

WSD - Local Development Division (Includes ROW/Archaeology/ Ecology/ Highways/Reg3/4/Strategic)	WSE	
Listed Building Design	WSD + CO	
Agricultural Appraisal	WAA	
West Sussex Waste Disposal	WWD	
Commission for Social Care Inspection	RHU	
Playschool Registration Unit	PRU	
Highways Agency and Consultants Interoute	HA & MO	
English Heritage (Parks/Gardens Special Interest only)	EH2	
West Sussex Health Authority (Eastern Area)	WHA	
West Sussex Health Authority (Western Area)	CHA	
Southern Water	SWW	
Environment Agency (Zone 2, 3 or 2/3)	EA	
Portsmouth Water Co.	PW	
Railway consultee	RP	
English Nature	EN	
Sussex Police	POL	
English Heritage (for apps affecting grade 1 or 2* LB's)	EH	
Garden History Society	GHS	
Health & Safety Executive	HSE	
Sport England South East	SPO	
West Sussex Fire and Rescue (Water And Access Management)	WFW	
Department for Environment, Food & Rural Affairs	DEF	
The Countryside Agency	COA	
South East England Regional Assembly	SEE	
Western Sussex Primary Care Trust	PCT	
South East Economic Development Agency	ECD	
National Planning Casework Unit	MFF	
Ministry of Defence Safeguarding - choose from either: general planning applications MO1 , for Wind Turbines MOD , or for Offshore developments MO2		
The Theatres Trust	TIT	
Estates Property	PS	
Adjoining Council (Worthing/ Chichester/Horsham/ North Mundham Parish Council/South Downs National Park)	WOR/CHI/HOR/ NMP/NP	
Landscapes	LDS	
Arboriculturist	HOR	
Environmental Health	FS	
Leisure Services	TL	
Concessions Officer	CON	
Engineers - All to go to Brian Holland + Fluvial flooding (Simon Power) END or Coastal Protection (Roger Spencer) ENC or Structural (Bruce Taunton) ENS	ENG	
Council Tax	CTR	
Building Control	BC	
Economic Regeneration	ER	
Housing Policy	HOU	
Housing Management	CHO	
Local Plans	FP	
Conservation Officer	CO	
Planning Solicitor	LEG	
Elections	EL	
Car Parks	CAR	
Environmental Amenities and Community Safety	EAC	
Windturbine Developments - Directorate of Airspace Policy - CAA Ministry of Defence Safeguarding MOD Ofcom - OFC , NERL Safeguarding-NATS-CTC - WFC		
TSU WILL ALWAYS DO:		
Relevant Parish Council		
CAAC - any app falling within a Conservation Area (enter group code CAA)		
Six Societies - any demolition to a listed building (AMS, CBA, GG, SPA, VS + EH for principle demolition + LOCAL GROUPS ABS, LVC, FVS, AS, EPK, FCG, FNV)		
Ian Brewster - any tree applications (HOR)		
Environment Agency - if development in a flood plain (EA)		
Southern Water - development over a public sewer or If in Barnham Drainage Area		
Adjoining Parish/Town Council if Dual Parish application		
Southern Gas Networks GBO (Check Utility Maps - applies in Shripney and Crossbush)		

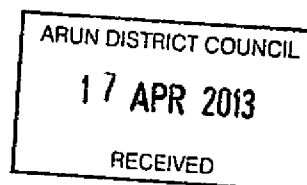


CHARLES CHURCH

Our ref: SB/590/01/04
Your ref:

16th April 2013

Senior Planner
Planning Department
Arun District Council
1st Floor, Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF



For the attention of Peter Cleveland

Dear Peter

Re: Land north of Burndell Road, Yapton

Further to our recent correspondence, please find enclosed a completed application form and three copies in relation to the documents submitted via e-mail on 11th April 2013. Also enclosed is a cheque in respect of the fees associated with discharge of planning conditions.

I would be grateful if you would confirm that the documents as submitted are acceptable and that you are able to discharge Condition 4 of application number Y/81/10 approved at appeal reference APP/C3810/A/11/2155343.

Should you have any queries, or require any additional information in the meantime, please do not hesitate to contact me.

