Tree Survey and Impact Assessment

for land at

Frimley DIPU M Block New Sub-Station,
Frimley,
GU16 7UJ

Client

Frimley Health NHS Foundation Trust

August 2023

2153-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-Rev0
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CAVEATS

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

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

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

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

Document history

Revision	Issue Status	Details	Approved/ Date
Rev0	Final	Initial combined Tree Survey and Impact Assessment	JK / 04 August 2023

Contents

Appendices

Tables

1.0 Introduction

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

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

1.3 Area subject to this survey is a small parcel of land situated at the Frimley Park Hospital within which the Frimley DIPU M Block New Sub-Station is proposed.

1.4 The are subject to this survey lies along the western boundary.

1.5 There are two distinct groups of trees. The first is a group of young to semi mature trees located to adjoining car park. The second is a group of more mature trees adjoining the recently constructed modular building.

1.6 The young trees are somewhat congested having been planted at close spacing.

1.7 The mature trees make a material contribution to the tree cover within the campus.

1.8 At the time of the tree survey we checked the online portals, including Surrey Heath Borough Council for statutory protection of trees applicable to the site. Online portals are not always reliable so before works are undertaken to trees a direct enquiry with the Council should be made.

TREE PRESERVATION ORDERS - details were available online and showed that there IS a Tree Preservation Order protecting certain trees upon the site. The Tree Preservation Order is included at Appendix 4.

CONSERVATION AREAS - details were available online and confirmed that the site IS NOT within a Conservation Area.

The MAGIC information portal revealed that Ancient and Semi-Natural Woodland IS NOT located within/adjacent to the site. Land upon the site IS NOT listed on the Priority Habitat Inventory - Deciduous Woodland (England)

The online portal of the Woodland Trust, Ancient Tree Inventory, revealed that there are NO veteran trees recorded on site.

1.9 Nationally adopted guidance has been followed in the preparation of this report. *BS5837:2012: Trees in relation to design, demolition and construction – Recommendations* sets out a structure approach to considering trees during the development process. Guidance is given on the surveying of trees, the protected space that should be allocated to trees, what elements may give rise to harm to trees and what techniques can be deployed to minimise harm.

1.10 Sustainable development requires the coordination between disciplines throughout the project, accordingly the package of arboricultural information supports the design process and follows through to construction ensuring effective tree protection. We recognise the need to integrate with other disciplines to achieve a balanced approach to development proposals.

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

1.12 Further explanatory notes about tree survey information are given in Appendix2.

2.0 Tree survey

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

2.2 The tree survey:

2.2.1 was conducted on the 06 June 2023 by Jago Keen, MSc, Dip.Arb., MArborA, MICFor from ground level, in accordance with the guidance in British Standard *BS5837:2012 Trees in relation to design, demolition and construction – Recommendations*;

2.2.2 is intended for planning purposes only;

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

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

2.2.5 recommends only preliminary works. Tree works required to achieve the scheme of development will be considered as part of the Impact Assessment and detailed on the Tree Protection Plan;

2.2.6 places reliance on the topographical survey.

2.3 Details of each tree are recorded in the Schedule of Trees at Appendix3.

2.4 Site soil investigations have not been conducted. The (online) 'Geology of Britain Viewer' that contains British Geological Survey materials © NERC [2018] reveals the following soil information:

2.4.1 Bedrock geology: Camberley Sand Formation - Sand.

2.4.2 Superficial deposits: None recorded.

2.5 Survey information is used to prepare the constraints posed by trees on development. These constraints are shown on the Tree Constraints Plan. The Plan shows root protection areas prescribed by the guidance within BS5837 paragraph 4.6.2 and adjusted where appropriate as recommended in subsequent paragraph 4.6.3. The root protection area (RPA) is the minimum extent of rooting required to sustain the tree.

2.6 Trees change over time hence the contents of this survey can only be relied upon for a period of up to two years. The survey should be refreshed after two years or immediately prior to the design of detailed site layouts where they are phased.

3.0 Application of survey information

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

Avoid

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

Mitigate

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

a) Foundations that avoid trenching e.g. screw piles, suspended floor slabs or casting at ground level for lightweight structures such as bin and cycle stores.

b) Limited use may be made for parking, drives or hard surfaces within the root protection areas, subject to advice from a qualified arboriculturist. Cellular confinement systems that enable hard surfaces to be built above existing soil levels are acceptable methods.

c) Service runs that cannot be routed outside the root protection area(s) can be installed by, for example, thrust boring, directional drilling, air excavation or hand digging. These operations often require supervision by the project arboriculturist.

