

## **Land west of Rumbush Lane, Tidbury Green**

### **Arboricultural Briefing Note**

#### **edp4466\_r003b\_150318**

#### **1. Introduction**

- 1.1 This Arboricultural Briefing Note has been prepared by the Environmental Dimension Partnership Ltd (EDP) on behalf of Rainer Developments Ltd. It considers the arboricultural issues pertinent to the potential for development of Land west of Rumbush Lane, Tidbury Green (hereafter referred to as 'the site') and identifies opportunities and constraints that may influence the deliverability and/or capacity of the potential for development.
- 1.2 The site is located to the eastern extent of Tidbury Green, a small village situated approximately 6km south-west of Solihull. It comprises three agricultural fields, with a plantation of mixed, native, broadleaved woodland to the north-west of the site, within the redline boundary.
- 1.3 The site is centred approximately at Ordnance Survey Grid Reference (OSGR) SP 105 754, and lies within the administrative boundary of the Solihull Metropolitan Borough Council (SMBC).

#### **2. Methodology and Limitations**

- 2.1 The methodology adopted for this survey is based on guidelines set out in *BS 5837:2012 Trees in Relation to Design, Demolition and Construction*, especially Section 4.4, 'Tree Survey'. Site trees and other significant vegetation are as noted on Plan EDP 1 (**Annex EDP 1**). This is derived from the topographic survey data included as **Annex EDP 2**. All surveyed items are detailed in Schedule EDP 1 (**Annex EDP 3**). No other trees are covered by this survey.
- 2.2 All trees have been visually inspected from ground level unless otherwise stated, with no climbing or further detailed investigative tests being undertaken. The comments on their condition are based on observable factors present at the time of inspection. All measurements are metric and have been recorded in accordance with the measurement conventions set out in Section 4.4.2.6 of BS 5837:2012.
- 2.3 Any recommendations given regarding longer-term management are made on the basis of optimising the life expectancy of site trees, given their current situation and any effects that may result from the development proposals.
- 2.4 Schedule EDP 1 provides information about the following factors in accordance with paragraph 4.4.2.5 of BS 5837:2012:
  - Sequential reference number (recorded on **Annex EDP 1**);

- Species;
- Height;
- Stem diameter;
- Branch spread;
- Existing height above ground level;
- Life stage;
- Physiological condition;
- Structural condition;
- Preliminary management recommendations;
- Estimated remaining contribution;
- Category grading; and
- Tree works priority codes.

2.5 Due to the changing nature of trees and other site circumstances, this report and any recommendations made are limited to a 24 month period from the survey date. Any alterations to the site or the development proposals could change the current circumstances and may invalidate this report and any recommendations made.

2.6 Trees are dynamic structures that can never be guaranteed 100% safe, even those in good condition can suffer damage under average conditions. Regular inspections can help to identify potential problems before they become acute.

2.7 A lack of recommended work does not imply that a tree is safe and likewise, it should not be implied that a tree will be made safe following the completion of any recommended work.

2.8 The subject trees have not been tagged for identification purposes.

### **3. Overview of Tree Stock**

3.1 The arboricultural survey was undertaken on 23 January 2018, to provide a preliminary assessment of the tree stock at the site. The survey sought to identify all trees considered to be

of high (category A), moderate (category B) and low (category C) value, based upon guidance set out in *BS 5837:2012 Trees in Relation to design, Demolition and Construction*.

- 3.2 All surveyed items are as depicted on Plan EDP 1 (**Annex EDP 1**) and detailed in Schedule EDP 1 (**Annex EDP 3**). Designated root protection areas (RPA) for each surveyed item have been calculated in accordance with BS 5837:201. The extents of these areas are depicted on Plan EDP 1 and detailed in Schedule EDP 2 (**Annex EDP 4**).
- 3.3 The survey has identified 33 individual trees, 7 groups of trees, 5 hedgerows and 3 woodlands totalling 48 items. Of these 48 items, 24 have been categorised as A, of high quality and value, 9 have been categorised as B, of moderate quality, and 15 have been categorised as C, of low quality.
- 3.4 The survey process has identified a high proportion (50%) of category A items, of high quality and value. These items comprise either good-quality large individual oak trees or groups of boundary trees/woodland areas that have a high number of large good-quality oak trees contained within them.
- 3.5 The two woodland areas within the redline boundary (W26 and W39) are predominantly made up of early mature, native, broadleaved, woodland plantation but also contained a number of large high-quality oak trees either within or along the boundaries of the woodland, hence the high-quality categorisation of these woodlands due to the overall amenity value that they offer.

## 4 Site Constraints

### ***Tree Preservation Orders***

- 4.1 Consultation with SMBC's online resources has confirmed that two tree preservation orders (TPO) are registered on land adjacent to the site, which affect a number of the surveyed items.
- 4.2 One TPO takes the form of an Area TPO, and therefore all trees within the designated area on the TPO map, which were *in situ* at the time that the order was served, are protected. This TPO is known as Land west of Rumbush Lane, Tidbury Green, Fulford Hill Road, Tidbury Green, Solihull (reference TPO 1000) and is dated 08 July 2013. A copy of the TPO is appended to this Briefing Note as **Annex EDP 5**. The trees affected by this TPO are those along the length of the western boundary, inclusively, and these items are indicated on Plan EDP 1 (**Annex 1**) with a yellow box.
- 4.3 The second TPO is known as Adjacent to 276 Rumbush Lane, Shirley, Solihull, B94 5LX (reference TPO 666) and is dated 08 April 2003. A copy of the TPO is appended to this Briefing Note as **Annex EDP 6**. This TPO does not directly affect the site as it does not include the area of woodland immediately abutting the southern boundary or the area of the woodland that lies within the redline (W3). However, a yellow box has been included on Plan EDP 1 (**Annex 1**) to clearly demonstrate that this TPO does not affect the site.

- 4.4 As the above searches were undertaken online, it is recommended that further consultation with SMBC's Tree Officer is recommended to ensure no further TPOs protect further trees across the site.
- 4.5 Any works to, or felling of, TPO trees requires a formal application to the Local Planning Authority. Alternatively, the works or felling of TPO trees can be agreed by way of an Arboricultural Survey as part of an approved, detailed planning application.

#### **Other Constraints**

- 4.6 The woodland mentioned above (W3) contains a number of large oak trees, with an average height of 19m, and therefore potential shading from this woodland should be taken into consideration when undertaking the high level masterplanning.
- 4.7 Review of SMBC's online resources confirms that the site does not fall within a designated conservation area.

#### **5. Conclusions**

- 5.1 A number of the trees are formally protected with a TPO. Any works to, or felling of, TPO trees requires a formal application to the Local Planning Authority. Alternatively, the works or felling of TPO trees can be agreed by way of an Arboricultural Survey as part of an approved, detailed planning application.
- 5.2 Overall, the site contains a high number (24 items) of category A trees of high quality and value, which equates to 50% of the surveyed items. In addition, there are 9 category B items, of moderate quality and value. Both category A and B items should be prioritised for retention due to their condition, age and longevity. However, it is recognised that the trees within the two woodland areas (W26 and W39) are highly variable in their quality and value, and contain several stands of early mature plantation, which are a lower priority for retention.
- 5.3 High-level masterplanning should seek to retain as many category A and B items as practicable and will need to respect the offsets as defined by canopy and designated RPA extents, along with shading cast by the items along the southern boundary.
- 5.4 Any future planning application should be supported by an up-to-date, BS5837:2012 compliant tree survey and reporting.

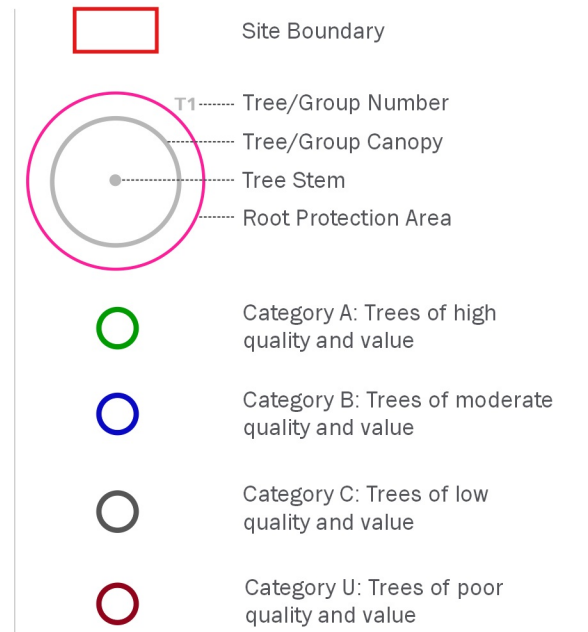




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**Annex EDP 1**  
**Plan EDP 1 – Tree Constraints Plan**  
**(EDP4466/d003b 15 March 2018 GY/LM)**