Yours Sincerely
for Charles Church South Coast

Stuart Benfield

Enc.

Charles Church South Coast, Park View House, 100 Wickham Road, Fareham, Hampshire PO16 7HT
Tel. 01329 220301 Fax. 01329 514333 www.charleschurch.com

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Registered Office: Persimmon House, Fufford, York, YO19 4FE

Janice James

From: Nicola Spencer on behalf of Planning.Responses
Sent: 30 April 2013 13:15
To: Planning Scanning; Janice James
Subject: FW: Planning Consultation on Y/24/13/DOC

Nicola Spencer | Technical Support Manager, Planning Department, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37446 | External: +44 (0) 1903 737500 ext 37446 | E-mail: nicola.spencer@arun.gov.uk

Visit Arun's web site at www.arun.gov.uk



Save the environment - think before you print.

From: PlanningSSD [<mailto:PlanningSSD@environment-agency.gov.uk>]
Sent: 30 April 2013 10:00
To: Planning.Responses
Subject: RE: Planning Consultation on Y/24/13/DOC

Thank you for consulting us on the above application.

Having screened the planning application with regard to the development type and location of the proposal, I can confirm that we have no objection to the proposal as submitted.

The application is for the approval of details reserved by condition 4 relating to trees. This falls outside of the remit of the Environment Agency.

Regards
Catherine

Catherine McLeod
Environment Agency – Solent and South Downs
Sustainable Places – Planning Advisor
Tel: 01903 703858
Email : PlanningSSD@environment-agency.gov.uk

From: [REDACTED]
Sent: 24 April 2013 18:01
To: PlanningSSD
Subject: Planning Consultation on Y/24/13/DOC

To: Environment Agency

NOTIFICATION FROM ARUN DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION NO: Y/24/13/DOC
Registered: 17-APR-

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Karen Garner

From: [REDACTED]
Sent: 23 April 2013 15:26
To: Karen Garner
Subject: FW: Land North of Burndell Road, Yapton Y/81/10
Attachments: GTS535-01 A0 500 Tree_Survey.pdf; Yapton AMS Report.pdf; GTS535-02.pdf; Burndell Road, Yapton, West Sussex, New.pdf; Aboricultural implications assessment.pdf

Karen,

As discussed.

Regards

Stuart

Stuart Benfield
Charles Church South Coast
Park View House
100 Wickham Road
Fareham
PO16 7HT

Tel No: 01329 220301
Fax No: 01329 514333

*Documents are
printing.*

From: sbenfield [REDACTED]
Sent: 11 April 2013 11:14
To: 'Peter Cleveland'
Subject: RE: Land North of Burndell Road, Yapton Y/81/10

Peter,

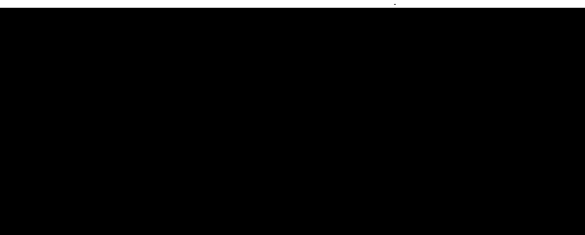
In respect of Condition 4 of Planning Consent Y/81/10 please find attached our Tree Survey and plan, Arb. Implications Assessment and Arb. Method Statement for you comment/approval.

Are you happy to receive the documents in digital format or would you prefer that I also send hard copies? If so, how many copies of each document would you like?

I look forward to hearing from you shortly with any comments you may have and in the meantime look forward to receiving an invoice for the fee associated with the discharge of conditions.

Regards

Stuart



From: Peter Cleveland [mailto:Peter.Cleveland@arun.gov.uk]
Sent: 04 April 2013 11:50
To: Benfield, Stuart

I look forward to hearing from you.

