

# Shell Solihull

## Tree Survey Report, and Tree Constraints Plan & Arboricultural Impact Assessment



**SQUIRES YOUNG**  
LANDSCAPE ARCHITECTURE

Date October 2023  
Reference | SY23-358-ARB-23-01



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<b>Client:</b>	Shell UK Oil Products Ltd
<b>Location:</b>	Shell Solihull, Warwick Road, Solihull, West Midlands B91 1BB.
<b>Report Title:</b>	Tree Survey Report and Tree Constraints Plan & Arboricultural Impact Assessment
<b>File Reference:</b>	SY23-358-ARB-23-01
<b>Date of Site Visit</b>	04.05.2023
<b>Site Visit Carried Out By:</b>	Francis Squires
<b>Report Author:</b>	Francis Squires

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## 1.0 Introduction

- 1.1 It is proposed to seek full planning permission for partial redevelopment at an established S service Station at Shell Solihull, Warwick Road, Solihull, West Midlands B91 1BB.
- 1.2 Works include the demolition of the existing sales building and canopy link and car wash area (retention of forecourt) and erection of a new sales building; provision of car parking spaces; provision of EVC hub; new jet wash; erection of a new bin store; landscaping and associated works
- 1.3 As such a tree survey is necessary to determine the extent and value of trees on the site and adjacent to the site which may be affected by any construction works. This tree survey report has been prepared in line with local plan policies and is to be considered as a material part of any application to carry out construction works.

## 2.0 Brief

- 2.1 We have been instructed by JMS Planning on behalf of Shell UK Oil Products Ltd to survey the trees on the site with the guidance of BS5837: 2012 'Trees in relation to design, demolition and construction – Recommendations'.
- 2.2 Based upon the data collected we are to provide a Tree Survey Plan (TSP) to show the trees present and a Tree Constraints Plan (TCP) to show the constraints posed by the trees at the design stage. We have provided details of the Root Protection Area (RPA) indicated on the Tree Constraints Plan (TCP) and also shown in the Tree Survey Schedules.
- 2.3 We have been asked to produce an Arboricultural Impact Assessment (AIA) showing the effect of the proposed works on the existing site trees.

**NB** Until Full Planning permission is granted a Forestry Commission Licence may be required to fell trees on the site - **A felling licence** is required by law if you fell more than 5m<sup>3</sup> in one calendar quarter. If you are selling the wood - for logs, for example - then you can only fell 2m<sup>3</sup> in a calendar quarter. This applies to trees in hedges as well as woodlands.

## 3.0 Scope of Report

- 3.1 This report is designed to survey the trees currently present on site and adjacent to the site.
- 3.2 The trees have been surveyed at a preliminary level only. The survey for trees in relation to the planning process must not be substituted for a tree risk assessment report. Detailed inspections involving decay inspection equipment, climbing or aerial inspections were not carried out and are beyond the scope of this report. In cases where we consider further investigation to be necessary this will be highlighted in the report.

- 3.3 Where tree stems and canopy structure are obscured by the presence of Ivy or other climbers it will not be possible to assess the areas of the tree that are not visible.
- 3.4 This survey covers stages 1-3 of the 5 stage Arboricultural process used in relation to planning. Stage 1 is the Tree Survey Plan (TSP). Stage 2 is the production of the Tree Constraints Plan (TCP). Stage 3 is the preparation of an Arboricultural Impact Assessment (AIA) and this is to be found later in this document Stage 4 is the preparation of an Arboricultural Method Statement (AMS). Stage 5 is the implementation, supervision and ongoing monitoring of the Works.

## 4.0 Survey Method

- 4.1 All observations were conducted from ground level with the aid of binoculars. No detailed inspection of the subject trees was undertaken.
- 4.2 All observations were conducted from within the site boundaries or public places. No access was made to private properties and therefore any commentary on trees within neighbouring sites was made in the context of what could be observed at distance.
- 4.3 The following data was assessed for the trees:
- Dimensions (height, crown spread and stem diameter)
  - Height above ground level of level of the lowest point of the crown base (excluding very minor parts of the crown)
  - The overall structural condition
  - The deadwood in the tree
  - The likely remaining retention span of the trees

The quality and value grade for each tree or group according to the cascade chart contained within BS 5837.

- 4.4 Tree heights were calculated by use of a Tri-Pulse laser measuring device where possible. A clinometer was also used.
- 4.5 Stem diameters were measured in accordance with the recommendations of BS5837.
- 4.6 Crown spreads were calculated using by use of a Tri-Pulse laser measuring device where possible or by pacing. Where access was difficult or unavailable distances were estimated.

- 4.7 The tree survey was carried out by Francis Squires on 4th May 2023. The weather was dry and sunny.
- 4.8 Each individual tree has been allocated a reference number. 'T' refers to trees on site or just off site. 'G' refers to grouped trees.

## 5.0 Site Description

- 5.1 The site is located at Shell Solihull, Warwick Road, Solihull, West Midlands B91 1BB.

Ordnance Survey (OS) National Grid Reference SP 13964 80777.



Figure 1: Approximate site boundary is indicated by the red line (Source: Google Maps - Not to a specified scale)

- 5.2 The application site lies within the urban area of Solihull and is largely surrounded by residential properties on the main thoroughfare between the Town Centre and Birmingham
- 5.3 The site currently comprises of four pump islands arranged in a starter gate arrangement providing refuelling positions for eight vehicles. The offset fills are located towards the south east of the site with a tanker stand. An existing LPG compound which is now surplus to requirements is positioned in the southern most corner.

- 5.4 The eastern part of the site is landscaped and there are a scattering of trees around the south east and southern boundaries. Between the application site and the adjacent property to the south of the site is a high boundary wall.
- 5.5 The site is not located within a conservation area nor do the trees on the site have TPOs. There are TPO'd trees outside the site to the South and West. The site lies within Flood Zone 1.
- 5.6 The site bedrock geology comprises: Sidmouth Mudstone Formation - Mudstone. Superficial deposits -Till. Soil texture is Loam to Clayey Loam. The soil parent material is Glacial Till. Soil depth is deep. Past development works means some imported topsoil is likely to be present.
- 5.7 We have not included Shadow Effects on the Tree Constraints drawings, as we do not consider them relevant to this commercial project.
- 5.8 No trees on site are subject to Tree Preservation Orders but off site trees to the South Western boundary and Northern boundary are protected by Metropolitan Borough of Solihull TPO No 260. This TPO is dated 1992 and the tree stock has obviously changed since it was granted, Trees T1 & T2 seem to no longer exist and T4 is in a neighbouring property and will not be affected by the proposed works.  
T3 (T13 in our Tree Survey) is an Off site Oak behind a 1.8m wall.'B' rated.  
Next to this is Group 2- 7 no. Leyland Cypress, unlikely to be TPO'd at present as they obviously form a hedge. Past pruning has led to the hedge being of poor quality.  
Group 1 to the Northern boundary remains an effective screen and is a diverse group including Holly, Hazel,Sycamore, Hornbeam,Oak,Hawthorn and Yew but without any substantial trees.  
In the Western corner of the site is an area of what appears to be low quality woodland which is behind a 1.8m brick wall without access so surveying was not possible.  
To the Eastern boundary of the site there are 3 no. Weeping Birch above a planting of Symphoricarpos, nice trees these are 'B' rated.  
Next to these there is a stand of Scots Pine individually low 'C' quality but forming an effective group.  
To the West of the Car Wash building is a group of 3 no. Blue Atlas Cedar suppressed by the adjacent Leyland Cypress and of low quality.  
Other shrubs seen on site include Cotoneaster microphyllus, Rose 'Mermaid', Privet and Juniperus Pfitzeriana Aurea.