client

**Rainier Developments Ltd**

project title

**Land West of Rumbush Lane, Tidbury Green**

drawing title

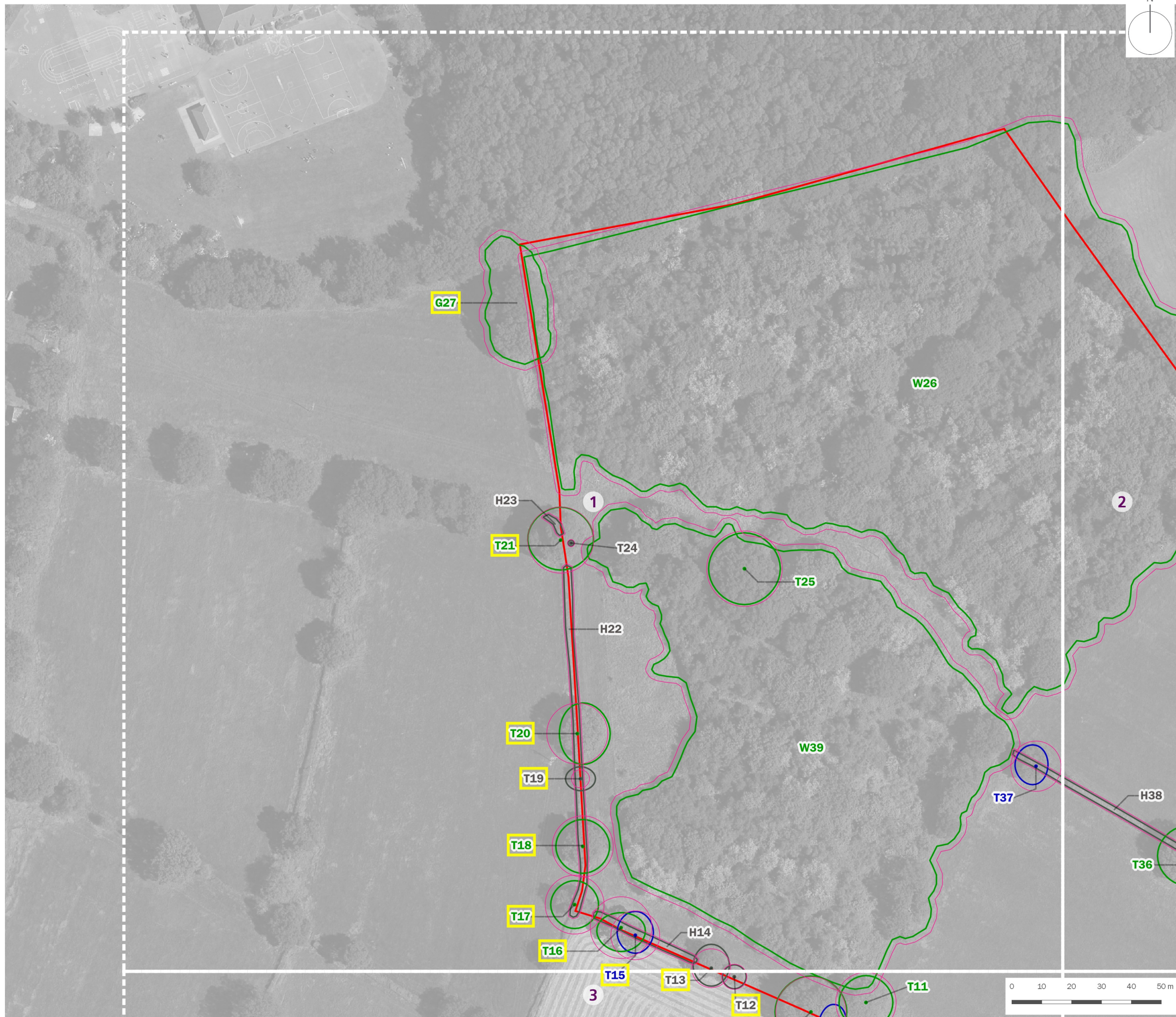
**Plan EDP 1: Preliminary Tree Constraints Plan - Overview**

date	15 MARCH 2018	drawn by	GY
drawing number	edp4466_d003b	checked	LM
scale	Refer to scale bar	QA	JTF



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 Cirencester 01285 740427 Cardiff 02921 671900 Shrewsbury 01939 211190

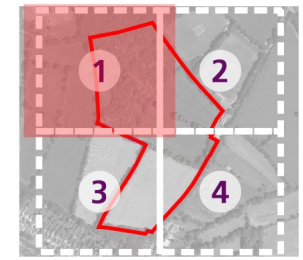




**Site Boundary**

**T1** Tree/Group Number  
 Tree/Group Canopy  
 Tree Stem  
 Root Protection Area

Category A: Trees of high quality and value  
 Category B: Trees of moderate quality and value  
 Category C: Trees of low quality and value  
 Category U: Trees of poor quality and value  
 TPO Trees



client  
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project title  
**Land West of Rumbush Lane, Tidbury Green**

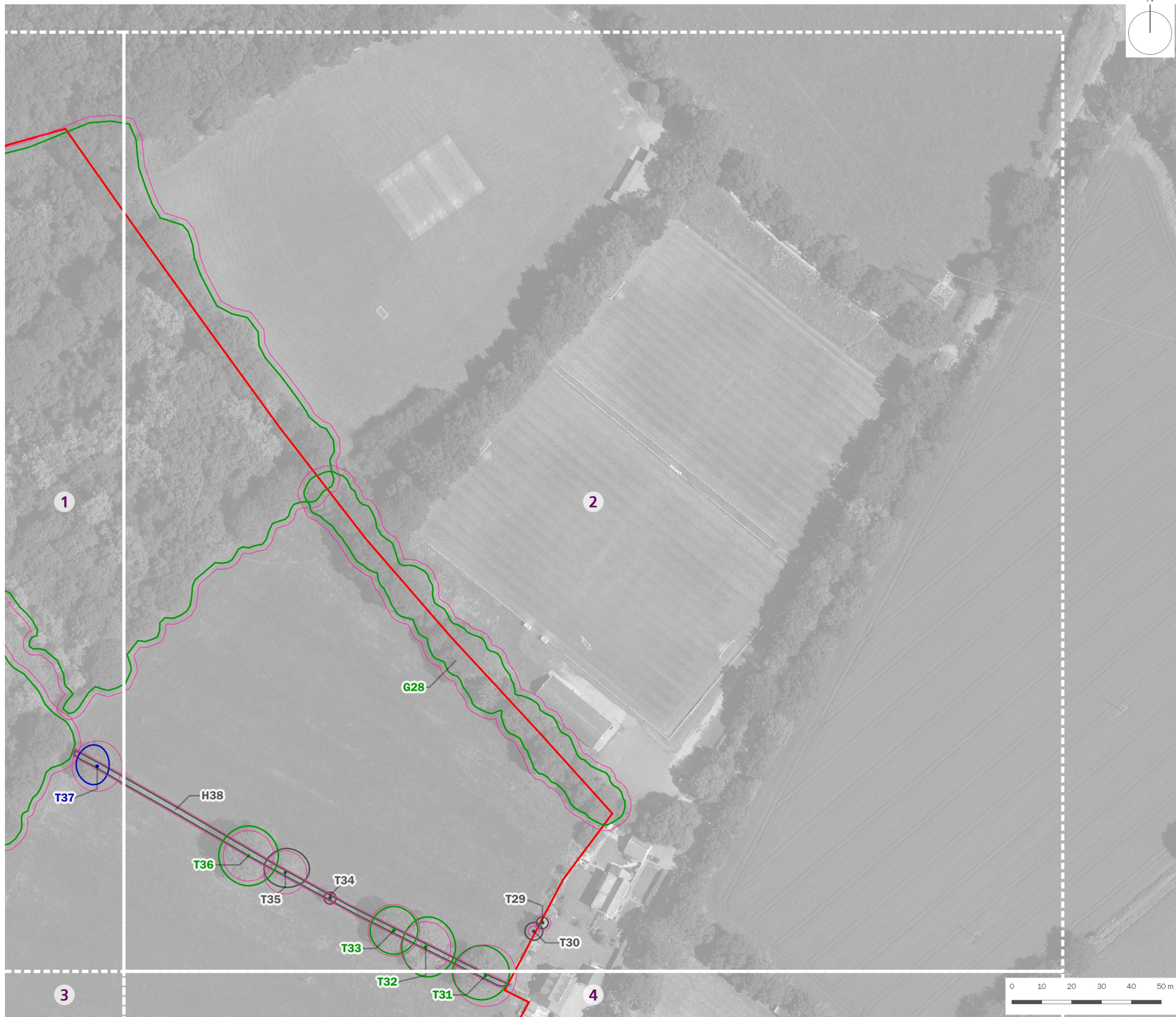
drawing title  
**Plan EDP 1: Preliminary Tree Constraints Plan (Sheet 1 of 4)**

date	15 MARCH 2018	drawn by	GY
drawing number	edp4466_d003b	checked	LM
scale	1:1,250 @ A3	QA	JTF



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**Site Boundary**

**T1** Tree/Group Number  
 Tree/Group Canopy  
 Tree Stem  
 Root Protection Area

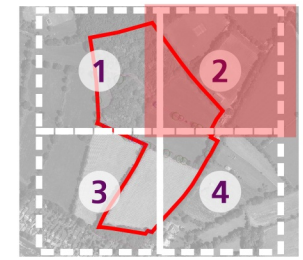
Category A: Trees of high quality and value