Regards,

Stuart

Stuart Benfield
Charles Church South Coast
Park View House
100 Wickham Road
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PO16 7HT

Tel No: 01329 220301
Fax No: 01329 514333

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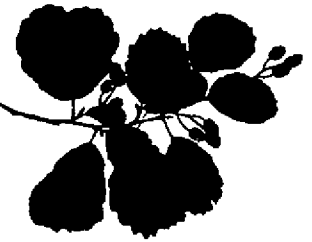
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Y/81/10 - FOR INFO
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Alderwood
Consulting Limited



**Arboricultural
Implications Assessment
in connection with development
at Land North of Burndell Road,
(Goodhew Close),
Yapton**

Prepared by
Jonathan Fulcher DipArb FArborA

Report Reference: D853AIA
Report Date: 13th October 2010

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1 INTRODUCTION

1.1 **Brief:** I have been instructed by M.J. Gleeson Group PLC. to inspect the significant trees on and closely adjacent to the proposed development at Land North of Burndell Road, Yapton and to provide advice on the successful retention and incorporation of trees of amenity value within and closely adjacent to the proposals. In addition this report includes the following information in connection with the planning application:-

- a schedule of the relevant trees giving dimension data and an assessment of their condition; and
- an assessment of the layout proposal with appropriate suggestions for reducing any impact on amenity.

1.2 **Documents provided:** I have been provided with the following drawings:

- Topographical survey of the site by Milton Keynes Surveys Ltd drawing number 13432 dated September 2008 indicating the positions of trees on and closely adjacent to the site. Note: A subsequent survey was issued but for all practical arboricultural purposes the September 2008 survey remains effective.
- Site layout plan at 1:500 shown on the AAP Architecture drawing number P626/01 'Planning Layout - Preliminary' dated May 2010 based on the site survey and indicating the positions of trees on and adjacent to the site, with the proposed siting of the development. A version of this drawing annotated with tree schedule numbering, tree protection zones and tree protection measures is attached as Plan JF1. Note: The drawing has a scale bar to assist with scaling.
- Site layout plan at 1:500 shown on the AAP Architecture drawing number P626/01 'Planning Layout' revision F dated 5th October 2010 based on the site survey and indicating the positions of trees on and adjacent to the site, with the proposed siting of the development. In terms of trees and tree protection there are no significant difference between this plan and the P626/01 plan, and this is the plan showing tree schedule numbering, tree protection zones and tree protection measures attached as Plan JF1.

1.3 **Qualifications and experience:** I have based this report on my site observations and the provided information, and I have come to conclusions in the light of my experience. I have experience and qualifications in arboriculture, details of which are listed in Appendix 1.

1.4 **Tree constraints:** Selected trees on and closely adjacent to the site are included in tree preservation orders (TPO) administered by Arun District Council as the Local Planning Authority. Tree T322, the large oak towards the middle of the site is

identified as an Individual tree in the TPO ref: TPO/1/08/Y. Trees T324d, T324e, T325, T326 and T327 are identified as G1 in the TPO ref: TPO/2/08/Y. Where tree work is proposed for trees protected by TPO (see paragraph 4.7 below), this report serves as an application for consent, with a planning permission being deemed consent for the proposed works. In any case, this arboricultural implications assessment has been prepared in acknowledgement of the general planning principle that trees are a material consideration in the planning process, and acknowledging the Council's relevant tree policies.

2 SITE VISIT AND OBSERVATIONS

- 2.1 **Site visit:** I carried out a site visit on 2nd October 2008 and again on 25 February 2010. All my observations were from ground level without detailed investigations and I estimated all dimensions unless otherwise indicated. I did not have access to trees outside the boundaries and have confined observations of them to what was visible from within the property. The weather at the time of the first inspection was dry and sunny with a light breeze and good visibility; at the time of the second it was overcast and wet, with average visibility.
- 2.2 **Collection of data:** I inspected each significant tree and have indicated the numbering on the annotated site layout enclosed in Appendix 2 as Plan JF1. For each tree, I collected information as recommended in BS 5837:2005 - *Trees in relation to construction - Recommendations*. I have recorded this information in the tree schedule at Appendix 3.
- 2.3 **Subjective assessment of trees:** The information collected at the site visits was used to prepare a tree schedule in line with the recommendations in BS 5837:2005. Trees are categorised on the basis of their suitability for retention on a development site, and brief details of the reasons for each category allocation are provided. There are four categories, which are summarised below:
- 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 R:** Poor trees to be removed
- 2.4 **The root protection zone and location of protective fencing:** BS 5837:2005 gives recommendations for the areas of root protection zones to be equivalent to the area of a circle centred on the tree with a radius of least 12 times the trunk diameter. This distance is given for guidance for each tree in the tree schedule. In practice the siting of the specific protection measures may be different. The implication of the root protection zone is that no significant disturbance should occur within it if the trees are to be successfully retained.