Compensate

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

4.0 Assessment of impact upon trees

4.1 This assessment will consider the impact upon trees of implementing the proposals shown on the drawings listed in Table 1 below:

4.2 Site proposals considered in this application include:

4.2.1 Substation and generator

4.2.2 HV cable route, electrical services and diesel fuel supply line

4.2.3 New and replacement tree planting

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

Originator	Drg No	Title
SMP Engineering	00-E-00-100-03 Rev P1	Electrical Services 2000kvA Generator & Substation Layout & HV Cable Route
SMP Engineering	00-E-00-123-01 Rev P1	Electrical Services Proposed Substation Electrical Services Layout
SMP Engineering	00-E-00-123-13 Rev P1	Proposed Substation Layout
SMP Engineering	00-M-00-100-01 Rev P1	Mechanical Services Proposed Generator Diesel Fuel Supply Line
Keen Consultants	2153-KC-XX-YTREE-TCP01Rev0	Tree Constraints Plan
Keen Consultants	2153-KC-XX-YTREE-TPP01Rev0	Tree Protection Plan

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

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

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

4.4 National planning policy (paragraph 131 of the NPPF refers) makes clear the important contribution made by trees to the character and quality of built environments. Trees help to mitigate and adapt to climate change. The application proposals are respectful of the benefits trees provide and have been developed to ensure the retention of trees and the incorporation of new trees within the layout.

4.5 In summary, the proposals seek to retain all significant trees but require the loss of lesser quality specimens. Cable and fuel supply lines can be installed without material harm to trees. Replacement tree planting can be delivered as part of the proposals.

Impact of generator and substation installation

4.6 The proposed generator and substation are located in a corner of the hospital campus where there are few trees. What trees are located in that area are of young age and not of high quality and value.

4.7 It is necessary to remove trees 42, and 220 to 226 to accommodate the proposed generator and substation. These trees are small in stature although trees 42 and 224 are protected by the tree preservation order (they are designated T4 and T5 in the Order). None of the trees are of significant merit and their loss can be offset by new tree planting within the grounds of the hospital.

Impact of HV cable and diesel fuel line route

4.8 The proposed HV cable is emerges from the southern end of the substation to run along the existing road to the north east and to the south. To the north east it passes by trees 45 to 48. Trenching has already been undertaken in the carriageway, close to its north western edge. The proposed HV route will lie to the south east side of this existing trench. Its installation will not result in further material harm to the tree root system. Where the HV route passes to the south it is remote from trees.

4.9 The proposed diesel fuel supply line is routed south from the generator and is remote from trees.

4.10 No other installations, including mechanical and electrical equipment, are proposed.

5.0 New and replacement tree planting

5.1 New tree planting, to replace those lost, can be accommodated within the hospital grounds. Details of the proposed planting can be provided to inform a condition appertaining to the consent.

5.2 Retaining existing trees and introducing new trees ensures a resource of trees in places where residents and visitors alike will enjoy multiple benefits provided by the tree stock. In so doing the tree stock will be able to withstand climate change, protecting and enhancing the resources of soil, air, water, landscape, amenity value, culture and biodiversity, and increasing the contribution that trees make to the quality of life. In that respect the proposals are in line with the very latest guidance, in terms of integrating trees with built form, contained in *Trees in the townscape: A guide for decision makers* produced by the Trees and Design Action Group and the requirement of paragraph 131 of the National Planning Policy Framework.

5.3 Those multiple benefits of this new tree planting, as part of the site's green infrastructure, include contribution to open space, enhancement of sustainable drainage systems, and enhancement of biodiversity. In addition, as those new trees develop, so they will further contribute to local climatic regulation and, where they stand within the sun path of proposed buildings or surfaces within the re-development, they will minimise solar gain during summer months, and provide an accessible choice of shade and shelter.

6.0 Protection of trees during construction

6.1 To ensure the retained trees are safeguarded a tree protection plan has been prepared to show the location of protective measures. These measures need to be implemented in advance of construction and maintained until such time as soft landscape proposals require their removal.

6.2 In some instances specialist construction techniques or approaches are indicated on the protection plan. These shall be implemented in accordance with site progress.

6.3 In order to ensure the protective and specialist measures are understood, implemented and maintained a scheme of monitoring and supervision shall be put in place.

6.4 A scheme of supervision/monitoring shall typically include:

- a pre-commencement meeting;
- a site visit by an arboriculturist at no more than one month intervals;
- a report to be prepared after each site visit and presented to the Council within 7 days of the visit.