5.9 Photos of site, taken during a site visit on 4th May 2023.



Figure 2: Site plan identifying photo locations - (Source - Jennings Design - Not to a specified scale)



1. View of Southern corner.





2. View of South Western boundary.



3. View of Northern corner.



4. View of North Western boundary.



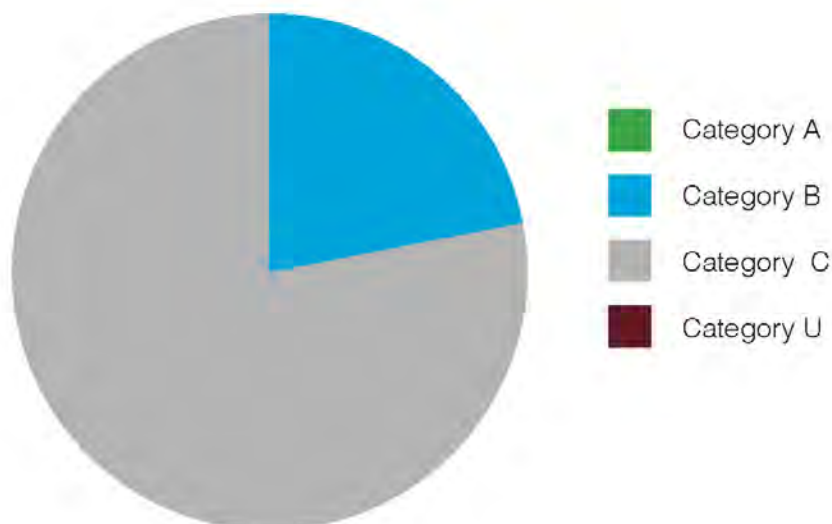
5. View towards South Western boundary showing TPO'd Oak T13.

## 6.0 Survey Details

6.1 A total of 18 individual trees and no groups were surveyed and classified according to the BS 5837 valuation criteria. Of the individual trees and group typical trees surveyed:

- None were classified as BS5837 Category A, representing trees of high quality and value.
- Four were classified as Category B, which represents trees which should be retained wherever possible, these trees mainly provide screening and make up part of the wider street scene.
- Fourteen were identified as Category C, which represents trees of low quality, due to past management or structural defects or size.
- None were graded U.

### Tree Categories Identified on Site



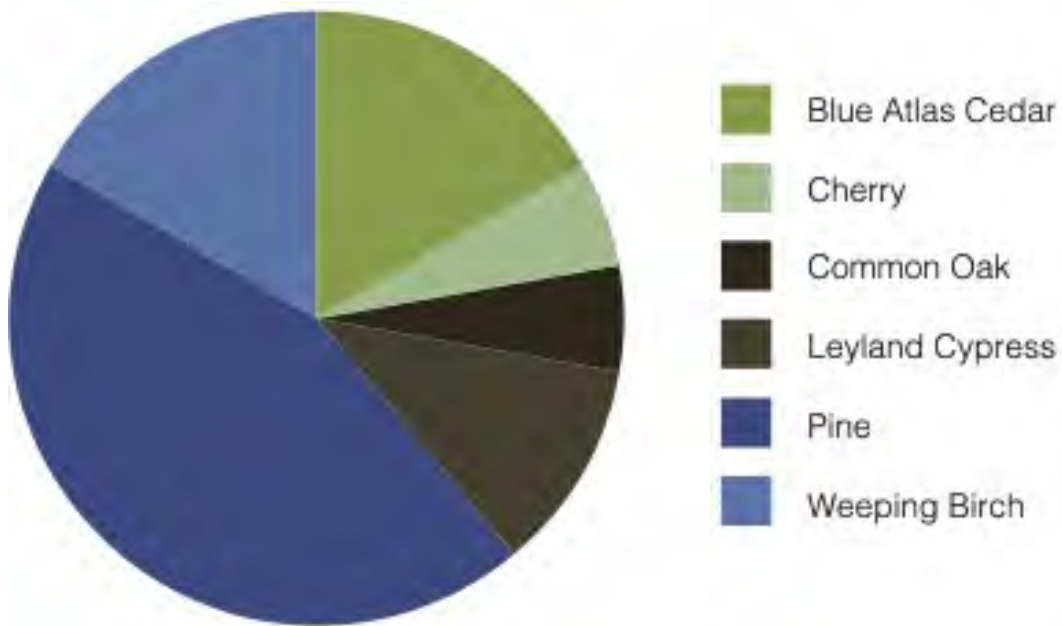
Category	Number of Trees	Approx. Percentage
<b>A</b> - Trees of high quality with an estimated remaining life expectancy of at least 40 years	0	0%
<b>B</b> - Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	4	22%
<b>C</b> - Trees of low quality with an estimated remaining life expectancy of at least 10 years or young trees with a stem diameter below 150 mm	14	78%
<b>U</b> - 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	0	0%

## 6.2 Tree Species Diversity

Six tree species were recorded during the survey.

A summary of the tree species surveyed can be within the Tree Schedule and is also provided in the Table below (dead trees or U rated trees not included):

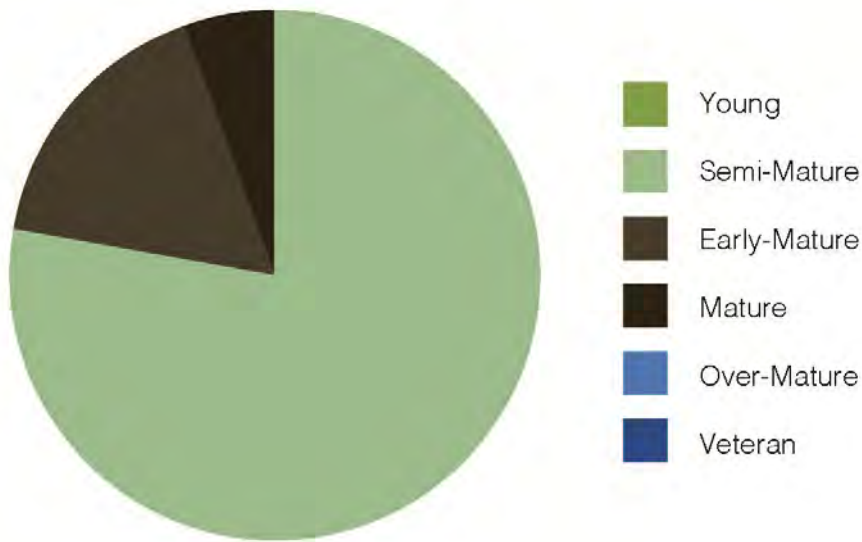
### Tree Species Identified on Site



Tree Species	Number	Approx. Percentage
Blue Atlas Cedar ( <i>Cedrus atlantica</i> 'Glauca')	3	17%
Cherry ( <i>Prunus avium</i> )	1	6%
Common Oak ( <i>Quercus robur</i> )	1	6%
Leyland cypress ( <i>xCuprocyparis leylandii</i> )	2	12%
Pine ( <i>Pinus sylvestris</i> )	8	42%
Weeping Birch ( <i>Betula pendula</i> 'Tristis')	3	17%

### 6.3 Age Diversity (excludes groups and U rated trees)

Age Class of Trees Identified on Site



Age Class	Number of Trees	Approx. Percentage
Young	0	0%
Semi-Mature	14	77%
Early-Mature	3	17%
Mature	1	6%
Over-Mature	0	0%
Veteran	0	0%

## 7.0 Key to Tree Survey Data

7.1 The following information is in accordance with BS 5837: 2012.

7.2 **Tree number:** As identified on the tree plans.

7.3 **Species:** Given as common names and botanical names on the survey schedule.

7.4 **Stem diameter:** Measured in mm. Measured at 1.5m above ground level and used to calculate the Root Protection Area (RPA) Prefixed by \* indicates an estimate due to obstructions to access or an offsite tree. Prefixed by § indicates an average is given over several stems for example in the case of a hedge.

7.5 **Crown spread:** Estimated crown extents to the cardinal points as shown on the tree plans. Measured in metres with laser or estimated (\*) when line of sight is poor. **WC** – indicates that the crown forms part of the woodland canopy.

7.6 **Height of crown clearance and first significant break:** Existing height above ground level of canopy and the height of the first significant branch if relevant. Direction may be indicated.

7.7 Age Class	Definition
Young (Y)	Recently planted or establishing tree that could be transplanted with specialist equipment, i.e. less than 150 mm Diameter at 1.5m.
Semi-mature (S/M)	An established tree, but with some growth to make before reaching its potential maximum size. A tree within its first third of lifespan.
Early-mature (E/M)	A tree that is reaching its ultimate potential height, whose growth rate is slowing down but if healthy, will still increase in stem diameter and crown spread. A tree in its second third of life span.
Mature (M)	A mature specimen with limited potential for any significant increase in size, even if healthy. A tree within its final third of expected lifespan.
Veteran (V)	Specimens exhibiting features of biological, cultural or aesthetic value that are characteristic of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned.
Dead (D)	The tree is dead.