3 ARBORICULTURAL IMPACT APPRAISAL - TREES

- 3.1 **Overview:** The significant trees relating to the proposed development, of which there are few, are mainly on and near the site boundaries. These trees are generally of moderate amenity value and indifferent specimen quality. There is a belt of vegetation along the northern edge of the site. This belt includes many hawthorn trees none of which has particular specimen merit or individual amenity value, but which together form a valuable landscape feature which will be retained. There is a belt of hedge vegetation including a large oak diagonally through the middle of the site, and two other hedges across parts of the site, and this vegetation and the tree will be retained. There are trees with vegetation pushing into the site from the north corner of Ferndale House, and these trees and some of the associated vegetation will be retained. Apart from the trees included in the tree preservation orders few of the trees have particular individual amenity value although some of the trees along the boundaries are useful for giving the site definition and a degree of seclusion and separation from the neighbouring properties. With the noted exceptions discussed in paragraph 3.2 below, the proposal is for trees to be retained and protected during development.
- 3.2 **Tree removals:** There are two areas within the site where there are trees in very poor condition, and trees in these areas are proposed for removal. One area is near the belt of trees G312e, along the line of the existing footpath (Ref. FP170) that runs due north from the garages on the north side of Fordwater Gardens. Trees here are predominantly Monterey cypress (trees T315- T320), all in very poor health and condition. All of these trees, and including the hawthorn T321, are proposed for removal on the grounds of their condition. The other area is due north of the north corner of the rear garden of Ferndale House. This is G324c, again Monterey cypress and also in very poor health and condition. This whole group is proposed for removal on the grounds of its condition. It should be noted that the removal of these two groups of Monterey cypress is reasonable management whether the site is developed or not. The layout also shows tree T324 to be removed. This is a cypress, a tree with no significant amenity value and the potential to become a problem for the owners of the plot in Burndell Road (Cherry Tree Cottage) of which the tree abuts the rear garden. Although there may be vegetation losses from access through the western hedge, there are no other trees proposed for removal relating to the development. Additional tree planting is proposed throughout the site and this will be more than adequate compensation for the loss of trees.

4 ARBORICULTURAL IMPACT APPRAISAL - DEVELOPMENT

- 4.1 **Ground works:** Temporary tree protective fencing will be installed for all retained trees, and for hedges and other areas of scrub that are to be retained, prior to any development-related activities including ground works and the removal of vegetation. For those areas within fenced protection zones requiring

the removal of vegetation, this shall be carried out by hand in conjunction with the landscaping, in advance of the construction phase (subject to seasonal restrictions). There will be no changes of levels within the fenced protection zones.

- 4.2 **Demolition and removal of structures:** There are no significant structures proposed for removal within or close to the protection zones of trees to be retained. For the avoidance of doubt and as additional precautions during site clearance there shall be no fires within 10m of the canopy of any retained tree, and no storage or mixing of harmful materials e.g. DERV fuel, concrete within 10m of the trunk of any retained tree. These constraints will also apply for the duration of the development construction phase. With these precautions there would be no significant adverse impact on retained trees from pre-development activities.
- 4.3 **Existing surfaces:** There are no significant existing surfaces within or close to trees to be retained, and no adverse effects on retained trees from issues relating to existing surfacing.
- 4.4 **Construction of new buildings:** There are no new buildings or other significant structures shown within the protection zones of retained trees, or so close to protection zones that special construction measures are appropriate. In consideration of all the circumstances, special design and construction of foundations in respect of the risk of damage to tree roots is disproportionate and not necessary. Foundations will be appropriate for the buildings and soils in accordance with current best practice and subject to Building Regulations.
- 4.5 **Installation of new surfaces:** Part of the lane forming one of the development loops passes within the protection zone for the oak T322 on its west side; and there is a pedestrian path proposed on the east side of the tree, also within its protection zone. Where surfaces are proposed within tree protection zones they will be installed using a 'no-dig' specification. Excavation will be limited to the removal of the vegetation layer, a nominal 10-15cm, to be carried out by hand. There will be no further excavation. The levels allow these areas to be installed using a no-dig form of construction and will allow the use of a cellular confinement system. For the avoidance of doubt, this method of construction will be used for all the areas indicated on plan JF1 by diamond hatching i.e. within the tree protection zones. Where new surfacing is proposed in these areas, a geotextile membrane will be installed over the existing ground level, with the cellular confinement system laid over the membrane. The cellular confinement system will be to a specification appropriate for the load e.g. emergency vehicles, refuse collection - full engineering specifications may be supplied by the manufacturers. The replacement surface laid over the filled cellular material will be retained by an edging of treated wooden boards secured by driven wooden

