ²)	RPA Radius (m)	Height (m)	Age Class	Crown Spread (m)				Crown Clearance (m)	Condition	Comments	Recommendations	Remaining Contribution	BS5837 Retention Category
							N	E	S	W						
T12	Willow	580	152	6.96	11	M	3	6	5	5	2E	B	Boundary tree. Asymmetrical crown due to adjacent trees. Codominant form. Ivy on stem limited inspection. Necrotic areas of bark at base.	No action	20+	C1
G13	Sycamore x 1. Rowan x 1. Norway Maple x 1	220	22	2.64	5	SM	3	3	3	3	2E	B	Historical stem failure on 1 x Sycamore. Ivy on stems prevented a detailed inspection. Codominant form. Good vitality.	No action	20+	C2
T14	Poplar	400	72	4.8	12	EM	1	3	3	3	3S	A	Good form and vitality. No significant risk features observed.	No action	20+	B1
G15	Ash. Sycamore. Hawthorn.	120	7	1.44	5	Y to SM	2	2	2	2	0N	A	Third party self set group. Not inspected.	No action	40+	C2
G16	Norway Maple x 1. Sycamore x 1	320	46	3.84	14	SM	5	4	3	4	1N	A	Good form and vitality. No significant risk features observed.	No action	40+	B2
G17	Cypress x 2	100	5	1.2	5	Y	2	2	2	2	0N	B	Suppressed group of Cypress. No significant risk features observed.	No action	20+	C2
T18	Norway Maple	500	113	6	12	EM	5	4	5	5	1N	C	Multi stemmed at 1.5m. Historical stem failure. Partially failed included union. No long term future.	Remove	<10	U
T19	Ash	600	163	7.2	14	M	5	5	5	5	4N	C	In extensive decline. Ivy clad seem.	Remove	<10	U
G20	Hawthorn. Sycamore. Ash	100	5	1.2	4	Y	1	1	1	1	0N	B	Possible historical boundary hedge. Now with multiple saplings growing in and amongst group. Low Arboricultural value.	No action	20+	C2
G21	Ash x 2	400	72	4.8	14	EM	4	4	4	4	1N	B	Extensive ground works in root plate. Evidence of root severance. Good vitality. Trees appear stable.	No action	20+	B2

Appendix Two

Glossary of Terms



The following terms are concurrent with best Arboricultural practice and within the guidelines set by the International Society of Arboriculture (ISA), the Arboricultural Association (AA) and the British Standards Institute (BSI).

Age Range:

Age is site specific and categorised:

Young (Y)	Out-planted trees that have not yet established.
Semi-Mature (SM)	Established trees up to 1/3 of expected height and crown.
Early Mature (EM)	Between 1/3 and 2/3 of expected height and crown.
Mature (M)	Between 2/3 and full expected height and crown.
Fully Mature (FM)	Full expected height and crown.
Over Mature (OM)	Crown beginning to break-up and decrease in size.
Senescent (S)	Crown in advanced stage of break-up.

Height: Height is estimated and recorded in metres.

DBH: Diameter at Breast Height is measured at 1.5m and recorded in metres. Where a tree becomes multi-stemmed below 1.5m the highest possible diameter is measured and indicated. Alternatively, above 1.5m the diameter of each stem or an average diameter is measured and indicated.

Condition: Assessment of current physiological condition and structural morphology incorporating vigour and vitality and categorised:

- A -** Tree needing little, if any attention
- B -** Tree with minor, but rectifiable defects, or in the early stages of physiological stress
- C -** Tree with significant structural and physiological flaws and/or extremely stressed
- D -** Tree that is dead, biologically/physically moribund or dangerous.