7.0 Summary of impact assessment

7.1 The proposed installation results in the loss of very few trees, all of which are low quality and value.

7.2 Services and utility installation can be sited remote from the rooting area of retained trees but if they do need to be located within root protection areas specialist measures can be deployed for their installation to minimise harm to retained trees.

7.3 New and replacement tree planting can be provided as part of these proposals. This new cohort of trees can provide a diverse portfolio of tree cover to ensure sustainability of green infrastructure in the future.

7.4 The application proposals recognise the important contribution trees make to the character and quality of built environments, and the role they play to help mitigate and adapt to climate change. The proposals seek to retain existing trees and integrate new trees in accordance with the requirement of local and national planning policy.

Appendix 1

Introduction to key elements of tree information

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

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

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

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

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

Tree Survey and Tree Constraints Plan

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

Impact Assessment and Tree Protection Plan

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

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

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

Method Statement

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

Site Monitoring

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

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

Appendix 2

Tree Survey Explanatory Notes

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

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

Schedule of trees

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

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

Details of the individual trees, groups and hedgerows

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

Individuals

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

Groups and woodlands

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

Hedges and shrub masses

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

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

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

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

Individual trees within groups, woodlands and hedges

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

BS5837 Categorisation

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

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

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

Category (U)

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

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

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

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

Category (A)

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

Sub categories

1) trees that are particularly good examples of their species, especially if rare or unusual, or are essential components of groups such as formal or semi-formal arboricultural features for example the dominant and/or principal trees within an avenue.

2) trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features.

3) trees, groups or woodlands of significant conservation, historical, commemorative or other value for example veteran or wood pasture.

Category (B)

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

Sub categories

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

Category (C)

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

Sub categories

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

Devising BS5837 root protection areas

Default situation

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

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

Influenced situation

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

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

Veteran trees

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

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

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

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

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

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

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

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

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

   iii) those over 2.0m in diameter are truly ancient

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

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

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

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

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

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

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

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

Lonsdale (2013) adds to this list:

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

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

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

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

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

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

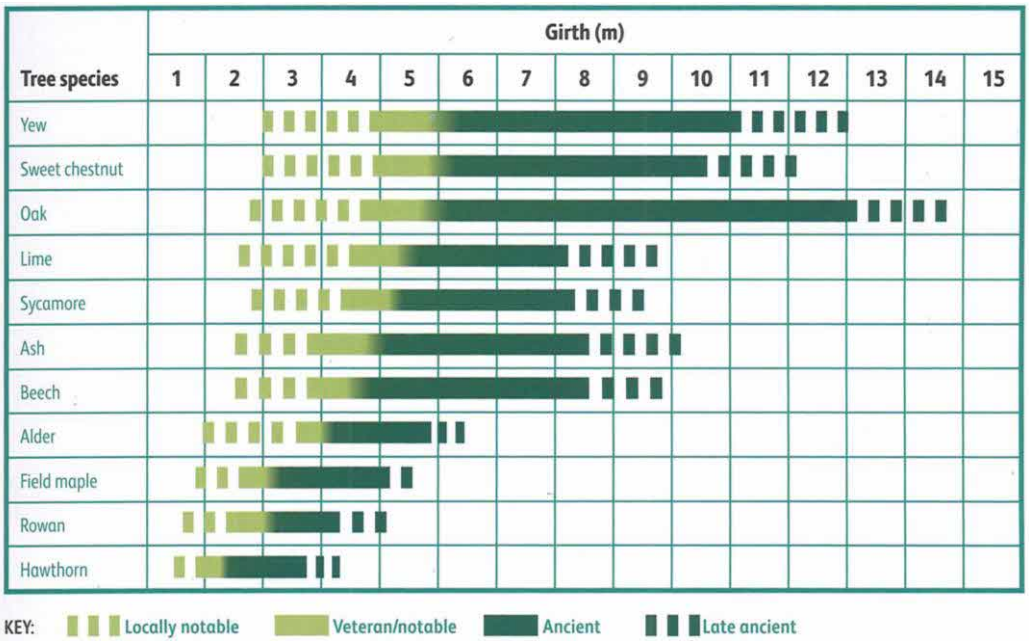


Figure 1- Chart of girth in relation to age and developmental classification of trees