Category B: Trees of moderate quality and value

Category C: Trees of low quality and value

Category U: Trees of poor quality and value

TPO Trees



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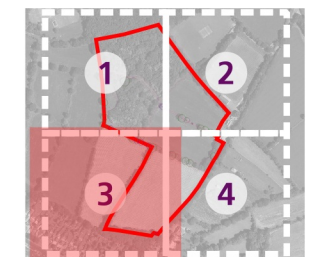
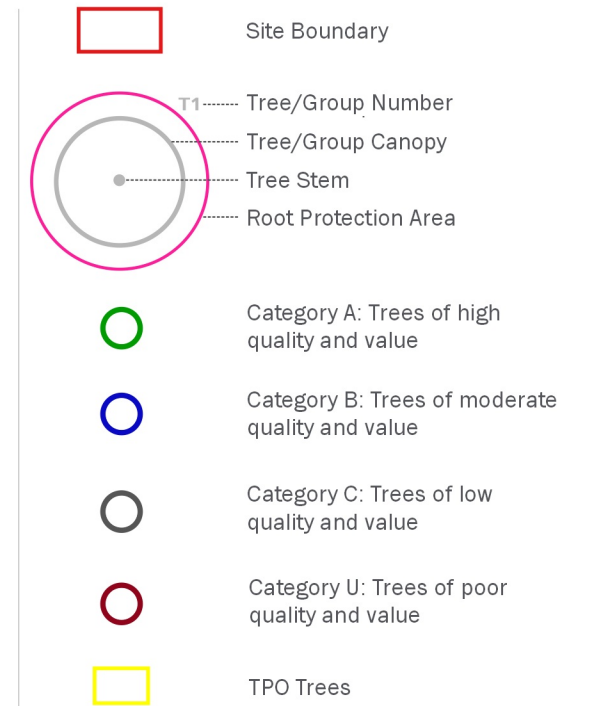
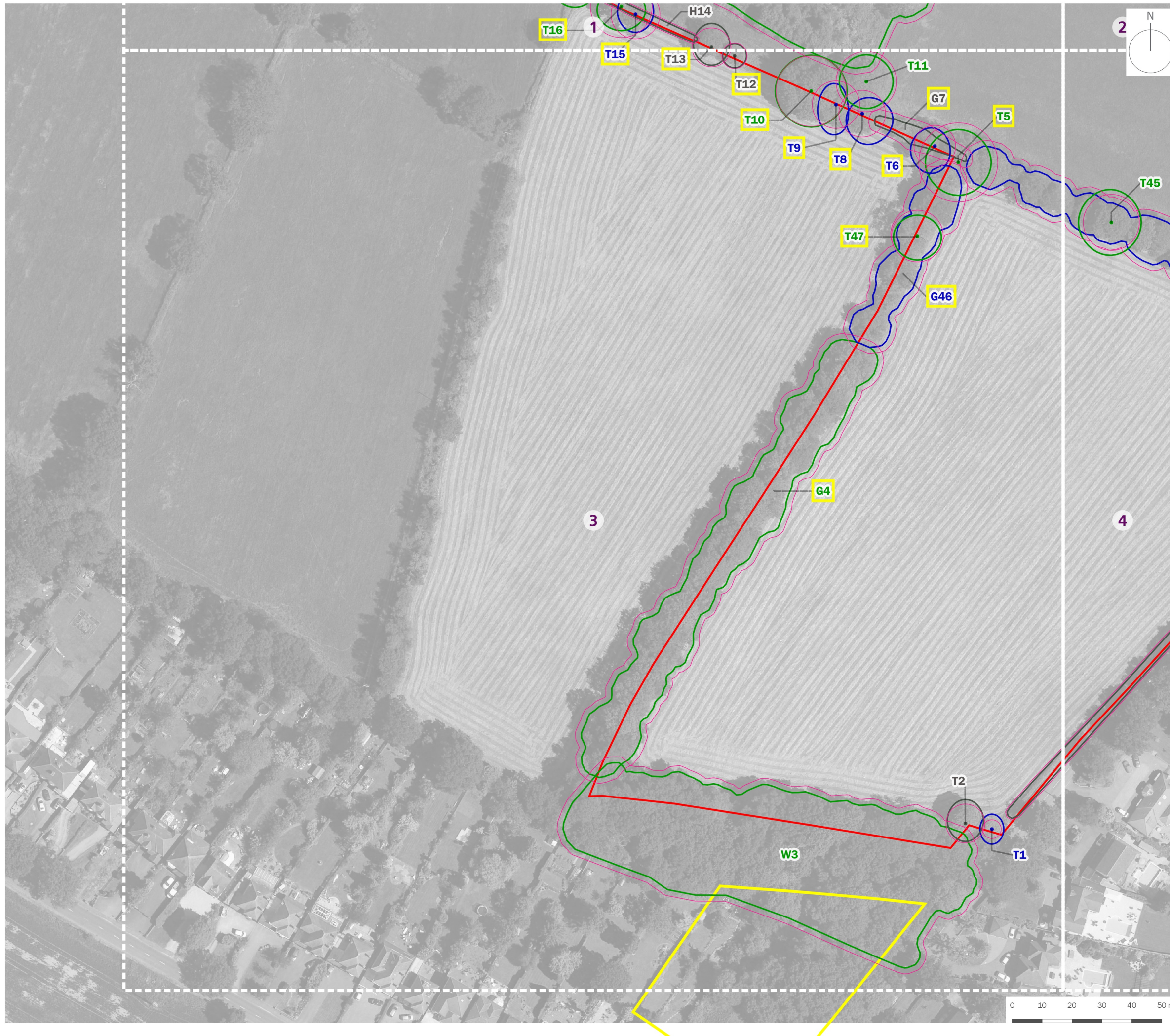
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**Plan EDP 1: Preliminary Tree Constraints Plan (Sheet 2 of 4)**

date	15 MARCH 2018	drawn by	GY
drawing number	edp4466_d003b	checked	LM
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**Rainier Developments Ltd**

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**Land West of Rumbush Lane, Tidbury Green**

drawing title  
**Plan EDP 1: Preliminary Tree Constraints Plan (Sheet 3 of 4)**

date	15 MARCH 2018	drawn by	GY
drawing number	edp4466_d003b	checked	LM
scale	1:1,250 @ A3	QA	JTF



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**Site Boundary**

**T1** Tree/Group Number  
 Tree/Group Canopy  
 Tree Stem  
 Root Protection Area

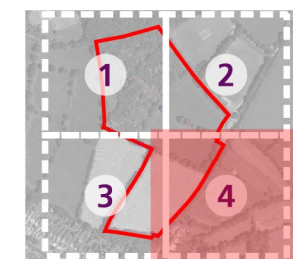
**Category A:** Trees of high quality and value

**Category B:** Trees of moderate quality and value

**Category C:** Trees of low quality and value

**Category U:** Trees of poor quality and value

**TPO Trees**



client  
**Rainier Developments Ltd**

project title  
**Land West of Rumbush Lane, Tidbury Green**

drawing title  
**Plan EDP 1: Preliminary Tree Constraints Plan (Sheet 4 of 4)**

date	15 MARCH 2018	drawn by	GY
drawing number	edp4466_d003b	checked	LM
scale	1:1,250 @ A3	QA	JTF



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**Annex EDP 2**  
**Topographical Survey**





















## Annex EDP 3 Tree Survey Key and Schedule

<b>Sequential Reference Number</b>	T - Individual specimen; G - Group, Trees that form cohesive arboricultural features either aerodynamically, visually or culturally; H - Linear group of specimens that form a hedge or boundary; and W - A larger group or area of trees that should be regarded as a single woodland unit
<b>Species</b>	Common English names are used wherever possible for simplicity
<b>Height</b>	An approximation of height (in metres) is provided for the highest point of the tree.
<b>Stem Diameter</b>	This is the measurement of stem diameter in millimetres taken in accordance with Annex C of BS 5837:2012.
<b>Branch Spread</b>	This is taken at four cardinal points, with a stated value in metres to enable an accurate representation of the crown, as shown on <b>Plan EDP 1</b> .
<b>Existing Height Above Ground Level</b>	An approximation of height (in metres) of crown clearance above adjacent ground level.
<b>Life Stage</b>	There are six classes to which trees are assigned:  Young;  Semi Mature;  Early Mature;  Mature;  Over Mature; and  Veteran.
<b>Physiological Condition</b>	An indication of the tree's physiological condition is represented and classed as good, fair, poor or dead, this is informed by the following:  Canopy Density: It should be taken that, unless otherwise stated with each individual entry, the canopy density of the trees is typical of the species; and  Leaf Size and Colouration: It should be taken that, unless otherwise stated with each individual entry, leaf size and colouration is typical of the species.
<b>Structural Condition</b>	Additional notes are provided giving details of the tree's structural condition. This is informed by "the presence of any decay and physical defect <sup>1</sup> ".
<b>Preliminary Management Recommendations</b>	These are made on the basis of optimising the life expectancy of site trees, given their current situation and that which may result from the development proposals. The survey process pays particular attention to implications for life and/or property; defects recorded under the structural condition have the necessary mitigation measures proposed within this section of the schedule.