Desirability to Retain – As Outlined in Table 1 of BS 5837:2005 (Trees in Relation to Construction - Recommendations)

Definition of Physiological & Morphological Terms

- Adaptive Growth** - The process whereby wood formation is influenced both in quantity and in quality by the action of gravitational force and mechanical stresses on the cambial zone.
- Bifurcation** – Forked or divided union.
- Brown Rot** - Form of decay where cellulose is degraded, while lignin is only modified.
- Cankers-** A localised area of dead bark and cambium on a stem or branch, caused by fungal or bacterial organisms, characterised by wound wood development on the periphery. This may be annual or perennial.
- Cavity** - An open wound, characterised by the presence of extensive decay and resulting in a hollow.
- Chlorotic Leaf** - Lacking in chlorophyll, typically yellow in colour.
- Compartmentalisation** - The physiological process that creates the chemical and mechanical boundaries that act to limit the spread of disease and decay organisms.
- Crack** - Longitudinal split in stem or branch, involving bark and/or underlying wood. These may be vertically and horizontally orientated.
- Decay** - Process of degradation of woody tissues by fungi and bacteria through decomposition of cellulose and lignin.
- Deadwood** - Deadwood is often present within the crown or on the stems of trees. In some instances, it may be an indication of ill health, however, it may also indicate natural growth processes. If a target is present beneath the tree, deadwood may fall and cause injury or damage and should be removed, otherwise deadwood can remain intact for conservation purposes (insects, fungi, birds etc.).

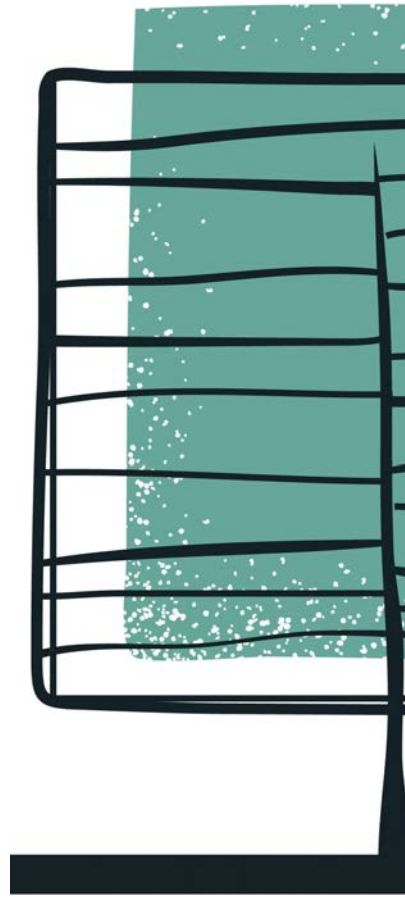
End Weight -	The concentration of foliage at the distal ends of stems and deficient in secondary branches.
Girdling Root -	Root which circles and constricts the stem or roots causing death of phloem and/or cambial tissue.
Hazard Beam -	An upwardly curved branch in which strong internal stresses may occur without the compensatory formation of extra wood (longitudinal splitting may occur in some cases).
Included Bark Union -	Pattern of development at branch junctions where bark is turned inward rather than pushed out. Potential weakness due to a lack of a woody union.
Ivy Growth -	Ivy growth may ascend into the tree's crown, increasing wind resistance, concealing potential defects and reducing the tree's photosynthetic capacity. Ivy growth is often acceptable in woodland areas as a conservation benefit.
Live Crown Ratio -	The relative proportion of photosynthetic mass (leaf area) to overall tree height.
Reaction Wood -	Specialised secondary xylem, which develops in response to a lean or similar mechanical stress, attempting to restore the stem to the vertical.
Root Plate Lift -	The physical movement of the rooting plate causing soils to shift and crack. May occur during adverse weather conditions. Trees may become unstable.
Structural Defect -	Internal or external points of weakness, which reduce the stability of the tree.
Suppressed -	Trees which are dominated by surrounding vegetation and whose crown development is restricted from above.
Topping -	A highly disfiguring practise, likely to cause severe xylem dysfunction and decay in major structural parts of the wood.