Appendix 3

Schedule of Trees

for land at

Frimley DIPU M Block New Sub-Station,
Frimley,
GU16 7UJ

Key to Tree Schedule

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

Trees at Frimley DIPU M Block New Sub-Station, Frimley, GU16 7UJ

TPO No. 21/2008	Tree No.	Species	Ht (m)	Branch Spread (m)				Stem diameters (cm)								Height of crown clearance (m)	Height of first branch (m) and direction (from pass point)	Age class	Category grading	Estimated remaining contribution (yrs)	Condition Physiological / Structural	Tree Works to BS3998	Root protection radius (m)	Root protection area sq.m
				N	E	S	W	Single stem	2-5 stems					More than 5 stems										
									Stem 1	Stem 2	Stem 3	Stem 4	Stem 5	Mean dia.	No. stems									
T4	42	Corsican pine	9	5	5	5	5	35								1.5	1.5SE	S	C1	>10	Small tree growing against boundary. Main stem smothered in ivy.	Remove.	4.20	55
	43	Blue spruce	9	1.5	1	1.5	1	17								2	2N	S	C1	>10	Lacking vitality. Main stem smothered in ivy.		2.04	13
G4	45	English oak	14	5	6	7	6	54								4	4S	S	B1	>20	Reasonably well formed broad-spreading tree. Lower stem partially covered in ivy. Some deadwood within crown that overhangs footpath.	Remove all deadwood in excess of 25mm in diameter.	6.48	132
	47	Group of holly	9av	3av				25av								2	2N	S	C2	>10	Group of small trees amidst shrubs. Some showing signs of loss of vitality.		3.00	28
G4	48	English oak	15	4	5	4	3	57								2	2E	E	C1	>10	Has been crown reduced in the past.		6.84	147
G4	49	English oak	12	2	4	2	2	53								2	2E	E	C1	>10	Has been crown reduced in the past. Lacking vitality.		6.36	127
G4	50	English oak	15	5	5	5	5	65e								4	4S	E	B1	>20	Reasonably well formed tree growing amidst shrubbery. Main stem covered in ivy.		7.80	191
	51	Group of holly	8av	3av				20av								2	2S	S	C2	>10	Group of small trees growing amidst shrubbery. All showing loss of vitality.		2.40	18
G4	53	English oak	16	6	5	5	5	65e								2	2S	E	B1	>20	Reasonably well formed tree growing in lawn. Lower stem partially smothered in ivy.		7.80	191
	105	Willow leafed pear	3	1	2	1.5	1.5							7	6	0	-	S	C1	>10	Small tree growing in island bed between parking spaces.		2.06	13
	220	Sycamore	7	3	3	3	3	12								2	2N	Y	C1	>10	Small sapling growing against fence. Unsuited to long term retention as close to adjoining building.	Remove.	1.44	7
	221	Amelanchier	5	4	4	4	4							5	9	0	-	S	C1	>10	Small tree growing amidst dense vegetation.	Remove.	1.80	10
	222	Lawson Cypress	8	2	2	2	2	21								0	-	S	C1	>10	Slender conifer growing within dense vegetation.	Remove.	2.52	20
	223	Amelanchier	4	1	2	2	2							5	6	1	1S	S	C1	>10	Small tree growing amongst dense vegetation.	Remove.	1.47	7
T5	224	Red oak	9	5	6	5	5	33e								1.2	1.2SW	S	C1	>10	Established tree but of misshape and form. Ivy smothered main stem.	Remove.	3.96	49
	225	Scot pine	9	3	2	2	0	23								2	2N	S	C1	>10	Suppressed by adjoining tree.	Remove.	2.76	24

Trees at Frimley DIPU M Block New Sub-Station, Frimley, GU16 7UJ

Tree No. 21/2008	Tree No.	Species	Ht (m)	Branch Spread (m)				Stem diameters (cm)								Height of crown clearance (m)	Height of first branch (m) and direction (compass point)	Age class	Category grading	Estimated remaining contribution (yrs)	Condition Physiological / Structural	Tree Works to BS3998	Root protection radius (m)	Root protection area sq.m
				N	E	S	W	Single stem	2-5 stems					More than 5 stems										
									Stem 1	Stem 2	Stem 3	Stem 4	Stem 5	Mean dia	No. stems									
	226	English oak	5	2	2	2	1	13								1	1N	Y	C1	>10	Small tree adjoining footpath.	Remove.	1.56	8

Appendix 4

Tree Preservation Order

SURREY HEATH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER NO 21/2008

Land at Frimley Park Hospital, Portsmouth Road, Frimley, Surrey, GU16 5UJ

Mr Glen Egan
Head of Legal and Corporate Services
Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

SURREY HEATH BOROUGH COUNCIL

Town and Country Planning Act 1990
The Surrey Heath Borough Council Tree Preservation Order No. 21/2008

Surrey Heath Borough Council in exercise of the powers conferred on it 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 Surrey Heath Borough Council Tree Preservation Order No.21/2008.