7.8 **Landscape Contribution.** Although not always included in BS 5837: 2012 Tree Survey Schedules we find it useful to make an assessment of the Landscape Contribution of the tree as follows:

<b>High</b>	prominent landscape feature
<b>Medium</b>	visible in landscape
<b>Low</b>	secluded/among other trees

Trees of poor quality/appearance will normally be assessed with a lower Landscape Contribution.

7.9 **Comments:** These concern only matters within the interests of good arboricultural practice and do not take any account of the new proposed development. A full hazard assessment is beyond the scope of a report dealing with planning aspects.

7.10 **Estimated remaining contribution:** A guide to the likely period for which the tree is likely to confer benefits to the wider environment. The retention span is categorised into years.

7.11 **Category grading:** To be applied by an arboriculturalist; to identify the quality and value of the tree stock so that informed decisions can be made with regards to which trees should be removed or retained. Four categories are used:

<b>U</b>	Trees unsuitable for retention
<b>A</b>	Trees of high quality
<b>B</b>	Trees of moderate quality
<b>C</b>	Trees of low quality

7.12 **Category sub grading:** May be applied where retention criteria is:

<b>1</b>	Mainly Arboricultural qualities
<b>2</b>	Mainly Landscape qualities
<b>3</b>	Mainly Cultural values including ecological environmental

## 8.0 Chalara Notes

- 8.1 Ash dieback is caused by the fungus *Hymenoscyphus fraxineus*. Part of the fungus life cycle was formerly known as *Chalara fraxinea*, hence the alternative names including chalara ash dieback or chalara.

In line with the latest recommendations from the Arboricultural Association - Ash Dieback Guidance for Tree Owners, Managers, Contractors and Consultants - Principal Author Michael Sankus which states ' Current knowledge does not provide clarity on the impact of ash dieback on the life expectancy of individual ash trees, although up to 5% of ash trees will show genetic tolerance to the disease and many trees growing in open sites may not succumb to the disease and are likely to persist indefinitely. On these grounds it would be unreliable and premature to downgrade a healthy ash tree or one showing tolerance when categorising trees in accordance with BS5837 simply because of a presumption that life expectancy will be shortened.' We have not downgraded the ash trees on site, we have however, restricted estimated remaining contribution to 10+ years as we believe this may aid forward planning.



## Tree Survey Schedule

Client: Shell UK

Site: Shell Solihull

Date: 04.05.23

Weather: Dry,sunny

Surveyor: FS

Tree Ref. No	English name	Height (m)	Single stem diameter (mm)	Multi-stemmed (Y/N)	Stem						Branch spread NESW	Crown clearance		Age class	Condition	Deadwood	Landscape contribution	RPR (m)	RPA (m2)	Estimated remaining contribution	BS category
					1	2	3	4	5	6		CC	FSB								
					<b>T1</b>	Weeping birch	16	240	N												
<b>Comments/Preliminary management recommendations:</b> Slight lean to North																					
<b>T2</b>	Weeping birch	16	180	N							5,5,5,5.	2.0	4-S	EM	Good	Twigs	Medium	2.1	14	20+	B2
<b>Comments/Preliminary management recommendations:</b>																					
<b>T3</b>	Weeping birch	16	240	N							5,5,5,5.	4.0	5-S	EM	Good	Twigs	Medium	2.9	26	20+	B2
<b>Comments/Preliminary management recommendations:</b> Slight lean to North																					
<b>T4</b>	Pine	11	180	N							WC	4.0	4-S	SM	Fair	MD	Low	2.1	14	40+	C2
<b>Comments/Preliminary management recommendations:</b> T4 to T11 form a group of low quality Pine trees																					
<b>T5</b>	Pine	11	200	N							WC	8.0	8-N	SM	Fair	MD	Low	2.4	18	40+	C2
<b>Comments/Preliminary management recommendations:</b>																					
<b>T6</b>	Pine	11	180	N							WC	1.8	3-S	SM	Fair	MD	Low	2.1	14	40+	C2
<b>Comments/Preliminary management recommendations:</b>																					
<b>T7</b>	Pine	11	125	N							WC	3.0	3-N	SM	Fair	Twigs	Low	1.5	7	40+	C2
<b>Comments/Preliminary management recommendations:</b>																					
<b>T8</b>	Pine	11	180	N							WC	2.0	2.5-S	SM	Fair	Twigs	Low	2.1	14	40+	C2
<b>Comments/Preliminary management recommendations:</b>																					

### Notes

<b>Age class</b>	<b>Y-</b> Newly planted/Young – <i>not fully established and capable of being transplanted or easily replaced &lt; 150mm @ 1.5m</i> <b>SM-</b> Semi-mature – <i>in first third of usual life expectancy for species (LES)</i> <b>EM-</b> Early-mature – <i>in second third of LES</i> <b>M-</b> Mature – <i>Approximately half LES</i> <b>OM-</b> Late mature – <i>in last third of LES</i> <b>V-</b> Veteran – <i>over usual LES</i> <b>D-</b> Dead
<b>Condition</b>	<b>Good/ Fair/ Poor/ Dead</b>
<b>Deadwood</b>	<b>Twigs</b> (small material up to 10mm diameter)/ <b>Minor deadwood -MD-</b> (dead wood 10mm–50mm diameter) / <b>Major deadwood-MJD</b> (dead wood 50 mm + in diameter)
<b>Landscape Contribution</b>	<b>High</b> (prominent landscape feature)/ <b>Medium</b> (visible in landscape) / <b>Low</b> (secluded/among other trees)
<b>BS Category</b>	Refers to Tree/Group quality and value: <b>A-High, B-Moderate, C-Low, U- Unsuitable for retention.</b> Retention criteria 1- Arboricultural,2-Landscape,3-Cultural
<b>Root Protection Radius</b>	A minimum radius from the tree trunk that should be left undisturbed during the development process
<b>Stem diameter</b>	Measured at 1.5m above ground level and used to calculate the Root Protection Area (RPA)
<b>Crown spread (N,E,S,W)</b>	Measured in metres with laser or estimated (*) when line of sight is poor. <b>WC</b> – indicates that the crown forms part of the woodland or group canopy

## Tree Survey Schedule

Client: Shell UK

Site: Shell Solihull

Date: 04.05.23

Weather: Dry,sunny

Surveyor: FS

Tree Ref. No	English name	Height (m)	Single stem diameter (mm)	Multi-stemmed (Y/N)	Stem						Branch spread NESW	Crown clearance		Age class	Condition	Deadwood	Landscape contribution	RPR (m)	RPA (m2)	Estimated remaining contribution	BS category
					1	2	3	4	5	6		CC	FSB								
					<b>T9</b>	Pine	11	200	N												
<b>Comments/Preliminary management recommendations:</b>																					
<b>T10</b>	Pine	11	160	N							3,3,3,3.	2.5	3-N	SM	Fair	Twigs	Low	1.9	11	40+	C2
<b>Comments/Preliminary management recommendations:</b>																					
<b>T11</b>	Pine	10	225	N							3,3,3,3.	2.0	3-S	SM	Fair	Twigs	Low	2.7	23	40+	C2
<b>Comments/Preliminary management recommendations:</b>																					
<b>T12</b>	Cherry	12	-	Y	220	220					4,4,4,3.	3.0	3-W	SM	Poor	MJD	Low	3.7	43	>20	C2
<b>Comments/Preliminary management recommendations:</b> Off-site poor-quality Cherry behind 1.8m wall																					
<b>T13</b>	Common Oak	16	*800	N							3,4,6,3.	-	-	M	Fair	MJD	Low	9.6	289	40+	B2
<b>Comments/Preliminary management recommendations:</b> Off-site moderate-quality Oak behind 1.8m wall. Poor shape, large cavity. Protected by old TPO																					
<b>T14</b>	Leyland cypress	17	*300	N							WC	-	-	SM	Fair	Twigs	Low	3.6	41	20+	C2
<b>Comments/Preliminary management recommendations:</b> Off-site fair quality Leyland cypress seemingly covered by old TPO																					
<b>T15</b>	Leyland cypress	14	*300	N							WC	-	-	SM	Fair	Twigs	Low	3.6	41	20+	C2
<b>Comments/Preliminary management recommendations:</b> Off-site fair quality Leyland cypress seemingly covered by old TPO taken as typical example -hedge fair/poor due to past pruning																					
<b>T16</b>	Blue Atlas Cedar	14	300	N							WC	1.5	-	SM	Poor	MJD	Low	3.6	41	20+	C2
<b>Comments/Preliminary management recommendations:</b> One of a group of 3 Blue Atlas Cedars all etiolated and sparse due to Leyland Cypress hedge to SW																					