- White Rot -** Form of decay where both cellulose and lignin are degraded.
- Wound -** Any injury, which induces a compartmentalisation response.
- Wound wood -** Wood with atypical anatomical features, formed in the vicinity of a wound and a term to describe the occluding tissues around a wound as opposed to the ambiguous term “callus.”
- Woodland Structure -** The vertical and horizontal arrangement of trees within a group or woodland i.e. Dominant - trees with a crown above the upper layer of the canopy, Co-dominant - trees that define the general upper edge of the canopy, Intermediate - trees that have been largely overgrown by others, Suppressed - trees that have been overgrown and occupy an under storey position and grow slowly, often severely asymmetrical.

Note: *The definitions described above, may not necessarily be included within the Arboricultural Survey Data.*

Appendix Three

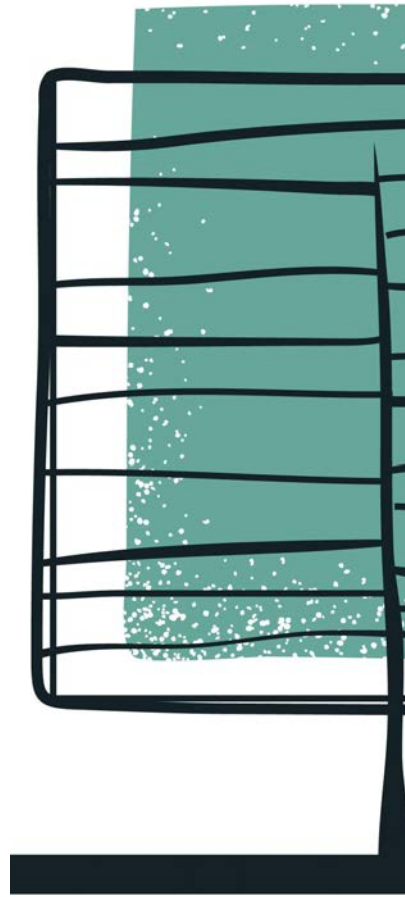
Cascade Chart

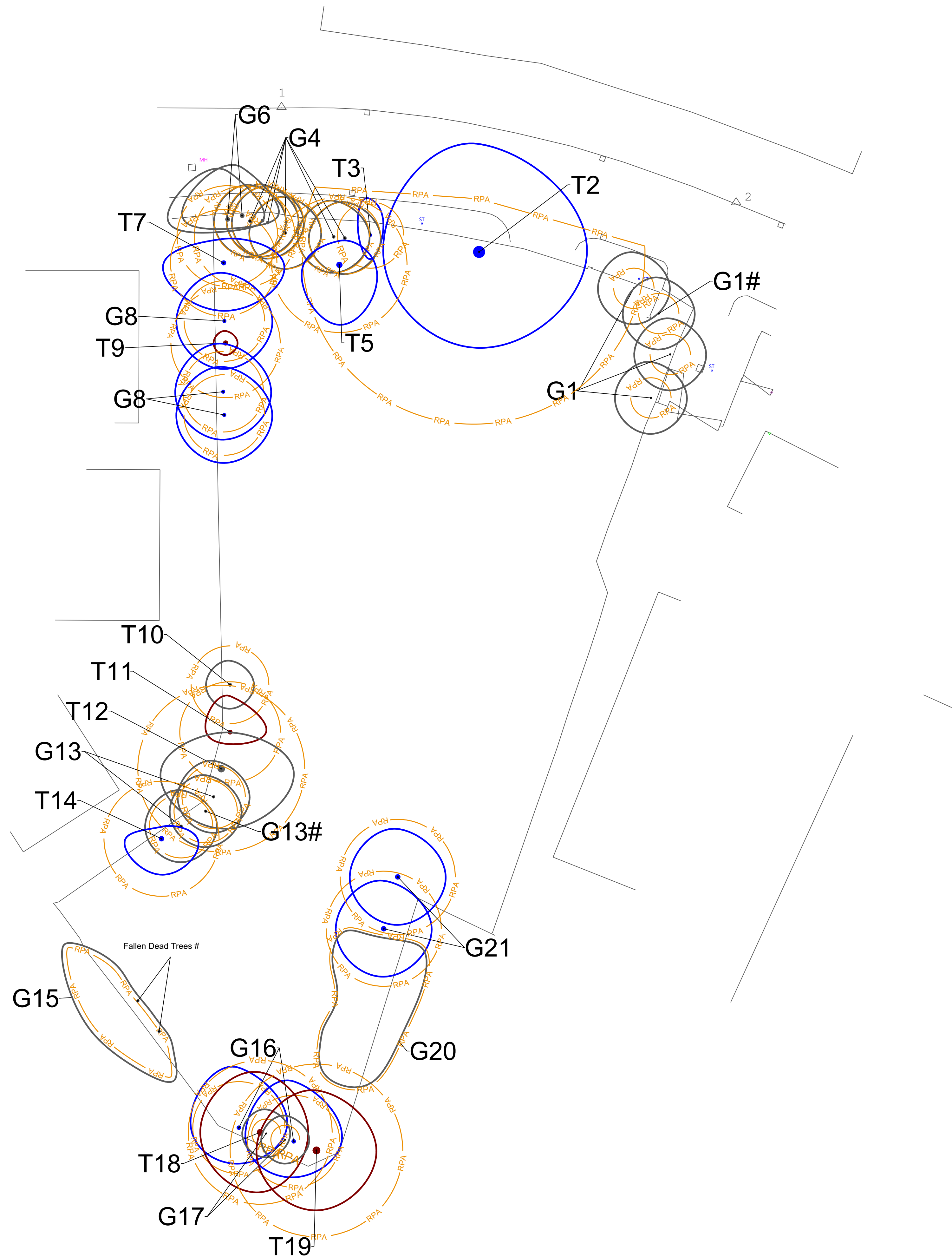


Trees for removal			
Category and definition	Criteria		
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	- o Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other U Category trees (i.e. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) - o Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline. - o Trees infected with pathogens of significance to the health and/or safety of other trees nearby) e.g. Dutch elm disease), or very low-quality trees suppressing adjacent trees of better quality. NOTE: <i>Category U trees can have existing or potential conservation value which might be desirable to preserve; see section 4.7.5</i>		
Trees to be considered for retention			
Category and definition	Criteria and sub-categories		
	1) Mainly arboricultural values	2) Mainly landscape values	3) Mainly cultural values (including conservation)
Category A Trees of high quality: with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and or landscape features	Trees, groups or woodlands of significant conservation, historical commemorative or other value (e.g. veteran trees or wood-pastures)
Category B Those of moderate quality: with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	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 area	Trees with clearly identifiable conservation or other cultural benefits
Category C Those of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in the higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value, and/or trees offering low or only temporary screening benefit.	Trees with no material conservation or other cultural value

Appendix Four

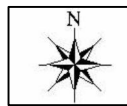
Plans





Do not scale this drawing (printed or electronic version).
Contractors must check all dimensions from site.
This drawing is for use on this site only and should be used in conjunction with all relevant consultants drawings...