Interpretation

2. In this Order "the authority" means the Surrey Heath Borough 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 the 20th October 2008

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 (1) of section 200 (tree preservation orders: Forestry Commissioners), 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;

(aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);

(ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;

(b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;

(c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;

(d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);

(e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Development Order) 1995;

(f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or

is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or

(g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

(2) In paragraph (1), "statutory undertaker" means any of the following—

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
- a relevant airport operator (within the meaning of Part V of the Airports Act 1986),
- the holder of a licence under section 6 of the Electricity Act 1989,
- a public gas transporter,
- the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority or a body acting on behalf of that Authority,
- the Post Office.

(2)

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 II of that Schedule.

(2) Article 6 was removed by the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008

Directions as to replanting

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

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to -

(a) species;

(b) number of trees per hectare;

(c) the preparation of the relevant land prior to the replanting; and

(d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

9. (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of—

(a) the refusal of any consent required under this Order; or

(b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

(a) if more than 12 months has elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or

(b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person—

(a) for loss of development value or other diminution in the value of the land;

(b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;

(c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or

(d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

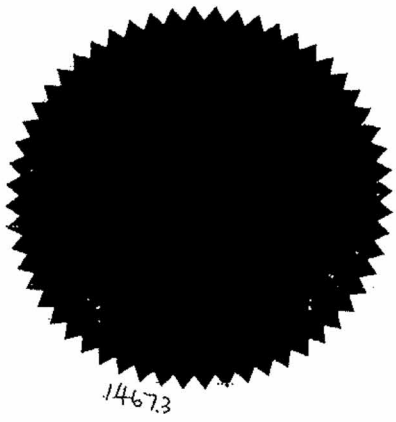
(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article—

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

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

Dated this 20th October 2008



The Common Seal of
THE COUNCIL OF THE
BOROUGH OF SURREY
HEATH was hereto affixed
in the presence of

[redacted]

CONFIRMATION OF ORDER

This Order was confirmed by the Surrey Heath Borough Council without modification on the day of 200

OR -This Order was confirmed by the Surrey Heath Borough Council, subject to the modifications shown in red, on the day of

The Common Seal of
THE COUNCIL OF THE
BOROUGH OF SURREY
HEATH was hereto affixed
in the presence of

Signature:

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Surrey Heath Borough Council on the day of

Signature:

VARIATION OF ORDER

This Order was varied by the Surrey Heath Borough Council on the day of under the reference number

Signature:

REVOCATION OF ORDER

This Order was revoked by the Surrey Heath Borough Council on the day of under the reference number

Signature:

SCHEDULE 1

TREES SPECIFIED INDIVIDUALLY
(Encircled in black on the map)

Reference on Map	Description	Situation
T1	Red Oak (*Quercus robur)* Young	See Plan
T2	Turkey oak (*Quercus cerris*) Young	See Plan
T3	Pin oak (*Quercus palustris*) Young	See Plan
T4	Corsican pine (*Pinus nigra var. maritima*)	See Plan
T5	Red oak (*Quercus rubra*) Young	See Plan
T6	Oak (*Quercus robur*) Mature	See Plan
T7	Oak (*Quercus robur*) Mature	See Plan
T8	Oak (*Quercus robur*) Mature	See Plan
T9	Oak (*Quercus robur*) Mature	See Plan
T10	Oak (*Quercus robur*) Young Mature	See Plan
T11	Oak (*Quercus robur*) Mature	See Plan
T12	Oak (*Quercus robur*) Mature	See Plan
T13	Oak (*Quercus robur*) Mature	See Plan
T14	Oak (*Quercus robur*) Young Mature	See Plan
T15	Oak (*Quercus robur*) Young Mature	See Plan
T16	Oak (*Quercus robur*) Mature	See Plan
T17	Sweet chestnut (*Castanea sativa*)Young Mature	See Plan
T18	Oak (*Quercus robur*) Mature	See Plan
T19	Oak (*Quercus robur*) Mature	See Plan
T20	Oak (*Quercus robur*) Mature	See Plan
T21	Oak (*Quercus robur*) Mature	See Plan
T22	Beech (*Fagus sylvatica*) Young Mature	See Plan
T23	Oak (*Quercus robur*) Mature	See Plan
T24	Oak (*Quercus robur*) Young Mature	See Plan
T25	Oak (*Quercus robur*) Mature	See Plan
T26	Oak (*Quercus robur*) Mature	See Plan
T27	Oak (*Quercus robur*) Mature	See Plan
T28	Oak (*Quercus robur*) Young	See Plan
T29	Oak (*Quercus robur*) Young	See Plan
T30	Scots pine (*Pinus sylvestris*) Mature	See Plan
T31	Hornbeam (*Carpinus betulus*) Young	See Plan
T32	Oak (*Quercus robur*) Young Mature	See Plan
T33	Oak (*Quercus robur*) Mature	See Plan
T34	Oak (*Quercus robur*) Mature	See Plan
T35	Oak (*Quercus robur*) Young Mature	See Plan
T36	Sweet Gum (*Liquidambar styraciflua*)	See Plan
T37	Oak (*Quercus robur*) Young Mature	See Plan
T38	Oak (*Quercus robur*) Young Mature	See Plan
T39	Oak (*Quercus robur*) Young Mature	See Plan
T40	Oak (*Quercus robur*) Young Mature	See Plan
T41	Oak (*Quercus robur*) Young Mature	See Plan
T42	Oak (*Quercus robur*) Young Mature	See Plan