<sup>1</sup> BS 5837:2012 Section 4.4.2.5

<p><b>Estimated Remaining Contribution</b></p>	<p>The definitions of the terms used are as follows and describe the estimated length of time (in years) over which the tree can be expected to make a safe contribution to local amenity:</p> <p>Less than 10;</p> <p>10+;</p> <p>20+; and</p> <p>40+.</p>
<p><b>Category Grading</b></p>	<p>Trees have been assigned 'U' or Category Grading 'A' to 'C' in accordance with the Cascade Chart given in BS 5837:2012.</p>
<p><b>Tree Works Priority Codes</b></p>	<p>Priority codes from 1 to 3 have been given for trees requiring work. The definition of the codes used is as follows:</p> <p>Priority 1: Work that should be undertaken urgently due to the identification of a potential hazard;</p> <p>Priority 2: Work that should be undertaken prior to any works commencing on site; and</p> <p>Priority 3: Work that should be undertaken following the completion of the development.</p>

**Client:** Rainer Developments Ltd **Site:** Land at Tidbury Green Farm  
**Date of Survey:** 23/01/2018 **Consultant:** Lindsey Mulraine  
**Tagged:** N/A **Weather:** Overcast

Sequential Reference No.	Species	Height (m)	Stem Diameter (mm)	Branch Spread (m)				Canopy Clearance (m)	Life Stage	Physiological Condition	Structural Condition	Comments / Notes	Recommendations	Estimated Remaining Contribution (Years)	Category Grading	Priority
				North	East	South	West									
T1	Common ash (Fraxinus excelsior)	12	260	5	4	5	4	4	Mature	Fair	Fair	Self-sown tree adjacent to access; sub station to south west	No Work Recommended	20+	B1	N/A
T2	Willow sp. (Salix sp.)	12	540	8	6	6	6	3	Mature	Fair	Poor	Weak fork / branch union with included bark; Leaning trunk; Self-sown tree; sub station to south	No Work Recommended	10+	C1	N/A
W3	Silver birch (Betula pendula);Common hazel (Corylus avellana);Common hawthorn (Crataegus monogyna);Common ash (Fraxinus excelsior);Common holly (Ilex aquifolium);English oak (Quercus robur);Sorbus sp. (Sorbus sp.)	19	800#	11	9	9	9	0	Mature	Good	Fair	Deadwood - Major; Shedding limb / limbs - Historic; Off-site woodland; ditch on site along northern boundary of woodland	No Work Recommended	40+	A1;2	N/A
G4	Silver birch (Betula pendula);Common hazel (Corylus avellana);Common hawthorn (Crataegus monogyna);English oak (Quercus robur);Sorbus sp. (Sorbus sp.)	16	760	10	10	10	10	0	Mature	Good	Fair	Ivy or climbing plant; Decay / structural defect in crown limb / limbs - Localised; Shedding limb / limbs - Historic; Boundary group with lots of large oak trees and understorey of smaller trees; ditch to north west of group and construction site beyond, protective fencing in place to north west	No Work Recommended	40+	A1;2	N/A
T5	English oak (Quercus robur)	20	280	11	11	11	11	3	Mature	Good	Fair	Twin stemmed tree; ditch to west and development site beyond; protective fencing to west	No Work Recommended	40+	A1	N/A
T6	English oak (Quercus robur)	14	260	6	5	9	8	3	Mature	Fair	Fair	Ivy or climbing plant; Ditch to south and development site beyond; protective fencing to south	No Work Recommended	20+	B1;2	N/A
G7	Common holly (Ilex aquifolium)	9	150	2	2	2	2	0	Mature	Fair	Fair	Boundary group of historically coppiced holly trees; ditch to south and development site beyond; protective fencing to south	No Work Recommended	10+	C2	N/A
T8	English oak (Quercus robur)	16	270#	5	10	10	5	3	Mature	Fair	Fair	Ivy or climbing plant; Ditch to south and development site beyond; protective fencing to south; dense ivy and nest within crown	No Work Recommended	20+	B1;2	N/A
T9	English oak (Quercus robur)	17	660	7	4	10	6	2	Mature	Fair	Fair	Ivy or climbing plant; Ditch to south and development site beyond; protective fencing to south	No Work Recommended	20+	B1;2	N/A
T10	English oak (Quercus robur)	20	970	12	12	12	12	1	Mature	Good	Good	Ivy or climbing plant; Deadwood - Minor; Ditch to south and development site beyond; protective fencing to south	No Work Recommended	40+	A1;2	N/A
T11	English oak (Quercus robur)	16	890	9	9	9	9	2	Mature	Good	Good	Ivy or climbing plant; Deadwood - Major; Shedding limb / limbs - Historic; Tree adjacent to access track	No Work Recommended	40+	A1;2	N/A
T12	Common holly (Ilex aquifolium)	8	350#	4	4	4	4	0	Mature	Fair	Poor	Decay / structural defect - Principal stems; Boundary tree; ditch to south and development site beyond; protective fencing to south	No Work Recommended	10+	C1;2	N/A

**Sequential Reference Number** -T - Individual specimen; G - Group. Trees that form cohesive arboricultural features either aerodynamically, visually or culturally; H - Linear group of specimens that form a hedge or boundary; W - A larger group or area of trees that should be regarded as a single woodland unit.  
**Species**-Common English names are used wherever possible for simplicity.  
**Height**-An approximation of height (in metres) is provided for the highest point of the tree.  
**Stem Diameter**-This is the measurement of stem diameter in millimetres taken in accordance with Annex C of BS5837:2012. # - estimated  
**Branch Spread**-This is taken at four cardinal points, with a stated value in metres to enable an accurate representation of the crown  
**Existing Height Above Ground Level**-An approximation of height (in metres) of crown clearance above adjacent ground level.  
**Life Stage**-There are five classes to which trees are assigned: Young; Early Mature; Mature; Over Mature; Veteran.  
**Physiological Condition**-An indication of the tree's physiological condition is represented and classed as good, fair, poor or dead, this is informed by the following: Canopy Density: It should be taken that, unless otherwise stated with each individual entry, the canopy density of the trees is typical of the species; and Leaf Size and Colouration: It should be taken that, unless otherwise stated with each individual entry, leaf size and colouration is typical of the species.

**Structural Condition**-Additional notes are provided giving details of the tree's structural condition. This is informed by "the presence of any decay and physical defect".  
**Preliminary Management Recommendations**-These are made on the basis of optimising the life expectancy of site trees, given their current situation and that which may result from the development proposals. The survey process pays particular attention to implications for life and/or property; defects recorded under the structural condition have the necessary mitigation measures proposed within this section of the schedule.  
**Estimated Remaining Contribution**-The definitions of the terms used are as follows and describe the estimated length of time (in years) over which the tree can be expected to make a safe contribution to local amenity: Less than 10; 10+; 20+; and 40+.  
**Category Grading**-Trees have been assigned 'U' or Category Grading 'A' to 'C' in accordance with the Cascade Chart given in BS5837:2012  
**Tree Works Priority Codes**-Priority codes from 1 to 3 have been given for trees requiring work. The definition of the codes used is as follows: Priority 1: Work that should be undertaken urgently due to the identification of a potential hazard; Priority 2: Work that should be undertaken prior to any works commencing on site; and Priority 3: Work that should be undertaken following the completion of the development.