pegs. The small change of levels from the new access surface past the edging to the existing ground levels will be managed by a batter formed from good quality topsoil. The restrictions on excavation and the use of a geotextile membrane and cellular confinement system in accordance with the guidelines in Section 11 of BS 5837 will limit the risk of damage to tree roots to an acceptable level. The plan JF1 assumes the installation of the base course of the vehicular access with a temporary capping early in the development process, to allow site access during construction.

- 4.6 **Services:** The site is not already serviced. Although the expectation is that all services will be installed under or close to the proposed access road from Goodhew Close, there is alternative access to the site. These accesses are entirely outside the protection zones of trees to be retained and no special measures in respect of trees are proposed for the main service routes. Services to houses will run under or close to the minor access routes, and there are no situations where these will be within the protection zones for retained trees. Surface water will also be disposed of outside tree protection zones. No special measures in respect of trees are proposed for the installation of services and surface water disposal. The Council may reasonably require details of service routes to be provided as a condition of consent.
- 4.7 **Pruning:** The majority of the retained trees are in normal health and condition and reasonably well clear of development-related activities and there is no requirement for pruning specifically relating to the development proposals. As normal management any dead wood over 2.5cm in diameter should be removed, together with any broken or damaged branches and any debris in the tree crowns. The oak T322 has been pruned badly in the past, and the truncated branches and old pruning stubs should be removed, to give the tree a more natural and attractive appearance. There may be a need for minor crown lifting to give a clearance above the ground of up to 5m, to avoid conflict with the proposed access lane on the west side of the tree's protection zone. The acknowledged principle is that when full planning permission is granted there is implicit consent for whatever tree work is required to allow the planning consent to be implemented. The applicant reserves the right to prune within the terms of a planning permission. Any such pruning works would have no significant adverse effects on the health or amenity value of the trees, would be in accordance with BS 3998:1989 *Recommendations for Tree Work* and would be carried out under the supervision of an appropriately experienced and qualified arboricultural consultant.
- 4.8 **Landscape planting:** A proposed landscape strategy is submitted separately, and provides opportunities for good quality new trees, planted where they will develop into good specimens with amenity value. At present there are few trees of amenity value within the site. This planning application offers the chance for a

significant improvement in the quantity and quality of tree cover for the site, in keeping with the proposed development. Such planting may reasonably be secured by condition, based on the landscape strategy, with details subject to approval by the Council.

5 PROTECTIVE MEASURES

- 5.1 Temporary protective fencing:** This will be erected at the locations shown on plan JF1 prior to the commencement of any development-related activities including site clearance. It will be to the BS 5837:2005 recommendations i.e. preformed galvanised steel mesh panels ('Heras' or similar) facings on a driven braced scaffold pole framework. It will be retained at the locations shown until construction is completed. It may be moved or removed only with notice to and consent from the Council. The fencing will define an operational area for site clearance and construction purposes. Any site clearance work required within the fenced areas shall be carried out in accordance with paragraph 4.2 above. All the trees on adjacent land are legally protected by the difference in ownership. Physically the trees are protected by boundary fencing, either existing or proposed. The presence of such fencing and the matter of ownership ensure that there will be no incursion into the neighbouring properties in any way. Tree protection will be additionally effected by special surfacing (see 4.5 above).
- 5.2 Ground protection:** There are no situations arising from the proposed layout where temporary ground protection is needed as an adjunct to the temporary protective fencing. For the majority of the retained trees the protective fencing will be the only installed protection measure required. For trees such as T322 the installation of special surfacing (see paragraph 4.4 above) will provide ground protection to a sufficient standard.
- 5.3 New surfacing:** This will be installed within tree protection zones as discussed in paragraph 4.4 above.