T43	Oak (*Quercus robur*) Young Mature	See Plan
T44	Oak (*Quercus robur*) Mature	See Plan
T45	Oak (*Quercus robur*) Mature	See Plan
T46	Scots pine (*Pinus sylvestris*)	See Plan
T47	Red Oak (*Quercus robur*) Young	See Plan
T48	Pin oak (*Quercus palustris*) Young	See Plan
T49	Oak (*Quercus robur*) Mature	See Plan
T50	Oak (*Quercus robur*) Mature	See Plan
T51	Sweet chestnut (*Castanea sativa*) Mature	See Plan
T52	Oak (*Quercus robur*) Mature	See Plan
T53	Oak (*Quercus robur*) Mature	See Plan
T54	Scots pine (*Pinus sylvestris*) Mature	See Plan
T55	Oak (*Quercus robur*) Mature	See Plan
T56	Oak (*Quercus robur*) Mature	See Plan
T57	Oak (*Quercus robur*) Mature	See Plan
T58	Scots pine (*Pinus sylvestris*) Mature	See Plan
T59	Oak (*Quercus robur*) Mature	See Plan
T60	Oak (*Quercus robur*) Young Mature	See Plan
T61	Oak (*Quercus robur*) Mature	See Plan
T62	Sweet chestnut (*Castanea sativa*) Mature	See Plan
T63	Oak (*Quercus robur*) Mature	See Plan
T64	Oak (*Quercus robur*) Mature	See Plan
T65	Oak (*Quercus robur*) Young Mature	See Plan
T66	Oak (*Quercus robur*) Young Mature	See Plan
T67	Oak (*Quercus robur*) Young Mature	See Plan
T68	Oak (*Quercus robur*) Mature	See Plan
T69	Oak (*Quercus robur*) Mature	See Plan
T70	Oak (*Quercus robur*) Mature	See Plan
T71	Oak (*Quercus robur*) Mature	See Plan
T72	Oak (*Quercus robur*) Mature	See Plan
T73	Birch (Betula pubescens) Young	See Plan
T74	Oak (*Quercus robur*) Mature	See Plan
T75	Oak (*Quercus robur*) Young Mature	See Plan

TREES SPECIFIED BY REFERENCE TO AN AREA
(WITHIN A DOTTED BLACK LINE ON THE MAP)

Reference on Map	Description	Situation
	None	

GROUPS OF TREES
(WITHIN A BROKEN BLACK LINE ON THE MAP)

Reference on Map	Description	Situation
G1	9No. Birch (Betula pubescens) Young, 3no. Hawthorn (*Crataegus monogyna*), 2no. Ash (*Fraxinus excelsior*), 5no. Sycamore (*Acer pseudoplatanus*), 1no. Oak (*Quercus robur*, 1no. Maple (*Acer supp*).	See Plan
G2	2no. Oak (*Quercus robur*) Young Mature	See Plan
G3	2no. Lime (*Tilia supp*) Young	See Plan
G4	5no. Oak (*Quercus robur*) Young Mature	See Plan
G5	2no. Corsican pine (*Pinus nigra var. maritima*) Young	See Plan
G6	1no. Birch (Betula pubescens) Young, 1no. Red Oak (*Quercus robur*) Young, 1no. Magnolia	See Plan
G7	7no. Oak (*Quercus robur*) Mature	See Plan

WOODLANDS
(WITHIN A CONTINUOUS BLACK LINE ON THE MAP)

Reference on Map	Description	Situation
W1	Mainly Oak (*Quercus robur*) Mature & Young, Sweet chestnut (*Castanea sativa*) Mature, Scots pine (*Pinus sylvestris*) Young, Birch (Betula pubescens) Young,	See Plan