### Notes

<b>Age class</b>	<b>Y-</b> Newly planted/Young – <i>not fully established and capable of being transplanted or easily replaced &lt; 150mm @ 1.5m</i> <b>SM-</b> Semi-mature – <i>in first third of usual life expectancy for species (LES)</i> <b>EM-</b> Early-mature – <i>in second third of LES</i> <b>M-</b> Mature – <i>Approximately half LES</i> <b>OM-</b> Late mature – <i>in last third of LES</i> <b>V-</b> Veteran – <i>over usual LES</i> <b>D-</b> Dead
<b>Condition</b>	<b>Good/ Fair/ Poor/ Dead</b>
<b>Deadwood</b>	<b>Twigs</b> (small material up to 10mm diameter)/ <b>Minor deadwood -MD-</b> (dead wood 10mm–50mm diameter) / <b>Major deadwood-MJD</b> (dead wood 50 mm + in diameter)
<b>Landscape Contribution</b>	<b>High</b> (prominent landscape feature)/ <b>Medium</b> (visible in landscape) / <b>Low</b> (secluded/among other trees)
<b>BS Category</b>	Refers to Tree/Group quality and value: <b>A-High, B-Moderate, C-Low, U- Unsuitable for retention.</b> Retention criteria 1- Arboricultural,2-Landscape,3-Cultural
<b>Root Protection Radius</b>	A minimum radius from the tree trunk that should be left undisturbed during the development process
<b>Stem diameter</b>	Measured at 1.5m above ground level and used to calculate the Root Protection Area (RPA)
<b>Crown spread (N,E,S,W)</b>	Measured in metres with laser or estimated (*) when line of sight is poor. <b>WC</b> – indicates that the crown forms part of the woodland or group canopy

## Tree Survey Schedule

Client: Shell UK

Site: Shell Solihull

Date: 04.05.23

Weather: Dry,sunny

Surveyor: FS

Tree Ref. No	English name	Height (m)	Single stem diameter (mm)	Multi-stemmed (Y/N)	Stem						Branch spread NESW	Crown clearance		Age class	Condition	Deadwood	Landscape contribution	RPR (m)	RPA (m2)	Estimated remaining contribution	BS category
					1	2	3	4	5	6		CC	FSB								
					<b>T17</b>	Blue Atlas Cedar	14	300	N												
<b>Comments/Preliminary management recommendations:</b> One of a group of 3 Blue Atlas Cedars all etiolated and sparse due to Leyland Cypress hedge to SW																					
<b>T18</b>	Blue Atlas Cedar	14	300	N							WC	1.5	-	SM	Poor	MJD	Low	3.6	41	20+	C2
<b>Comments/Preliminary management recommendations:</b> One of a group of 3 Blue Atlas Cedars all etiolated and sparse due to Leyland Cypress hedge to SW																					

Notes	
<b>Age class</b>	<b>Y-</b> Newly planted/Young – <i>not fully established and capable of being transplanted or easily replaced &lt; 150mm @ 1.5m</i> <b>SM-</b> Semi-mature – <i>in first third of usual life expectancy for species (LES)</i> <b>EM-</b> Early-mature – <i>in second third of LES</i> <b>M-</b> Mature – <i>Approximately half LES</i> <b>OM-</b> Late mature – <i>in last third of LES</i> <b>V-</b> Veteran – <i>over usual LES</i> <b>D-</b> Dead
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<b>Deadwood</b>	<b>Twigs</b> (small material up to 10mm diameter)/ <b>Minor deadwood -MD-</b> (dead wood 10mm–50mm diameter) / <b>Major deadwood-MJD</b> (dead wood 50 mm + in diameter)
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<b>Crown spread (N,E,S,W)</b>	Measured in metres with laser or estimated (*) when line of sight is poor. <b>WC</b> – indicates that the crown forms part of the woodland or group canopy

SY23-358-TS-TCP-23-01: Shell Solihull

04.05.23

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## 10.0 Cascade Chart for Tree Quality Assessment

Table 1 cascade chart for tree quality assessment

Category and definition	Criteria (Including subcategories where appropriate)		
<b>Class unsuitable for retention (see Note)</b>			
<b>Category U</b> 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	<ul style="list-style-type: none"> <li>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 category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</li> </ul> <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</i></p>		
	<b>1 Mainly arboricultural qualities</b>	<b>2 Mainly landscape qualities</b>	<b>3 Mainly cultural values, including conservation</b>
<i>Trees to be considered for retention</i>			
<b>Category A</b> 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 those that are essential components of groups or 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-pasture)
<b>Category a</b> Trees 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 locality	Trees with material conservation or other cultural value
<b>Category C</b> Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits	Trees with no material conservation or other cultural value

**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

**Trees to be considered for retention**

**Category A**  
Trees of high quality with an estimated remaining life expectancy of at least 40 years

**Category B**  
Trees of moderate quality with an estimated remaining life expectancy of at least 20 years

**Category C**  
Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm

Calculated Root Protection Area

Woodland Canopy (WC)



The original of this drawing was produced in colour – a monochrome copy should not be relied upon.

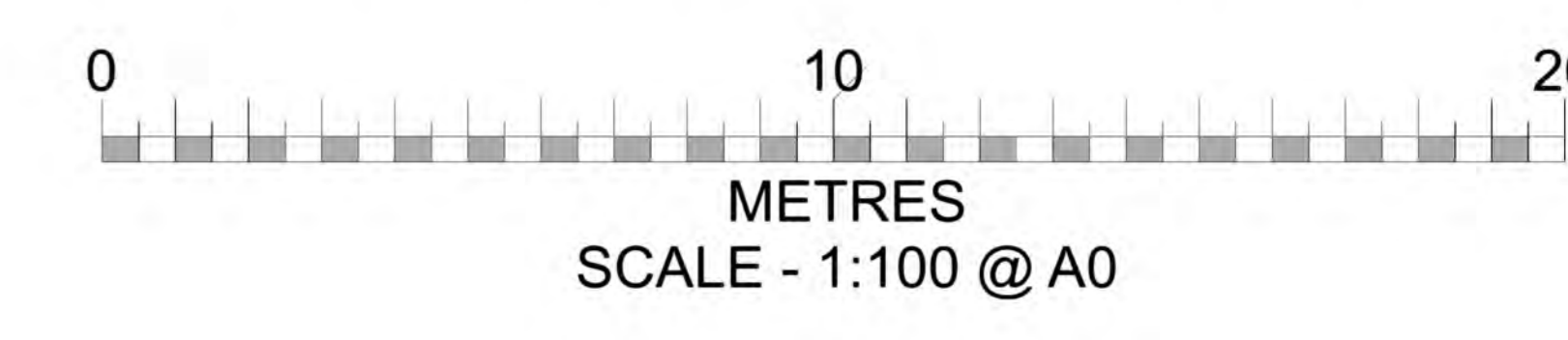
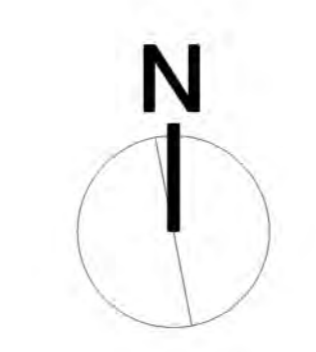
Project Title: Shell Solihull Tree Survey Tree Constraints Plan

Scale: 1-100 @ A0  
Dwg No.: SY23-358-TS-TCP-23-01  
Date: 17.08.23

Revision: 0  
Revision Date:



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## 12.0 Arboricultural Impact Assessment

- 12.1 The proposed works shown on drawing No 10019130 003 2023 rev A was produced by Jennings Design Ltd after the production of our Tree Survey and Tree Constraints drawing SY23-358-TS-TCP-23-01. The original drawing produced was redrawn in response to our Tree Survey to remove proposed development within the RPAs of the retained Pines. Additional landscaping has also been shown.
- 12.2 Drawing SY23-358-AIA-TCP-23-02 shows the Tree Constraints together with the proposed works.
- 12.3 Drawing SY23-358-AIA-TRR-23-03 shows that three trees are to be removed to allow works to take place these are T16/T17 & T18 'C' rated Blue Atlas Cedar. To mitigate for their removal we have proposed the planting of six new trees as shown on drawing SY23-358-LPP-23-01.
- 12.4 Drawing SY23-358-AIA-TPP-23-04 shows the draft positions of Tree Protection fencing to protect the retained trees and Landscaped areas. Any personnel involved in demolition or construction works will not be allowed access to these areas unless under Arboricultural supervision. It is important that these areas are not used for the storage of any materials or machinery even on a temporary basis.
- 12.5 There are concrete slab paths within the RPAs of T3, T10, T11, T12 and T13 and these should be removed by hand with the sub base left in-situ. The compound fence should be removed by machine situated outside the RPAs. There are works proposed within the RPA of TPO'd Oak T13 and these should be carried out under Arboricultural Supervision after the production of an Arboricultural Method Statement.
- 12.6 As mentioned earlier there is an area of what appears to be low grade woodland to the Western corner of the site. We did not have access to this area during our survey as it is behind a 1.8m brick wall with a locked gate. This woodland will be retained and there will be slight incursion into it by the proposed works. We estimate that this will result in the loss of 1 no. multi stemmed *Acer campestre* 'C' grade. Part of the proposed TPF will run along the line of this wall. When demolition of this wall necessitates the temporary removal of the TPF the site Arboriculturalist must be informed. We believe that remote Arboricultural Supervision by photographs/video should suffice but this must be acceptable to the LPA. This wall must be demolished by 'pulling away' from the retained woodland.
- 12.7 The Landscape Planting Plan specifies tree pits to be dug in the existing gravel area to the Northern corner the retained gravel should provide adequate drainage. We believe that no facilitation pruning is required to install the Tree Protection Fencing or carry out works.

12.8 BS 5837:2012 states 'Barriers should be fit for the purpose of excluding construction activity and appropriate to the degree and proximity of work taking place around the retained trees. Barriers should be maintained to ensure they remain rigid and complete.'

Barrier details are to be found on the drawing. In this case we recommend the following specification of fencing to protect the TPO'd trees and trees close to the proposed works - 2m tall welded mesh panels on rubber or concrete feet or attached to scaffold poles driven into the ground. The panels should be joined together with 4 no. non-releasable plastic ties. All weather notices (min.A4 size) marked 'Construction Exclusion Zone No Access' (or similar) should be attached to the barriers. It is important that these notices are fixed where they are visible to the site construction labour force, so the majority of these signs should be fixed to the site side of the barrier and not on the 'public' side. It is important that all of the site labour force are aware that these barriers are not to be removed, even temporarily, without permission of the Local Planning Authority or Site Arborist. After erection any Tree Protection fencing should be examined by ourselves to ensure that it fulfils the recommendations of BS5837:2012.







**Trees removed**  
 Trees removed to allow works to take place.  
 T16/T17/T18 II 'C' rated

**Trees to be considered for retention**

**Category A**  
 Trees of high quality with an estimated remaining life expectancy of at least 40 years

**Category B**  
 Trees of moderate quality with an estimated remaining life expectancy of at least 20 years

**Category C**  
 Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 m

Calculated Root Protection Area

Woodland Canopy (WC)

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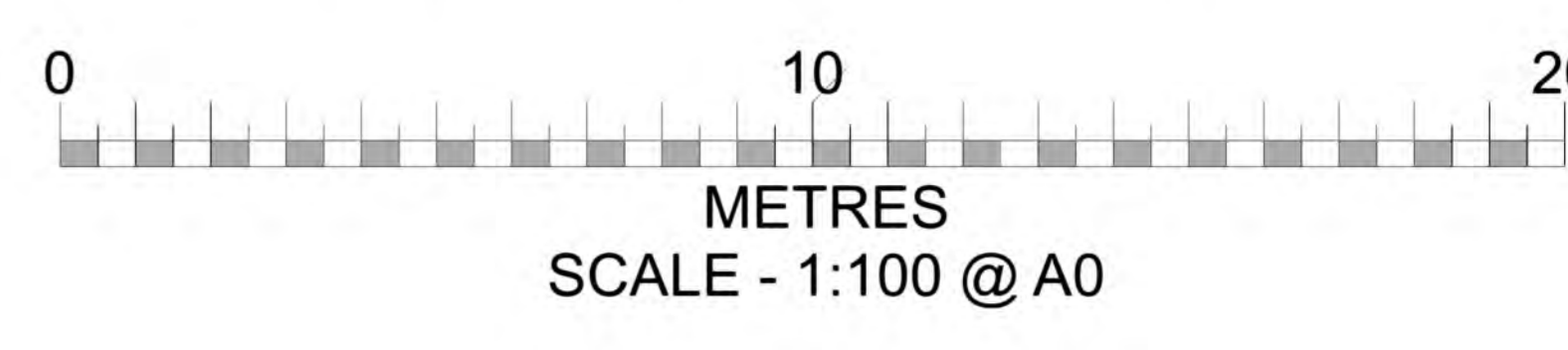
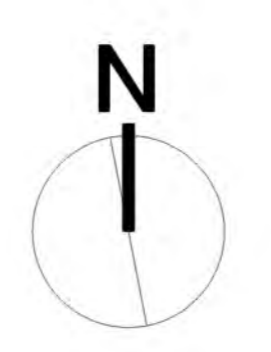
Project Title: Shell Solihull  
 Arbicultural Impact Assessment  
 Trees Removed/retained

Scale: 1-100 @ A0  
 Dwg No.: SY23-358-AIA-TRR-23-03  
 Date: 17.10.23

Revision: 0  
 Revision Date:



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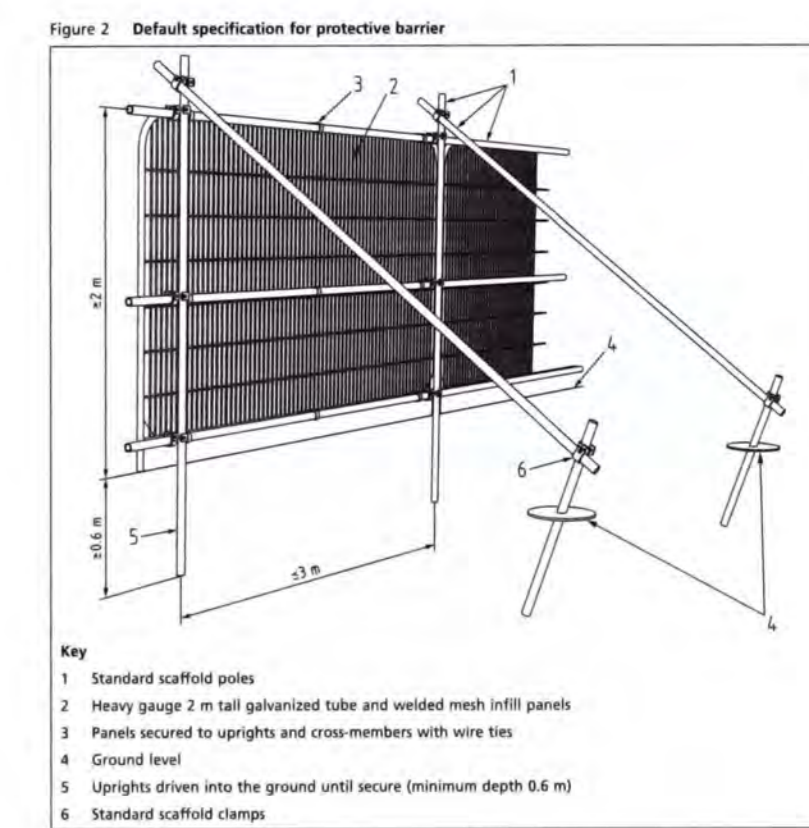
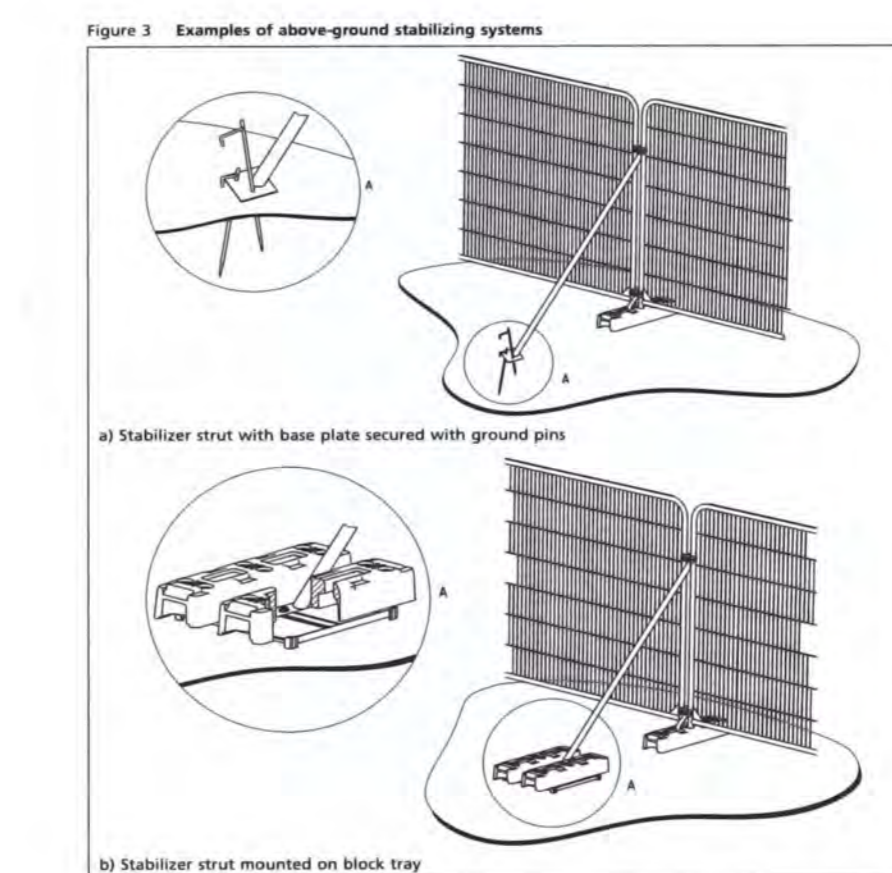
The retained trees and planting will require protection

Landscape & Tree Protection fencing- as per details shown below.

Fencing will be installed before any demolition or construction works take place and be removed after construction works are completed to allow landscape works to be carried out.

2m high panels to be joined together with two plastic ties 1m apart.  
Signage to be fixed to the panels (facing towards site operations) saying- 'CONSTRUCTION EXCLUSION ZONE- NO ACCESS' or similar.

The purpose of this fencing is to remind contractors of the importance of avoiding damage to the retained trees and to protect the retained landscape areas.



Position of Tree Protection Fencing after removal of existing brick wall. Wall to be demolished by pulling away from wooded area.



**SITE LEVELS**  
Note all site levels to be as existing falls

Tree Protection Fencing protecting existing retained Landscaped areas

Existing concrete slab paths to be removed by hand and sub base left in situ  
Existing fencing to be removed by machine situated outside Tree Protection fencing and with 'vertical pull'. Sub base left in situ but with 20mm light covering of subsoil.  
3 no. 1m x 1m x 1m tree pits to be dug with soil/subsoil profiles matching existing.

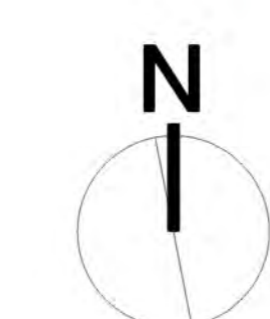
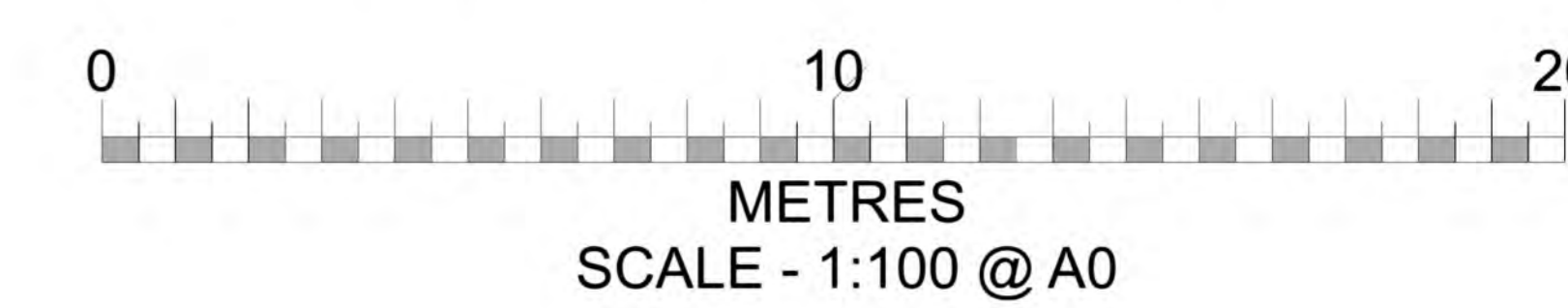
Arboricultural Supervision required for works within the Orange line

The original of this drawing was produced in colour – a monochrome copy should not be relied upon.

Project	Shell Solihull
Title	Arboricultural Impact Assessment Tree Protection Plan
Scale	1-100 @ A0
Dwg No.	SY23-358-AIA-TPP-23-04
Date	17.11.23
Revision	0
Revision Date	



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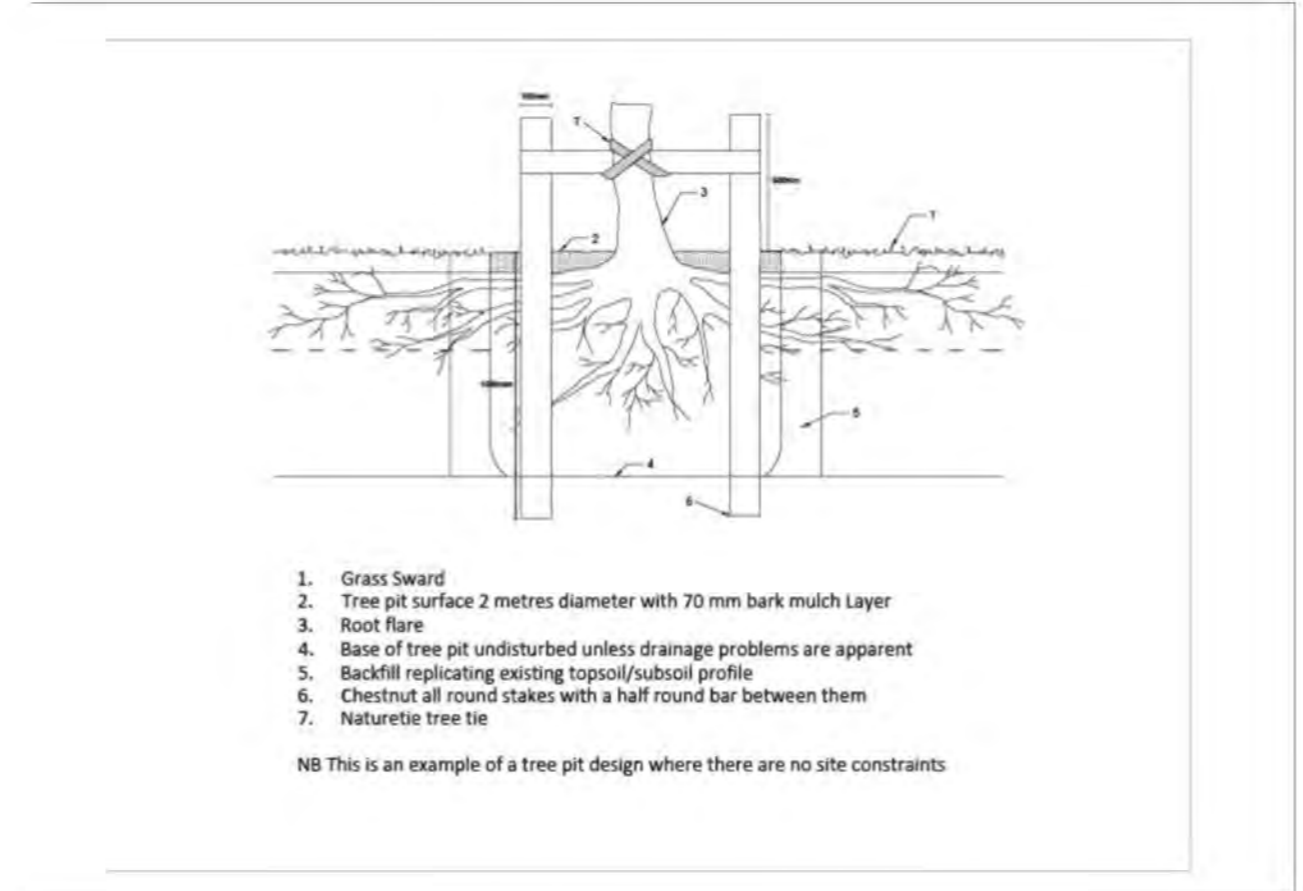
**Landscape Maintenance**