Sequential Reference No.	Species	Height (m)	Stem Diameter (mm)	Branch Spread (m)				Canopy Clearance (m)	Life Stage	Physiological Condition	Structural Condition	Comments / Notes	Recommendations	Estimated Remaining Contribution (Years)	Category Grading	Priority
				North	East	South	West									
T13	English oak (Quercus robur)	10	540#	8	6	6	6	1	Mature	Fair	Poor	Decay / structural defect - Principal stems; Decay / structural defect in crown limb / limbs - Open cavity / cavities; Shedding limb / limbs - Historic; Boundary tree; poor form for species; ditch to south and development site beyond; protective fencing to south	No Work Recommended	10+	C1;2	N/A
H14	Common hazel (Corylus avellana);Common holly (Ilex aquifolium)	2	80	1	1	1	1	0	Early Mature	Fair	Fair	Boundary hedgerow, partially managed; ditch to south and development site beyond; protective fencing to south	No Work Recommended	10+	C2	N/A
T15	English oak (Quercus robur)	14	680	8	6	6	6	3	Mature	Fair	Fair	Poor historic pruning; Epicormic growth - Crown; Boundary tree; cavity at base north side; nest in forked branched; ditch to south and development site beyond; protective fencing to south	No Work Recommended	20+	B1;2	N/A
T16	English oak (Quercus robur)	14	860	5	8	8	8	3	Ancient	Good	Good	Boundary tree; nest in forked branched; ditch to south and development site beyond; protective fencing to south	No Work Recommended	40+	A1;2	N/A
T17	English oak (Quercus robur)	13	820#	8	8	8	8	1	Mature	Good	Good	Access to inspect base - Not possible; Off-site tree, all readings estimated; Boundary tree; ditch to east and development site beyond with protective fencing	No Work Recommended	40+	A1;2	N/A
T18	English oak (Quercus robur)	15	850#	9	9	9	9	2	Mature	Good	Good	Access to inspect base - Restricted / obscured; Off-site tree, all readings estimated; Boundary tree; ditch to east and development site beyond with protective fencing	No Work Recommended	40+	A1;2	N/A
T19	English oak (Quercus robur)	7	250#	4	5	4	5	1	Early Mature	Fair	Fair	Access to inspect base - Restricted / obscured; Off-site tree, all readings estimated; Boundary tree; ditch to east and development site beyond with protective fencing	No Work Recommended	10+	C1	N/A
T20	English oak (Quercus robur)	17	850#	10	11	10	6	2	Mature	Good	Good	Access to inspect base - Restricted / obscured; Off-site tree, all readings estimated; Boundary tree; ditch to east and development site beyond with protective fencing; bird box on stem east side	No Work Recommended	40+	A1;2	N/A
T21	English oak (Quercus robur)	19	920	11	11	10	11	3	Mature	Good	Good	Access to inspect base - Restricted / obscured; Shedding limb / limbs - Historic; Off-site tree, all readings estimated; Boundary tree; ditch to south and development site beyond with protective fencing; large wound and associated decay on south side from historic limb loss	No Work Recommended	40+	A1;2	N/A
H22	Common hazel (Corylus avellana);Common holly (Ilex aquifolium)	2	80	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Maintained; Boundary hedgerow	No Work Recommended	10+	C2	N/A
H23	Common holly (Ilex aquifolium)	1	80	0.5	0.5	0.5	0.5	0	Mature	Fair	Fair	Hedgerow - Maintained; Boundary hedgerow	No Work Recommended	10+	C2	N/A
T24	Common holly (Ilex aquifolium)	5	100	1	1	1	1	0	Early Mature	Fair	Poor	Access to inspect base - Restricted / obscured; Multi-stemmed; Boundary tree; ditch to south and development site beyond with protective fencing	No Work Recommended	10+	C1;2	N/A
T25	English oak (Quercus robur)	19	1050	12	12	12	12	4	Mature	Good	Fair	Deadwood - Major; Tree within woodland; fungal fruiting body Cerioporus squamosus (otherwise known as Polyporus squamosus) on old pruning wound, east side; not on topo	No Work Recommended	40+	A1;2	N/A
W26	Silver birch (Betula pendula);Common hazel (Corylus avellana);Common hawthorn (Crataegus monogyna);Common ash (Fraxinus excelsior);Poplar sp. (Populus sp.);English oak (Quercus robur);Yew (Taxus baccata)	16	350	5	5	5	5	0	Mature	Good	Good	Mixed native woodland; would benefit from some management; row of mature oaks running south west to ne along historic boundary	No Work Recommended	40+	A1;2;3	N/A

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**Height**-An approximation of height (in metres) is provided for the highest point of the tree.

**Stem Diameter**-This is the measurement of stem diameter in millimetres taken in accordance with Annex C of BS5837:2012. # - estimated

**Branch Spread**-This is taken at four cardinal points, with a stated value in metres to enable an accurate representation of the crown

**Existing Height Above Ground Level**-An approximation of height (in metres) of crown clearance above adjacent ground level.

**Life Stage**-There are five classes to which trees are assigned: Young; Early Mature; Mature; Over Mature; Veteran.

**Physiological Condition**-An indication of the tree's physiological condition is represented and classed as good, fair, poor or dead, this is informed by the following: Canopy Density: It should be taken that, unless otherwise stated with each individual entry, the canopy density of the trees is typical of the species; and Leaf Size and Colouration: It should be taken that, unless otherwise stated with each individual entry, leaf size and colouration is typical of the species.

**Structural Condition**-Additional notes are provided giving details of the tree's structural condition. This is informed by "the presence of any decay and physical defect".

**Preliminary Management Recommendations**-These are made on the basis of optimising the life expectancy of site trees, given their current situation and that which may result from the development proposals. The survey process pays particular attention to implications for life and/or property; defects recorded under the structural condition have the necessary mitigation measures proposed within this section of the schedule.

**Estimated Remaining Contribution**-The definitions of the terms used are as follows and describe the estimated length of time (in years) over which the tree can be expected to make a safe contribution to local amenity: Less than 10; 10+; 20+; and 40+.

**Category Grading**-Trees have been assigned 'U' or Category Grading 'A' to 'C' in accordance with the Cascade Chart given in BS5837:2012

**Tree Works Priority Codes**-Priority codes from 1 to 3 have been given for trees requiring work. The definition of the codes used is as follows: Priority 1: Work that should be undertaken urgently due to the identification of a potential hazard; Priority 2: Work that should be undertaken prior to any works commencing on site; and Priority 3: Work that should be undertaken following the completion of the development.



Sequential Reference No.	Species	Height (m)	Stem Diameter (mm)	Branch Spread (m)				Canopy Clearance (m)	Life Stage	Physiological Condition	Structural Condition	Comments / Notes	Recommendations	Estimated Remaining Contribution (Years)	Category Grading	Priority
				North	East	South	West									
G27	English oak (Quercus robur)	18	1000#	10	10	10	10	2	Mature	Good	Fair	Access to inspect base - Not possible; Off-site tree, all readings estimated; Development and protective fencing to west	No Work Recommended	40+	A1;2	N/A
G28	Silver birch (Betula pendula);Common hawthorn (Crataegus monogyna);Common holly (Ilex aquifolium);English oak (Quercus robur);Elder (Sambucus nigra)	18	700#	10	10	10	10	0	Mature	Good	Fair	Access to inspect base - Not possible; Deadwood - Minor; Shedding limb / limbs - Historic; Off-site tree, all readings estimated; Boundary group, partially off-site; large oaks with an understory of smaller species; wet ditch within site, to se end of group	No Work Recommended	40+	A1;2	N/A
T29	Lawson's cypress (Chamaecyparis lawsoniana)	8	230#	2	2	2	2	1	Early Mature	Fair	Fair	Off-site tree, all readings estimated; Tree within adjacent garden	No Work Recommended	10+	C1	N/A
T30	Common hawthorn (Crataegus monogyna)	6	150	3	3	3	3	1	Mature	Fair	Fair	Off-site tree, all readings estimated; Multi-stemmed; Tree between boundary fences	No Work Recommended	10+	C1	N/A
T31	English oak (Quercus robur)	15	860	10	8	8	11	2	Mature	Fair	Fair	Epicormic growth - Crown; Field boundary tree within hedgerow; ditch to south west	No Work Recommended	40+	A1;2	N/A
T32	English oak (Quercus robur)	15	860	10	10	10	8	2	Mature	Good	Good	Deadwood - Minor; Shedding limb / limbs - Historic; Field boundary tree within hedgerow; ditch to south west	No Work Recommended	40+	A1;2	N/A
T33	English oak (Quercus robur)	15	720	8	8	8	8	3	Mature	Good	Good	Ivy or climbing plant; Field boundary tree within hedgerow; ditch to south west	No Work Recommended	40+	A1;2	N/A
T34	Common holly (Ilex aquifolium)	6	150	2	2	2	2	1	Mature	Fair	Poor	Ivy or climbing plant; Field boundary tree within hedgerow; ditch to south west	No Work Recommended	10+	C1	N/A
T35	English oak (Quercus robur)	12	600	8	8	5	7	3	Mature	Poor	Fair	Deadwood - Minor; Die-back - Upper crown; Field boundary tree within hedgerow; thin crown; ditch to south west	No Work Recommended	10+	C1	N/A
T36	English oak (Quercus robur)	17	700	10	10	10	10	2	Mature	Good	Good	Deadwood - Minor; Field boundary tree within hedgerow; ditch to south west	No Work Recommended	40+	A1;2	N/A
T37	English oak (Quercus robur)	12	700	7	4	6	7	1	Mature	Fair	Fair	Field boundary tree within hedgerow; ditch to south west	No Work Recommended	20+	B1;2	N/A
H38	Common hazel (Corylus avellana);Common hawthorn (Crataegus monogyna);English oak (Quercus robur);Sorbus sp. (Sorbus sp.)	1	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Maintained; Field boundary hedgerow; ditch to south west	No Work Recommended	10+	C1;2	N/A
W39	Silver birch (Betula pendula);Common hazel (Corylus avellana);Common hawthorn (Crataegus monogyna);Common ash (Fraxinus excelsior);Common holly (Ilex aquifolium);Scots pine (Pinus sylvestris);Poplar sp. (Populus sp.);English oak (Quercus robur)	12	350	2	8	2	2	0	Mature	Good	Fair	Mixed native woodland; would benefit from some management; row of mature oaks running north west to se along historic boundary	No Work Recommended	40+	A1;2;3	N/A

**Sequential Reference Number** -T - Individual specimen; G - Group. Trees that form cohesive arboricultural features either aerodynamically, visually or culturally; H - Linear group of specimens that form a hedge or boundary; W - A larger group or area of trees that should be regarded as a single woodland unit.  
**Species** -Common English names are used wherever possible for simplicity.  
**Height** -An approximation of height (in metres) is provided for the highest point of the tree.  
**Stem Diameter** -This is the measurement of stem diameter in millimetres taken in accordance with Annex C of BS5837:2012. # - estimated  
**Branch Spread** -This is taken at four cardinal points, with a stated value in metres to enable an accurate representation of the crown  
**Existing Height Above Ground Level** -An approximation of height (in metres) of crown clearance above adjacent ground level.  
**Life Stage** -There are five classes to which trees are assigned: Young; Early Mature; Mature; Over Mature; Veteran.  
**Physiological Condition** -An indication of the tree's physiological condition is represented and classed as good, fair, poor or dead, this is informed by the following: Canopy Density: It should be taken that, unless otherwise stated with each individual entry, the canopy density of the trees is typical of the species; and Leaf Size and Colouration: It should be taken that, unless otherwise stated with each individual entry, leaf size and colouration is typical of the species.