SCHEDULE 2

PART I

Provisions of the Town and Country Planning Act 1990 applied with adaptations or modifications

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, an appeal may only be made against that refusal or grant.". (d) For subsection (4), substitute— "(4) The appellant shall serve on the authority a copy of

	the notice mentioned in subsection (3)." (e) For subsection (5), substitute— "(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.".
Section 79 (determination of appeals)	(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority". (b) Omit subsection (3). (c) In subsection (4), substitute— (i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part 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 sections 65 or 71.". (d) Omit subsections (6) and (6A). (e) In subsection (7), omit the words after "section 78".

PART II

Provisions of the Town and Country Planning Act 1990,
as adapted and modified by Part 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 (1B), where an application is made to the authority for consent under a tree preservation order—

(a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or

(b) they may refuse consent under the order.

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

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

.....

Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) ensure 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.

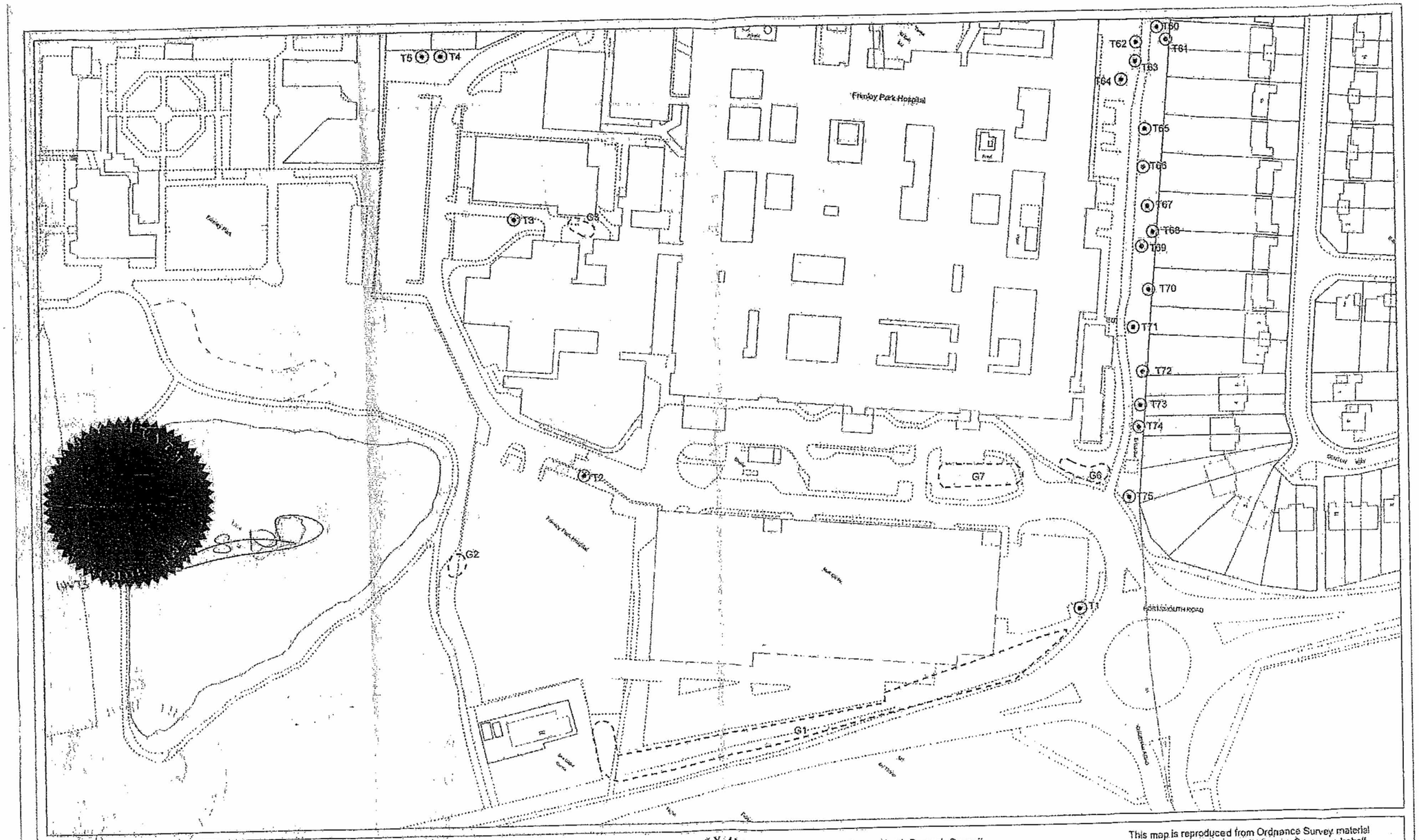
.....