6 OTHER MATTERS

- 6.1 Ecological interests:** Management of the site will take full account of current legislation and best practice relating to matters of ecological interest. Appropriate assessments will be made, licenses obtained and mitigation measures undertaken in cooperation with the appropriate statutory nature conservation organisations. Species of particular interest include (but are not limited to) badgers, bats and reptiles. Ecological matters are addressed in detail in the submissions from Hyder Consulting.

7 POST OCCUPANCY PRESSURES ON TREES

- 7.1 Effects on trees post occupancy:** The location and character of the proposal has been achieved in consideration of all the site factors including the presence of trees. At the west end of the site there are few trees of significance on the site itself and no amenity aspects or gardens will be unduly affected by trees. To the north the proposed dwellings are separated from the northern vegetation belt by a 4.1m access with a verge. The northernmost dwellings have their main amenity aspects to the south into their rear gardens which will not be influenced by trees. To the north the vegetation belt contains no trees large enough to appear dominant or to occupy skylight to an unreasonable extent. The large oak tree approximately in the centre of the site will be incorporated within open space, and will be separated from the nearest dwellings by accesses and verges. The spatial separation between the tree and the nearest dwellings will ensure that there are no significant perceptions of undue dominance, and the tree will not block direct sunlight or occupy skylight to an unreasonable extent. The small group of trees just north of Ferndale House are also separated from the nearest dwellings by accesses, and the spatial separations between these trees and the nearest dwellings will ensure no adverse impressions of dominance. The layout of dwellings near these trees has taken into account any potential adverse effects on direct sunlight and no dwellings will be unduly shaded by these trees. The dwelling nearest these trees is in a plot that abuts the rear north boundary of Ferndale House. This plot has its rear garden and rear aspect to the south out of the influence of trees, and the trees provide useful separation between this plot and the dwellings to the west, giving this plot a feeling of seclusion and privacy. The retained trees and vegetation within and closely adjacent to the site will not block direct sunlight and will be seen by new occupants as a key part of the special character of the site. It will be in the interests of the new occupants to retain the existing trees and vegetation, and the new planting, in order to retain seclusion and privacy.

8 SUMMARIES

- 8.1 Summary of control during development:** In order to minimise any adverse effects on the retained trees identified, I advise that:-
- Tree surgery including tree removal is carried out prior to the erection of protective fencing and before the commencement of development (subject to seasonal constraints)
 - Temporary tree protective fencing and temporary protective fencing for other retained vegetation is installed at appropriate locations before commencement of development including ground works and is retained until the completion of development

- Temporary tree protective fencing may be moved only with the consent of the Council
- New surfacing within tree protection zones shall be installed with a 'no-dig' specification
- There will be no fires within 10m of the canopy of any retained tree, and no storage or mixing of harmful materials e.g. DERV fuel, concrete within 10m of the trunk of any retained tree

8.2 **Summary of the impact on local amenity:** This layout retains the significant trees on and adjacent to the site, with scope for proper provisions for their protection during development, and their subsequent management, where they lie within the site. If adequate precautions to fully protect the retained trees are implemented as recommended in this report and as may reasonably be required by consent conditions, the overall impact of the proposal on local amenity will be low and limited to the short term only. The proposals also take proper account of potential pressures for pruning and felling post-occupancy. The Council could properly refuse consent for inappropriate works and could expect to be supported in such decisions at appeal.