It is the responsibility of the site owners to ensure that the Landscape Maintenance is carried out as detailed in the following notes for the life of the development. The following notes relate to the maintenance of the soft landscaping areas as it may be that maintenance of the hard surfacing may not be the responsibility of the Landscape Contractor. If this is the case the contractor responsible for the hard surface maintenance should be advised that the use of residual herbicide is not acceptable. Hard surfaces can be kept weed free by mechanical means and, if necessary, the use of herbicides. During the five year period annual visits by the implementing Landscape Architect should be made to check that all maintenance works are being carried out properly and as detailed.

**Frequency of visits**

December/January/February/March – 1 visit each month.  
 April – November – 2 visits each month.  
 This schedule of visits may need to be altered if any period of extreme weather occurs such as drought, excessive rain or high wind.  
 Further maintenance years 2 – 5  
 Maintenance during this period should be as detailed for the establishment period with the following additional details:

- Fertiliser application  
 Years two, four: all trees to be given the following rate of Granulated sugar:  
 3 grammes per litre per square metre of crown spread  
 Years three, five: all planted areas to be fertilised with Sierrablen Flora granular fertiliser at 70g/square metre  
 After this period the fertilising regime should be reassessed by the Landscape Architect
- Pruning of plants**  
 All pruning should be carried out to maintain the natural shape and form of plants and pruning to 'box' shapes should be avoided.



Existing planting retained

**Perennial meadow grass.**  
 New grassed areas should be cultivated and have the soil raked to a medium tilth and sown with Emorsgate EM3 Meadow Mixture at a rate of 4g/m<sup>2</sup> and then trodden in.  
 Year 1  
 Mow the newly sown meadow grass regularly in the first year of establishment to a height of 40-60mm removing all arisings.  
 Year 2 - 5  
 Spring cutting in March can be carried out if deemed necessary, the mower should be set high (70-100mm).  
 Weed out or spot treat any perennial weeds which appear.  
 Cut in late July to a height of 40-70 mm, removing all cuttings.  
 Remember to remove all cuttings to gradually reduce the soil fertility and to avoid leaving a thatch which will inhibit the growth of next years flowers.  
 An additional late Summer to Autumn cut can take place if required.  
**No fertiliser should be applied**

**Trees to be planted in positions shown:**

CP Crataegus x p. 'Splendens' 12-14 45l (Barchams/I Tree Carbon credit score rating C)  
 UL Ulmus 'Lobel' 12-14 45l (Credit score A)  
 BJ Betula ut. jac Doorenbos multi-stem 2.0-2.5m 45L (Credit score B)

Trees to be supplied by Barcham Trees or alternative UK supplier with similar biosecurity protocols also with Plant Healthy Certificate of Conformity

Thoroughly water each tree on completion of planting to expel air pockets and to settle soil around roots.  
 Apply at the following rates:  
 50 litres per tree.  
 The existing topsoil should be used for tree planting with 2.5kg Carbon Gold Tree Soil Improver (BioChar) per tree.

**Indigenous Shrub planting:**

AC Acer campestre 60-90 5l or OG 1/sq.m

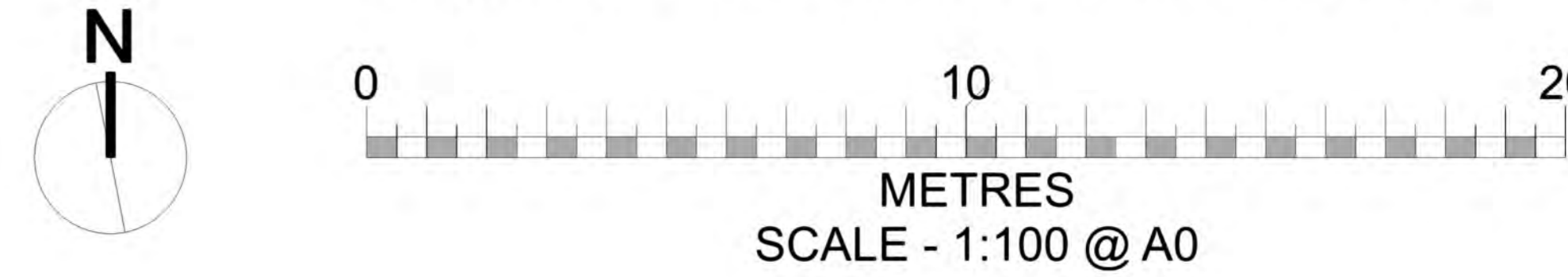
All planted areas to be mulched with 70mm of bark mulch

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Project	Shell Solihull
Title	Landscape Planting Plan
Scale	1-100 @ A0
Dwg No.	SY23-358-LPP-23-01
Date	17.11.23
Revision	0
Revision Date	



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**General Reference Documents:**

British Standards Institution  
 BS 3936 : Specification for Nursery Stock.  
 BS 4428 : 1989 Code of practice for general landscape operations (excluding hard surfaces)  
 BS 3882 : 2015 Specification for topsoil.  
 BS 8545 : 2014 Trees: from nursery to independence in the landscape - Recommendations  
 BS 5837 : 2012 Trees in relation to design, demolition and construction - Recommendations  
 BS 3998: 2010 Tree work - Recommendations  
 All works to be carried out in accordance with the recommendations of the British Standards shown above.

Existing concrete slab paths to be removed by hand and sub base left in situ  
 Existing fencing to be removed by machine situated outside Tree Protection fencing and with 'vertical pull'. Sub base left in situ but with 20mm light covering of subsoil.  
 3 no. 1m x 1m x 1m tree pits to be dug with soil/subsoil profiles matching existing.

**Soft Landscape Maintenance Details for Shell Solihull**

Establishment Period – 12 months from Practical Completion  
 To be carried out by the Landscape Contractor and thereafter by the appointed maintenance team.

**Watering** Carry out weekly watering during the growing season (April to Oct inclusive) – All the new trees will need approx. 35 litres per week, adjusting for weather conditions. During periods of reduced rainfall all new planting should be irrigated to maintain a moist and healthy root zone. This shall be carried out by hand from a bowser or by hose from permitted water points.

**Weed Control** All areas of planting must be kept weed free. Inspect mulches on each visit and maintain to a depth of 70mm thereby assisting water retention and suppressing weed growth. Herbicide use should be kept to a minimum particularly in areas of ground cover which should be weeded by hand.

**Tree support** Check for any sign of wind rocking, frost heave, settlement or human interference and ensure that trees remain stable and secure.