(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 falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

.....

(7) Schedule 6 applies to appeals under section 78.



Tree Preservation Order Map 2 of 2

No. 21/2008

Frimley Park Hospital, Portsmouth Road, Frimley

Date: 17:10:08

Scale: 1:1250

SURREY HEATH BOROUGH COUNCIL

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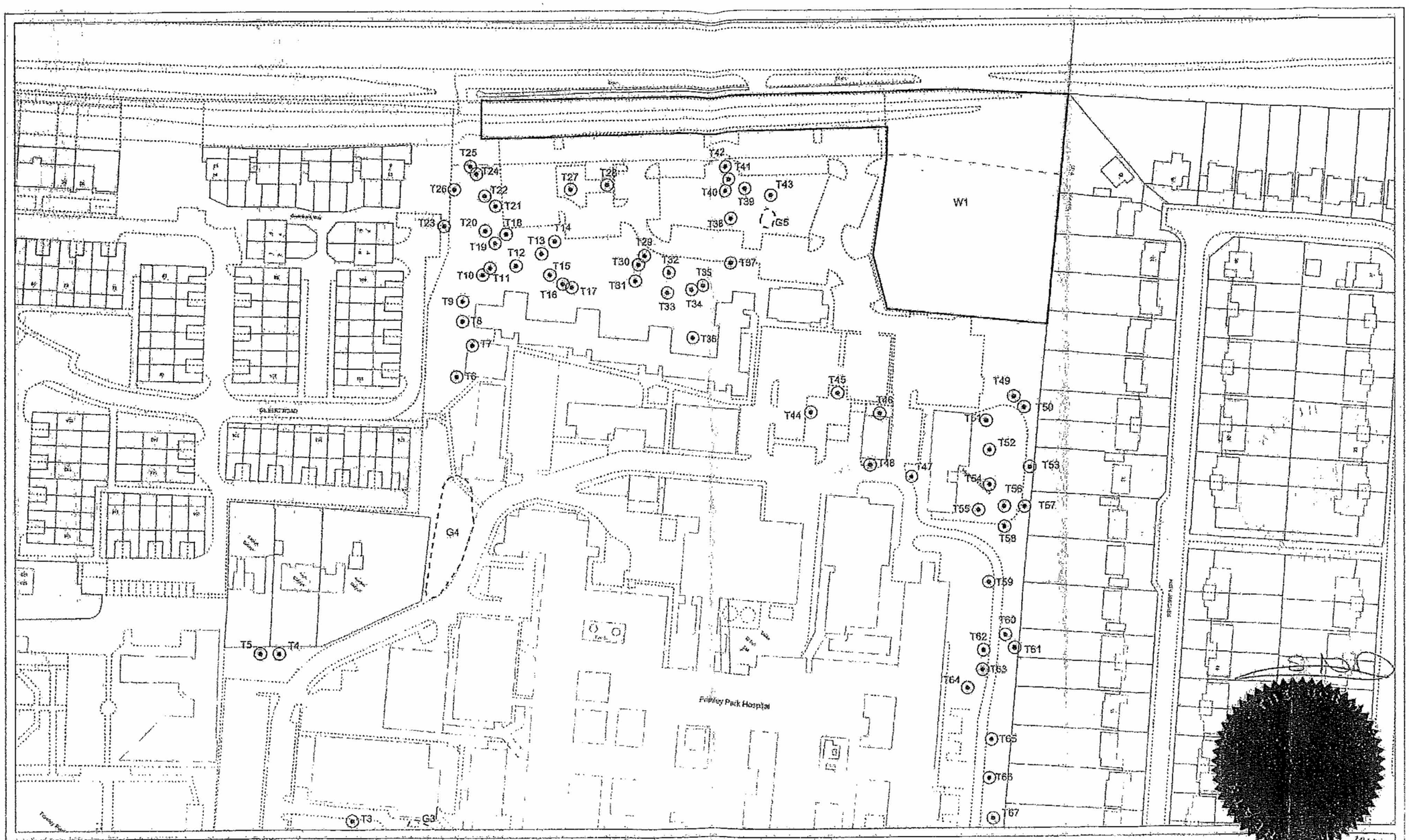

Tree Preservation Order Map 1 of 2

No. 21/2008

Frimley Park Hospital, Portsmouth Road, Frimley

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