LEGEND

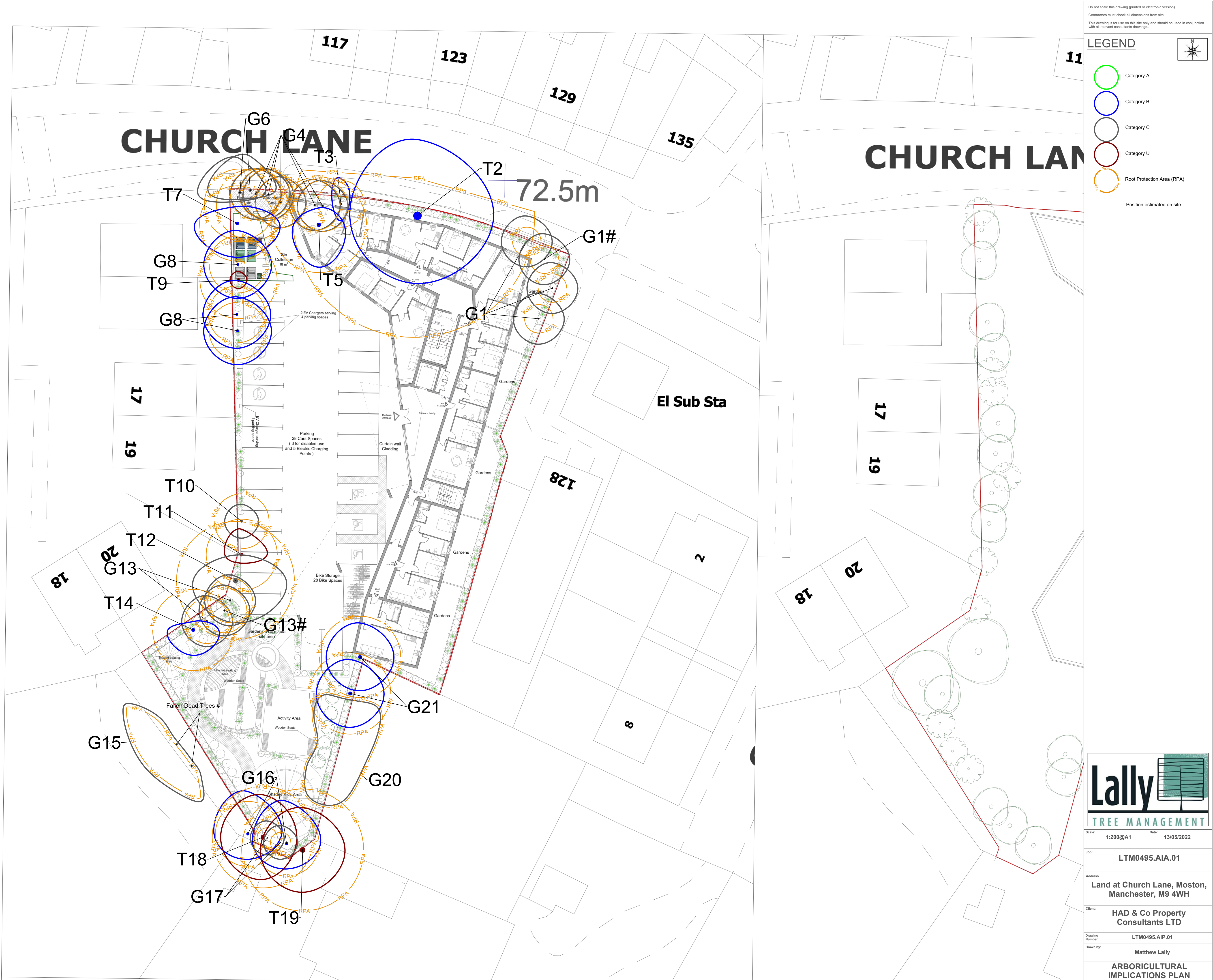


- Category A
- Category B
- Category C
- Category U
- Root Protection Area (RPA)
- # Position estimated on site