**Structural Condition** -Additional notes are provided giving details of the tree's structural condition. This is informed by "the presence of any decay and physical defect".  
**Preliminary Management Recommendations** -These are made on the basis of optimising the life expectancy of site trees, given their current situation and that which may result from the development proposals. The survey process pays particular attention to implications for life and/or property; defects recorded under the structural condition have the necessary mitigation measures proposed within this section of the schedule.  
**Estimated Remaining Contribution** -The definitions of the terms used are as follows and describe the estimated length of time (in years) over which the tree can be expected to make a safe contribution to local amenity: Less than 10; 10+; 20+; and 40+.  
**Category Grading** -Trees have been assigned 'U' or Category Grading 'A' to 'C' in accordance with the Cascade Chart given in BS5837:2012  
**Tree Works Priority Codes** -Priority codes from 1 to 3 have been given for trees requiring work. The definition of the codes used is as follows: Priority 1: Work that should be undertaken urgently due to the identification of a potential hazard; Priority 2: Work that should be undertaken prior to any works commencing on site; and Priority 3: Work that should be undertaken following the completion of the development.

Sequential Reference No.	Species	Height (m)	Stem Diameter (mm)	Branch Spread (m)				Canopy Clearance (m)	Life Stage	Physiological Condition	Structural Condition	Comments / Notes	Recommendations	Estimated Remaining Contribution (Years)	Category Grading	Priority
				North	East	South	West									
G40	Common hazel (Corylus avellana);Common holly (Ilex aquifolium);English oak (Quercus robur)	16	700	6	6	6	6	0	Mature	Fair	Fair	Ivy or climbing plant; Boundary group adjacent to road; mature oaks with understorey of smaller species	No Work Recommended	20+	B1:2	N/A
T41	English oak (Quercus robur)	16	800#	10	10	10	10	2	Mature	Good	Good	Access to inspect base - Restricted / obscured; Tree within roadside group	No Work Recommended	40+	A1:2	N/A
G42	Birch sp. (Betula sp.);Common hazel (Corylus avellana);Common hawthorn (Crataegus monogyna);Common holly (Ilex aquifolium);English oak (Quercus robur)	15	500	6	6	6	6	0	Mature	Fair	Fair	Ivy or climbing plant; Field boundary group of large oak with an understorey of smaller species	No Work Recommended	20+	B1:2	N/A
T43	English oak (Quercus robur)	16	800#	9	8	9	9	3	Mature	Good	Good	Access to inspect base - Restricted / obscured; Tree within boundary group	No Work Recommended	40+	A1:2	N/A
T44	English oak (Quercus robur)	15	780	10	7	10	10	3	Mature	Good	Good	Access to inspect base - Restricted / obscured; Tree within boundary group	No Work Recommended	40+	A1:2	N/A
T45	English oak (Quercus robur)	16	780	11	10	11	11	3	Mature	Good	Good	Access to inspect base - Restricted / obscured; Deadwood - Minor; Shedding limb / limbs - Historic; Tree within boundary group	No Work Recommended	40+	A1:2	N/A
G46	Common hazel (Corylus avellana);Common hawthorn (Crataegus monogyna);English oak (Quercus robur);Sorbus sp. (Sorbus sp.)	13	450	4	8	4	8	0	Mature	Fair	Fair	Ivy or climbing plant; Field boundary group of oak with an understorey of smaller species; ditch to south and development site beyond; protective fencing to south	No Work Recommended	20+	B1:2	N/A
T47	English oak (Quercus robur)	16	720	7	8	8	8	2	Mature	Good	Fair	Access to inspect base - Restricted / obscured; Deadwood - Minor; Shedding limb / limbs - Historic; Tree within boundary group; ditch to south and development site beyond; protective fencing to south	No Work Recommended	40+	A1:2	N/A
H48	Common hawthorn (Crataegus monogyna)	1	100	1	1	1	1	0	Mature	Fair	Fair	Hedgerow - Maintained; Boundary hedgerow; ditch to ne	No Work Recommended	10+	C2	N/A

**Sequential Reference Number** -T - Individual specimen; G - Group. Trees that form cohesive arboricultural features either aerodynamically, visually or culturally; H - Linear group of specimens that form a hedge or boundary; W - A larger group or area of trees that should be regarded as a single woodland unit.

**Species** -Common English names are used wherever possible for simplicity.

**Height**-An approximation of height (in metres) is provided for the highest point of the tree.

**Stem Diameter**-This is the measurement of stem diameter in millimetres taken in accordance with Annex C of BS5837:2012. # - estimated

**Branch Spread**-This is taken at four cardinal points, with a stated value in metres to enable an accurate representation of the crown

**Existing Height Above Ground Level**-An approximation of height (in metres) of crown clearance above adjacent ground level.

**Life Stage**-There are five classes to which trees are assigned: Young; Early Mature; Mature; Over Mature; Veteran.

**Physiological Condition** -An indication of the tree's physiological condition is represented and classed as good, fair, poor or dead, this is informed by the following: Canopy Density: It should be taken that, unless otherwise stated with each individual entry, the canopy density of the trees is typical of the species; and Leaf Size and Colouration: It should be taken that, unless otherwise stated with each individual entry, leaf size and colouration is typical of the species.

**Structural Condition** -Additional notes are provided giving details of the tree's structural condition. This is informed by "the presence of any decay and physical defect".

**Preliminary Management Recommendations** -These are made on the basis of optimising the life expectancy of site trees, given their current situation and that which may result from the development proposals. The survey process pays particular attention to implications for life and/or property; defects recorded under the structural condition have the necessary mitigation measures proposed within this section of the schedule.

**Estimated Remaining Contribution** -The definitions of the terms used are as follows and describe the estimated length of time (in years) over which the tree can be expected to make a safe contribution to local amenity: Less than 10; 10+; 20+; and 40+.

**Category Grading** -Trees have been assigned 'U' or Category Grading 'A' to 'C' in accordance with the Cascade Chart given in BS5837:2012

**Tree Works Priority Codes** -Priority codes from 1 to 3 have been given for trees requiring work. The definition of the codes used is as follows: Priority 1: Work that should be undertaken urgently due to the identification of a potential hazard; Priority 2: Work that should be undertaken prior to any works commencing on site; and Priority 3: Work that should be undertaken following the completion of the development.

**Annex EDP 4**  
**Schedule EDP 2**  
**Tree Constraints Schedule**

Reference No.	Cat Grading	No of stems	RPA Radius (m)	RPA Area m <sup>2</sup>	Ultimate Height (m)	Ultimate Crown Spread (m)			
						N	E	S	W
T1	B1	1	3.1	30.6	15	6	5	6	5
T2	C1	1	6.5	131.9	15	10	7	7	7
W3	A1;2	1	9.6	289.5	24	13	11	11	11
G4	A1;2	1	9.1	261.3	20	12	12	12	12
T5	A1	2	3.3	34.2	25	13	13	13	13
T6	B1;2	1	3.1	30.6	18	7	6	11	10
G7	C2	1	1.8	10.2	11	2	2	2	2
T8	B1;2	1	3.2	33.0	20	6	12	12	6
T9	B1;2	1	7.9	197.1	21	8	5	12	7
T10	A1;2	1	11.6	425.7	25	14	14	14	14
T11	A1;2	1	10.7	358.3	20	11	11	11	11
T12	C1;2	1	4.2	55.4	10	5	5	5	5
T13	C1;2	1	6.5	131.9	13	10	7	7	7
H14	C2	1	0.9	2.5	3	1	1	1	1
T15	B1;2	1	8.2	209.2	18	10	7	7	7
T16	A1;2	1	10.3	334.6	18	6	10	10	10
T17	A1;2	1	9.8	304.2	16	10	10	10	10
T18	A1;2	1	10.2	326.9	19	11	11	11	11
T19	C1	1	3.0	28.3	9	5	6	5	6
T20	A1;2	1	10.2	326.9	21	12	13	12	7
T21	A1;2	1	11.0	382.9	24	13	13	12	13
H22	C2	1	0.9	2.5	3	1	1	1	1
H23	C2	1	0.9	2.5	1	1	1	1	1
T24	C1;2	1	1.2	4.5	6	1	1	1	1
T25	A1;2	1	12.6	498.8	24	14	14	14	14
W26	A1;2;3	1	4.2	55.4	20	6	6	6	6
G27	A1;2	1	12.0	452.4	23	12	12	12	12
G28	A1;2	1	8.4	221.7	23	12	12	12	12
T29	C1	1	2.8	23.9	10	2	2	2	2
T30	C1	1	1.8	10.2	8	4	4	4	4
T31	A1;2	1	10.3	334.6	19	12	10	10	13
T32	A1;2	1	10.3	334.6	19	12	12	12	10
T33	A1;2	1	8.6	234.5	19	10	10	10	10