**Pruning of shrubs** Little pruning of shrubs should be required in the establishment period and after as follows. However any aberrant, uncharacteristic or reverted growth should be removed and all pathways, roadsides and sight lines kept clear.

**Protection of planting** Visits should be used to observe and where appropriate obstruct any desire paths that may appear or alternatively manage them in a constructive way. Also areas that show wear or erosion at the periphery should be restored and if required protected by temporary fencing.

**Pests and Diseases** On each visit inspect for any sign of disease, pest infestation or damage by vermin and take appropriate control measures if required.

**Litter** Litter picking in both planted areas and hard surfaces should be carried out on each visit.

**Plant failures** On each visit note should be taken of any dead or missing plants and these replaced before the end of the current year for a five year period.

**Grass cutting** As detailed opposite.

TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

METROPOLITAN BOROUGH OF SOLIHULL

(BROAD OAKS GARAGE, WARWICK ROAD, OLTON)

TREE PRESERVATION ORDER 1992

The Council of the Metropolitan Borough of Solihull of the Council House, Solihull in the County of West Midlands in this Order called "the authority" in pursuance of the power conferred in that behalf by Sections 198 and 201 of the Town and Country Planning Act, 1990 and subject to the provisions of the Forestry Act 1967 hereby make the following Order:-

1. In this Order:-

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

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

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

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

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

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

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

- (a) that the refusal or condition is in the interests of good forestry; or
- (b) in the case of trees other than trees comprised in a group of trees or in a woodland, that the trees have an outstanding or special amenity value; or
- (c) in the case of trees which are comprised in a group of trees or in a woodland, that the group of trees or the woodland, as the case may be, has an outstanding or special amenity value.

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

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

- (a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or
- (b) the authority with the approval of the Secretary of State dispense with re-planting;

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

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

- (a) species;
- (b) number of trees per acre (hectare);
- (c) the erection and maintenance of fencing necessary for protection of the replanting;
- (d) the preparation of ground, draining, removal of brushwood, lop and top; and
- (e) protective measures against fire.

1.

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

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

9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage;

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

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

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

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

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

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

12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 205 of the Act.



**Metropolitan Borough of Solihull**  
**TREE PRESERVATION ORDER**  
 BROAD OAKS GARAGE, WARWICK ROAD, OLTON



T.P.O. No 260      Scale: 1:1250      Date MARCH 1992

J. K. Wilson, M.A. (Oxon), Dip.T.P., M.R.T.P.I. - CHIEF PLANNING OFFICER

13. (1) The provisions of Section 201 of the Act shall apply to this Order and the Order shall take effect on the date of sealing of this Order.
- (2) This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein, as from the time when the tree is planted.

NOTE Any person contravening the provisions of this Order by cutting down, up rooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on the indictment to an unlimited fine. The penalty for any other contravention of this Order is a fine not exceeding £1,000 on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

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

#### FIRST SCHEDULE

##### TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Birch	Broad Oaks Garage adjacent 1 Wadleys Road, Olton
T2	Ash	1 Wadleys Road, Olton
T3	Oak	1 Wadleys Road, Olton
T4	Oak	r/o 390 Warwick Road, Olton

##### TREES SPECIFIED AS A GROUP

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
Group 1	2 Cypress, 3 Ash, 5 Holly, 7 Hawthorn, 2 Sycamore, 1 Yew	Wadleys Road, Olton adjacent 386 Warwick Road
Group 2	7 Cypress	Adjacent 1 Wadleys Road, Olton



SECOND SCHEDULE

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

- (1) the cutting down of any tree on land which is subject to a forestry dedication covenant where;
  - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of cutting down binding on the then owner of the land are fulfilled;
  - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.
- (2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme or other grant scheme under Section 4 of the Forestry Act 1967 except a scheme which applies to a forestry dedication covenant.
- (3) the lopping of a tree:-
  - (a) in pursuance of the power conferred on an operator under paragraph 19 of Schedule 2 to the Telecommunications Act 1984 (The Telecommunications Code);
  - (b) by or at the request of:-
    - (i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping, is for the purpose of securing safety in the operation of the undertaking;
    - (ii) an electricity board within the meaning of the Electricity Act 1947 where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919, and the Electric Lighting Act 1882, or interferes or would interfere with the maintenance or working of any such line;
    - (iii) The National Rivers Authority, a water or sewerage undertaker appointed under the Water Act 1989, where the tree interferes or would interfere with the exercise of any of the functions of such Authority, or water or sewerage undertaker in relation to the maintenance improvement or construction of watercourses or of drainage works; or
    - (iv) the Secretary of State for Defence, the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations.

- (c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;
- (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

NOTE: Section 206(1) and (2) of the Act requires, unless on application of the owner the local planning authority dispense with the requirement, that any tree removed or uprooted or destroyed under Section 198(6) of the Act shall be replaced by another tree of appropriate size and species. In order to enable the local planning authority to come to a decision, on whether or not to dispense with the requirement, notice of the proposed action should be given to the local planning authority which except in a case of emergency shall be of not less than five days.

### THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1990, as adapted and modified to apply to this Order:-

- 75. (1) Without prejudice to the following provisions, as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides), ensure for the benefit of the land and of all persons for the time being interested therein.
- 77. Reference of applications to Secretary of State:-
  - (1) The Secretary of State may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.
  - (2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.
  - (3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.
  - (4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.
  - (5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
  - (6) The decision of the Secretary of State on any application referred to him under this section shall be final.

78. Appeals against decision

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

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

(a) give notice to the applicant of their decision on the application; or

(b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under Section 77 of the Act;

the provisions of Section 77 of the Act shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period as the case may be.

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

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

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

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

97. Power to revoke or modify the consent under the Order:-

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

- (2) The power conferred by this Section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.
- (3) The revocation or modification of consent shall not affect so much of those operations as has been previously carried out.
- (4) Where a notice has been served in accordance with the provisions of Section 98(2), no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under sub-section (1) of that Section.

98. Procedure for Section 97 Orders: opposed case:-

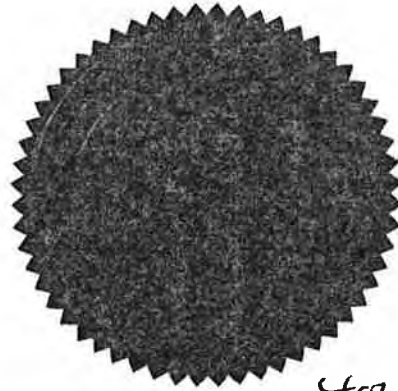
- (1) Subject to the provisions of Sections 99 and 201 of the Act an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.
- (2) Where an authority submit an Order to the Secretary of State for his confirmation under this Section, the authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order.
- (3) If within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

99. Procedure for Section 97 Orders: unopposed cases:-

- (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under Section 97 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.
- (2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by a person appointed by the Secretary of State for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary of State such Order may take effect by virtue of this Section and without being confirmed by the Secretary of State.

- (3) The authority shall also serve notices to the same effect on the persons mentioned in sub-paragraph (1) above.
- (4) The authority shall send a copy of the advertisement published under sub-paragraph (2) above to the Secretary of State, not more than three days after the publication.
- (5) If within the period referred to in sub-paragraph (2)(a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in sub-paragraph (2)(b) above, take effect by virtue of this Section and without being confirmed by the Secretary of State as required by section 98(1) of the Act.
- (6) This Section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III or Part VII or Part VIII of the Act or under the Planning (Listed Buildings and Conservation Areas) Act 1990 or the Planning (Hazardous Substances) Act 1990.

GIVEN under the COMMON SEAL of )  
 )  
THE METROPOLITAN BOROUGH OF )  
 )  
SOLIHULL the 2<sup>nd</sup> day )  
 )  
of April One thousand )  
 )  
nine hundred and ninety two )  
 )  
in the presence of:- )



406/92

*M.P. [Signature]*

Assistant Town Clerk and Head of Legal Services

DATED

2<sup>nd</sup> April

19 72

METROPOLITAN BOROUGH OF SOLIHULL  
(BROAD OAKS GARAGE, WARWICK ROAD, OLTON)  
TREE PRESERVATION ORDER 1992

John Scampion  
Town Clerk and Chief Executive Officer  
Solihull MBC

## Contact

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