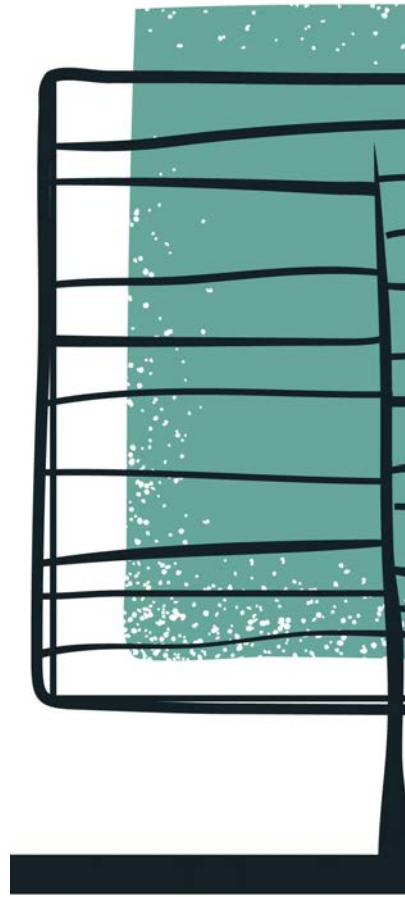
Scale:	1:200@A1	Date:	13/05/2022
Job:	LTM0495.AIA.01		
Address:	Land at Church Lane, Moston, Manchester, M9 4WH		
Client:	HAD & Co Property Consultants LTD		
Drawing Number:	LTM0495.TCP.01		
Drawn by:	Matthew Lally		

TREE CONSTRAINTS PLAN



Appendix Five

TPO Document



TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

TOWN AND COUNTRY PLANNING ACT 1990

The Manchester City Council (Brook Villas, Church Lane, Moston) Tree Preservation Order 2004

The Manchester City Council, in exercise of the powers conferred on them by sections 198 [201] and 203 of the Town and Country Planning Act 1990 hereby make the following Order-

Citation

1. This Order may be cited as The Manchester City Council (Brook Villas, Church Lane, Moston) Tree Preservation Order 2004

Interpretation

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

Application of section 201

3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 26 April 2004

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders)¹ [or subsection (3) of section 200 (orders affecting land where Forestry Commissioners interested)], and subject to article 5, no person shall-
 - (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

¹ Subsection (6) of section 198 exempts from the application of tree preservation orders the cutting down, uprooting, topping or lopping or lopping trees which are dying, dead or have become dangerous, or the undertaking of those acts in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance. Subsection (7) of that section makes section 198 subject to section 39(2) of the Housing and Planning Act 1986 and section 14 of the Forestry Act 1967.

Exemptions

5. (1) Nothing in article 4 shall prevent-

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary -
 - (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
 - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
 - (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
 - (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
 - (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a) (iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
 - (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Development Order) 1995;
 - (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or
 - (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.
- (2) In paragraph (1), "statutory undertaker" means any of the following-
a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,

a relevant airport operator (within the meaning of Part V of the Airports Act 1986),

the holder of a license under section 6 of the Electricity Act 1989,

a gas transporter,

the holder of a license under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,

a water or sewerage undertaker,

the Civil Aviation Authority, a body acting on behalf of that Authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000,

a universal postal service provider in connection with the provision of a universal postal service.

6. An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall-

- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b) specify the work for which consent is sought; and
- (c) contain a statement of the applicant's reasons for making the application.

Application of provisions of the Town and Country Planning Act 1990

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

Directions as to replanting

8. (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

- (3) A direction under paragraph (1) may include requirements as to-
- (a) species;
 - (b) number of trees per hectare;
 - (c) the preparation of the relevant land prior to the replanting; and
 - (d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

9. (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of-
- (a) the refusal of any consent required under this Order; or
 - (b) the grant of any such consent subject to conditions,
- he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this article-
- (a) if more than 12 months has elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
 - (b) if the amount in respect of which the claim would otherwise have been made is less than £500.
- (3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation on in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.
- (4) In any other case, no compensation shall be payable to a person-
- (a) for loss of development value or other diminution in the value of the land;
 - (b) for loss or damage which, having regard to the statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
 - (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
 - (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.
- (5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of

license) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling license is refused under section 10 (application for felling license and decision of Commissioners thereon) of that Act as if for any reference to a felling license there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article-

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

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

[Application to trees to be planted pursuant to a condition

10. In relation to the tree[s] identified in the first column of Schedule 1 by the letter "C", being [a tree] [trees] to be planted pursuant to a condition (being 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 [that tree is planted] [those trees are planted].]