Reference No.	Cat Grading	No of stems	RPA Radius (m)	RPA Area m <sup>2</sup>	Ultimate Height (m)	Ultimate Crown Spread (m)			
						N	E	S	W
T34	C1	1	1.8	10.2	8	2	2	2	2
T35	C1	1	7.2	162.9	15	10	10	6	8
T36	A1;2	1	8.4	221.7	21	12	12	12	12
T37	B1;2	1	8.4	221.7	15	8	5	7	8
H38	C1;2	1	1.2	4.5	1	1	1	1	1
W39	A1;2;3	1	4.2	55.4	15	2	10	2	2
G40	B1;2	1	8.4	221.7	20	7	7	7	7
T41	A1;2	1	9.6	289.5	20	12	12	12	12
G42	B1;2	1	6.0	113.1	19	7	7	7	7
T43	A1;2	1	9.6	289.5	20	11	10	11	11
T44	A1;2	1	9.4	275.2	19	12	8	12	12
T45	A1;2	1	9.4	275.2	20	13	12	13	13
G46	B1;2	1	5.4	91.6	16	5	10	5	10
T47	A1;2	1	8.6	234.5	20	8	10	10	10
H48	C2	1	1.2	4.5	1	1	1	1	1

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**Annex EDP 5**  
**Tree Preservation Order**  
**Land west of Rumbush Lane, Tidbury Green, Fulford Hill Road, Tidbury Green,**  
**Solihull**  
**Reference TPO 1000**

# TOWN AND COUNTRY PLANNING ACT 1990

## THE METROPOLITAN BOROUGH OF SOLIHULL

### (LAND AT TIDBURY GREEN FARM, FULFORD HALL ROAD, TIDBURY GREEN, SOLIHULL)

#### TREE PRESERVATION ORDER 2013 (NO 1000)

The Metropolitan Borough of Solihull, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order.

#### Citation

1. This Order may be cited as The Metropolitan Borough of Solihull (Land at Tidbury Green Farm, Fulford Hall Road, Tidbury Green, Solihull) Tree Preservation Order 2013 (No 1000)".

#### Interpretation

2. (1) In this Order "the authority" means The Metropolitan Borough of Solihull
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

#### Effect

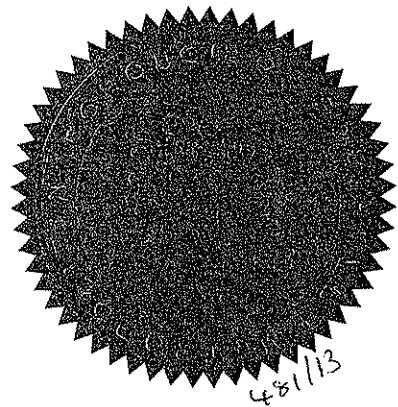
3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:-
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

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

Dated 8th July 2013

The COMMON SEAL of THE )  
METROPOLITAN BOROUGH )  
OF SOLIHULL )



was hereunto affixed in the presence of -

Team Leader – Property and Contracts

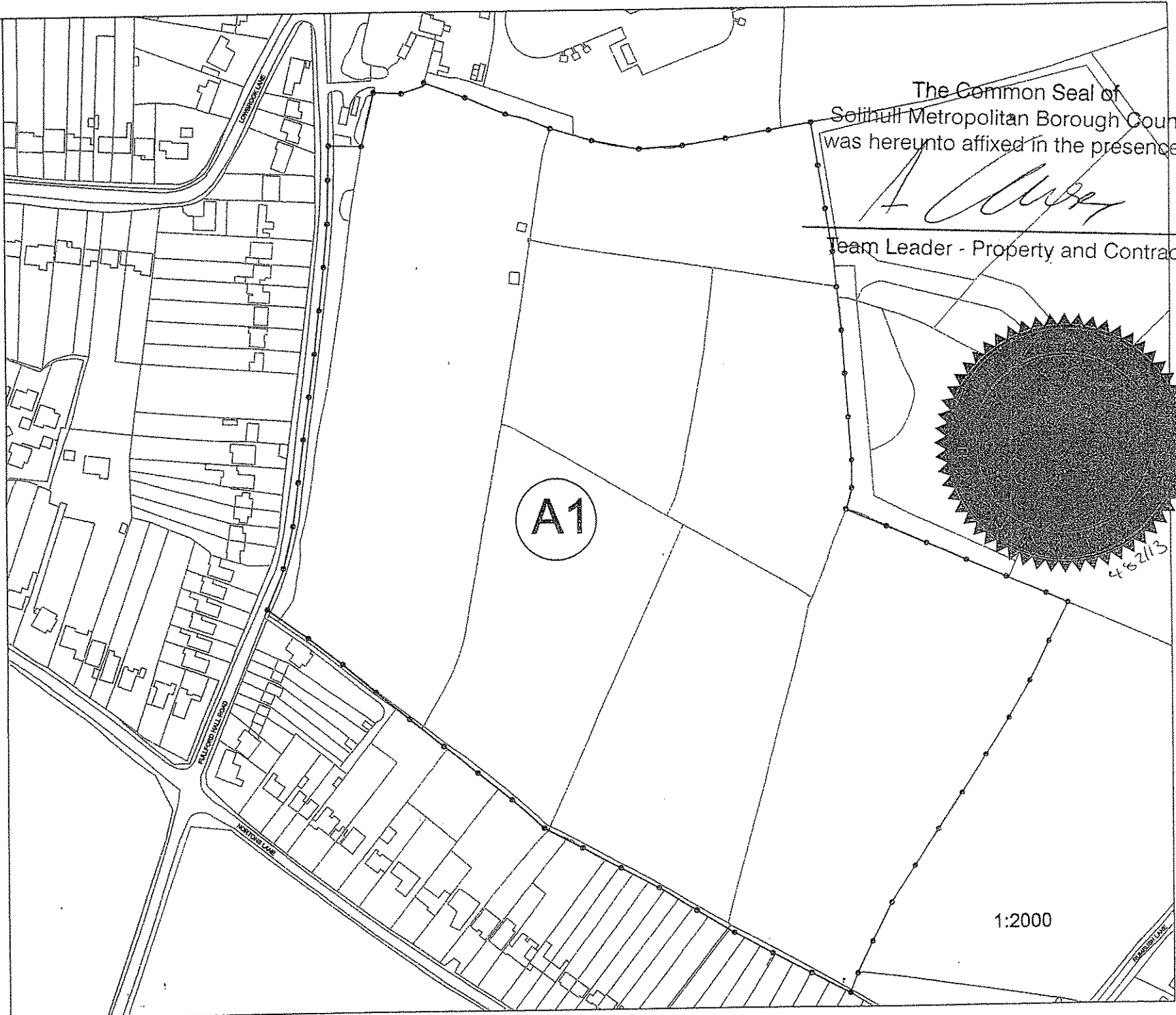
# TIDBURY GREEN

Schedule of Tree species (\*)  
to be considered for  
inclusion in an area Tree  
Preservation Order for the  
proposed Tidbury Green  
development site as  
indicated on this drawing:

- |                  |                    |
|------------------|--------------------|
| Field Maple      | Acer campestre     |
| Common Alder     | Alnus glutinosa    |
| Silver Birch     | Betula pendula     |
| Downy Birch      | Betula pubescens   |
| Ash              | Fraxinus excelsior |
| Holly            | Ilex aquifolium    |
| Crab Apple       | Malus sylvestris   |
| Aspen            | Pipulus tremula    |
| Cherry           | Prunus avium       |
| Pendunculate Oak | Quercus robur      |
| S Leaf Lime      | Tilia cordata      |

● — Boundary to  
suggested  
'Area Tree  
Preservation  
Order'

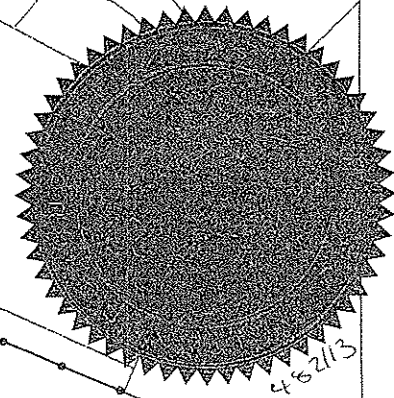
\* Due to current lack of  
Arboricultural survey, all  
Arden characteristic species  
have been included for the  
avoidance of doubt.



The Common Seal of  
Solihull Metropolitan Borough Council  
was hereunto affixed in the presence of

*[Signature]*

Team Leader - Property and Contracts





## SCHEDULE

### SPECIFICATION OF TREES

#### Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

#### Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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A1	Field Maple ( <i>Acer campestre</i> ) Common Alder ( <i>Alnus glutinosa</i> ) Silver Birch ( <i>Betula pendula</i> ) Downy Birch ( <i>Betula pubescens</i> ) Ash ( <i>Fraxinus excelsior</i> ) Holly ( <i>Ilex aquifolium</i> ) Crab Apple ( <i>Malus sylvestris</i> ) Aspen ( <i>Pipulus tremula</i> ) Cherry ( <i>Prunus avium</i> ) Pendunculate Oak ( <i>Quercus robur</i> ) S Leaf Lime ( <i>Tilia cordata</i> )	Land at Tidbury Green Farm, Fulford Hall Road, Tidbury Green
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#### Groups of trees

(within a broken line on the map)

<i>Reference on map</i>	<i>Description</i> (including number of trees in the group)	<i>Situation</i>
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None

#### Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

**NOTICE OF THE MAKING OF  
THE METROPOLITAN BOROUGH OF SOLIHULL  
(LAND AT TIDBURY GREEN FARM, FULFORD HALL ROAD, TIDBURY GREEN,  
SOLIHULL)  
TREE PRESERVATION ORDER 2013 (NO: 1000)**

**IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**

TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

**The Metropolitan Borough of Solihull  
(Land at Tidbury Green Farm, Fulford Hall Road, Tidbury Green, Solihull) Tree Preservation  
Order 2013 (No: 1000)**

THIS IS A FORMAL NOTICE to let you know that on 8th July 2013 the Metropolitan Borough of Solihull (the Council) made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map without the Council's consent.

Some explanatory guidance on Tree Preservation Orders is given in the enclosed leaflet, *Protected Trees: A Guide to Tree Preservation Orders*, produced by the Department of the Environment, Transport and the Regions.

The Council have made the Order because the trees in question have been assessed and a TPO is considered to be justified and expedient in this case.

The Order took effect on 8th July 2013 for a provisional period of six months only. If within that period of six months the Council confirms the Order it will become permanent. Before a decision to confirm the Order is taken, the people affected by it have the right to make objections or other representations.

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing by 12th August 2013. Your comments must comply with regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Mr Kevin Mills, Legal Services, Council House, Manor Square, Solihull, B91 3QB (tel. 0121-704 8168). All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Mr Kevin Mills, Legal Services, Council House, Manor Square, Solihull, B91 3QB (tel. 0121-704 8168).

Dated: 8th July 2013

Signed: Mark Rogers

MARK ROGERS, Chief Executive and Proper Officer  
Solihull MBC, Council House, Manor Square,  
SOLIHULL, West Midlands B91 3QB

# COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2013

## Objections and Representations

- 6(1) Subject to paragraph (2), objections and representations –
- (a) shall be made in writing and -
    - (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
    - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
  - (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and
  - (c) in the case of an objection, shall state the reasons for the objection.
- 6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

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**Annex EDP 6**  
**Tree Preservation Order**  
**Adjacent to 276 Rumbush Lane, Shirley, Solihull, B94 5LX**  
**Reference TPO 666**

**METROPOLITAN BOROUGH OF SOLIHULL**

**TOWN AND COUNTRY PLANNING ACT 1990**

**(Adjacent to 276 Rumbush Lane, Shirley, Solihull B94 5LX)**

**TREE PRESERVATION ORDER 2003 (NO 666)**

The Council of the Metropolitan Borough of Solihull, in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order.

**Citation**

1. This Order may be cited as (Adjacent to 276 Rumbush Lane, Shirley, Solihull B94 5LX) Tree Preservation Order 2003 (No 666)".

**Interpretation**

2. In this Order "the authority" means the Council of the Metropolitan Borough of Solihull 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 8 April 2003.

**Prohibited acts in relation to trees**

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

## Exemptions

5.

(1) Nothing in article 4 shall prevent -

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary -
  - (i) in the interests of the safe operation of the undertaking;
  - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
  - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a

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

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

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

a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,

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

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

a 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.

### **Applications for consent under the Order**

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

(a) identify the tree or trees to which it relates (if necessary, by reference to a plan);

(b) specify the work for which consent is sought; and

(c) contain a statement of the applicant's reasons for making the application.

## **Application of provisions of the Town and Country Planning Act 1990**

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

## **Directions as to replanting**

- 8.
- (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
  - (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.
  - (3) A direction under paragraph (1) may include requirements as to -
    - (a) species;
    - (b) number of trees per hectare;
    - (c) the preparation of the relevant land prior to the replanting; and
    - (d) the erection of fencing necessary for the protection of the newly planted trees.

## **Compensation**

- 9.
- (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of -
    - (a) the refusal of any consent required under this Order; or



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

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

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

(a) if more than 12 months have 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 statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;

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

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

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of 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 8 April 2003

The COMMON SEAL of THE )  
METROPOLITAN BOROUGH )  
OF SOLIHULL )  
was hereunto affixed in the presence of - )



651103

*Kathie Howell*

~~Solicitor to the Council~~

*chief executive*

## SCHEDULE 1

### Article 4

#### SPECIFICATION OF TREES

##### Trees specified individually

(encircled in black on the map)

<i>Reference</i>	<i>Description</i>	<i>Situation</i>
------------------	--------------------	------------------

*on map*

NONE

##### Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference</i>	<i>Description</i>	<i>Situation</i>
------------------	--------------------	------------------

*on map*

NONE

##### Groups of trees

(within a broken line on the map)

<i>Reference</i>	<i>Description</i>	<i>Situation</i>
------------------	--------------------	------------------

*on map* (including number of trees in the group)

NONE

##### Woodlands

(within a continuous black line on the map)

<i>Reference</i>	<i>Description</i>	<i>Situation</i>
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*on map*

W1	Ash (Fraxinus sp.) Oak (Quercus sp.) Birch (Betula sp.) Hawthorn (Crataegus sp.) Poplar (Populus sp.) Willow (Salix sp.) Holly (Ilex sp.) Rowan (Sorbus aucuparia)	
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301289  
 Natalie Thomas  
 2003

Application no.	TPO 666
Site Address	r/o 276 Rumbush Lane, Shirley
Department	Head of Planning Services
Scale	1:1250
Date	2/4/2003



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J.K. WILSON MA(Oxon) Dip TP, MRTPI  
 DIRECTOR OF ENVIRONMENT SERVICES

## SCHEDULE 2

### Article 7

#### PART I

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

*Provision of the Town and*                      *Adaptation or Modification*

*Country Planning Act 1990*

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 section 65 or 71."

(d) Omit subsections (6) and (6A).

(e) In subsection (7), omit the words after "section 78".

## **PART II**

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

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

#### **Section 69**

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order -

(a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and

(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

## **Section 70**

(1) Subject to subsections (1A) and (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) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

## **Section 78**

(1) Where the authority -

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or

(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

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

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served -

(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;

(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

## **Section 79**

(1) On an appeal under section 78 the Secretary of State may -

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which 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.

**NOTICE OF THE MAKING OF  
THE METROPOLITAN BOROUGH OF SOLIHULL  
(Adjacent to 276 Rumbush Lane, Shirley, Solihull B94 5LX)  
TREE PRESERVATION ORDER 2003 (NO: 666)**

**IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**

TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

**The Council of the Metropolitan Borough of Solihull  
(Adjacent to 276 Rumbush Lane, Shirley, Solihull B94 5LX) Tree Preservation Order 2003  
(No: 666)**

THIS IS A FORMAL NOTICE to let you know that on 8 April 2003 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, *Protected Trees: A Guide to Tree Preservation Orders*, produced by the Department of the Environment, Transport and the Regions.

The Council have made the order because the trees contribute greatly to the streetscene, and their loss would adversely affect the character of the area

The order took effect on 8 April 2003 for a provisional period of six months only. If within that period of six months the Council confirms the Order it will become permanent. Before a decision to confirm the order is taken, the people affected by it have the right to make objections or other representations.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any objections or other comments, please make sure we receive them in writing by 13 May. Your comments must comply with regulation 4 of the Town and Country Planning (Trees) Regulations 1999, a copy of which is provided overleaf. Send your comments to Mr M Saunders, Conservation Planner, PO Box 19, The Council House, Solihull B91 3QT (tel. 0121-704 6370). All valid objections or representations are carefully considered before a decision on whether to confirm the order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Mr M Saunders, Conservation Planning, PO Box 19, The Council House, Solihull B91 3QT (tel. 0121-704 6370).

Dated: 8 April 2003

Signed: Katherine Kerswell

K Kerswell, Chief Executive  
Solihull MBC, PO Box 18, Council House  
SOLIHULL, West Midlands B91 3QS

## **COPY OF REGULATION 4 OF THE TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999**

### **Objections and Representations**

4(1) Subject to paragraph (2), objections and representations –

- (a) shall be made in writing and -
  - (i) delivered to the authority not later than the date specified by them under regulation 2(2)(c); or
  - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
- (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and
- (c) in the case of an objection, shall state the reasons for the objection.

4(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

**CIRENCESTER**

Tithe Barn,  
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