[Orders made by virtue of section 300

11. This Order takes effect in accordance with subsection (3) of section 300 (tree preservation orders in anticipation of disposal of Crown land)]

Dated this 26th day of April 2004

THE COMMON SEAL OF
THE COUNCIL OF THE
CITY OF MANCHESTER
was hereunto affixed in
pursuance of an Order of the
Council of the said City:-

E. J. Tuley

Authorised Signatory



CONFIRMATION OF ORDER

W This Order was confirmed by the ~~MANCHESTER~~ *CITY* Council without modification on the 28th day of October 2005

THE COMMON SEAL OF
THE COUNCIL OF THE
CITY OF MANCHESTER

was hereunto affixed in
pursuance of an Order of the
Council of the said City:-



W *E. J. Tully*
Authorised Signatory

01030709

SCHEDULE 1

Article 4

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Horse Chestnut	Brook Villas, Church Lane, Moston



Scale: 1:1250



MANCHESTER
CITY COUNCIL

Environment
Development

Site known as Brook Villas, Church Lane,
Moston.

Proposed Tree Preservation Order

PLAN ATTACHED TO THE MANCHESTER CITY COUNCIL
(BROOK VILLAS, CHURCH LANE, MOSTON) TREE PRESERVATION
ORDER 2004.

SCHEDULE 2

Article 7

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

Column (1)	Column (2)
Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	(a) In subsection (1)- (i) omit- " , in such manner as may be prescribed by a development order ," "such" in the second place where it appears, and "as may be so prescribed", and (ii) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission". (b) In subsection (2)- (i) after "contain" insert " , as regards each such order"; and (ii) for paragraphs (a) and (b) substitute- "(a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it ". (c) Omit subsections (3) and (4) (as required by section 198(4)).
Section 70 (determination of applications: general considerations)	(a) In subsection (1)- (i) substitute- "Subject to subsections (1A) and (1B), where" for "Where"; "the authority" for "a local planning authority"; "consent under a tree preservation order" for "planning permission" where those words first appear; and "consent under the order" for "planning permission" in both of the other places where those words appear;

	(ii) after "think fit", insert- "(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and (iii) omit "subject to sections 91 and 92." (b) After subsection (1) insert- "(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area. (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting)." (c) Omit subsections (2) and (3).
Section 75 (effect of planning permission)	(a) In subsection (1) substitute- (i) "Any" for the words from "Without" to "any"; (ii) "consent under a tree preservation order" for "planning permission to develop land"; (iii) "the consent" for "the permission"; and (iv) "the land to which the order relates" for "the land". (b) Omit subsections (2) and (3).
Section 78 (right to appeal against planning decisions and failure to take such decisions)	(a) In subsection (1) substitute- (i) "the authority" for "a local planning authority"; (ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear; (iii) "consent under such an order" for "planning permission" in the second place where those words appear; (iv) for paragraph (c) substitute- "(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement

	or approval of that authority required by such a direction; or (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority." (b) Omit subsection (2). (c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute- "in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow; (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made against that refusal or grant." (d) For subsection (4), substitute- "(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)." (e) For subsection (5), substitute- "(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection 1(d), it shall be assumed that the authority decided to refuse the application in question."
Section 79 (determination of appeals)	(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority". (b) Omit subsection (3). (c) In subsection (4), substitute- (i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5";

	(ii) "consent under a tree preservation order" for "planning permission"; and (iii) "the authority" for "the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71." (d) Omit subsections (6) and (6A). (e) In subsection (7), omit the words after "section 78"
--	--

PART II
PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,
AS ADAPTED AND MODIFIED BY PART I

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

Section 69

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

Section 70

- (1) Subject to subsections (1A) and (1 B), where an application is made to the authority for consent under a tree preservation order-
 - (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
 - (b) they may refuse consent under the order.
- (1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.
- (1B) Where the authority grant consent for the felling of trees in a woodland area

they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

Section 75

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

Section 78

(1) Where the authority-

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions"
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

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

Section 79

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