Jonathan Fulcher DipArb FArborA

Appendix 1

Brief qualifications and experience of Jonathan Fulcher

1. **Qualifications:** I hold the City and Guilds Certificate in Arboriculture, and the Royal Forestry Society's Professional Diploma in Arboriculture, which is one of the premier qualifications within the Arboricultural Profession. I am also a Registered Consultant of the Arboricultural Association.
2. **Practical experience:** I have worked in local government tree management for over twenty years. After cutting my teeth as an arborist at London Borough of Redbridge, I moved to London Borough of Islington where I supervised direct works for three years. I joined New Forest District Council in 1987 where I made and administered Tree Preservation Orders and advised on arboricultural issues relating to planning applications. In 1991, I moved to Poole Borough Council as Senior Arboricultural Officer, leading a small professional team providing a comprehensive arboricultural service to the Council. Duties included arboricultural consultancy on major development proposals, acting as arboricultural witness at Public Inquiries and setting and running tree work contracts. I joined Barrell Treecare as an arboricultural consultant in March 1998, leaving in 2003 to become a fully independent consultant. My clients include development companies, schools, public utilities and Local Planning Authorities. From 2003-2008 I was also one of a small number of arboricultural consultants appointed by the Department for Communities and Local Government (DCLG) for the determination of Tree Preservation Order application appeals.
3. **Continuing professional development:** I am a Fellow of the Arboricultural Association, and have served the Association as a member of their Local Authority Committee, including one year as committee chair. I have been co-organiser of national seminars on Tree Strategies and Tree Preservation Order Enforcement, and given papers and chaired sessions at the Association's annual conferences. I keep professionally current through subscription to the Arboricultural Advisory and Information Service and by regular attendance at seminars and conferences.

Appendix 2

Plan JF1

APPENDIX 3
Land at Burndell Road, Yapton
Tree Schedule and Explanatory Notes

Tree No	Species	Height (m)	Trunk Diameter (cm)	Crown spread (m)		Crown height above ground	Age class	Physiological condition	Structural condition and notes	BS 5837 cat	Root protection area (m)
G312a	Scots pine, cypress	<8	<25	3	3	>0m	Young	Good	Fair - under power lines, poor long-term prospects - on adjacent site	C	3.0
				3	3						
312b	Cypress	10	50?	4	4	>0m	Maturing	Good	Fair - multi-stemmed, dense ivy, slight lean to north	B	6.0
				4	4						
312c	Birch	13	3x35?	5	5	2.0m	Maturing	Good	Good - on adjacent site	B	4.5
				5	5						
312	Oak	16	114	12	12	1.0m	Maturing	Good	Good	A	14.0
				12	12						
G312e	Hawthorn	<8	<40?	6	6	>0m	Maturing /Mature	Fair - thin crowns, die-back	Fair/Poor - multiple stems, one-sided	C	<5.0
				6	6						
315	Monterey cypress	13	M<60?	6	6	0.5m	Mature	Poor - extensive cypress canker	Poor - multi-stemmed, poor stem junctions	R	-
				6	6						
316	Monterey cypress	14	75	4	4	1.5m	Mature	Poor - 90% dead	Poor - multi-stemmed, poor stem junctions	R	-
				4	4						
317	Monterey cypress	N/A	60	n/a	n/a	N/A	Mature	Dead	Dead	R	-
				n/a	n/a						
318	Monterey cypress	13	50	4	4	5.0m	Mature	Poor - extensive cypress canker	Poor - extensive trunk damage	R	-
				4	4						

APPENDIX 3
Land at Burndell Road, Yapton
Tree Schedule and Explanatory Notes

Tree No	Species	Height (m)	Trunk Diameter (cm)	Crown spread (m)		Crown height above ground	Age class	Physiological condition	Structural condition and notes	BS 5837 cat	Root protection area (m)
319	Monterey cypress	13	60?	4	4	5.0m	Mature	Poor - extensive cypress canker	Poor - extensive trunk damage	R	-
				4	4						
320	Monterey cypress	7	M<60	5	5	0.5m	Mature	Poor - extensive cypress canker	Poor - lying on ground	R	-
				5	5						
321	Hawthorn	5	30	3	3	2.0m	Mature	Poor - thin crown, suppressed	Poor - leans, extensive damage to trunk	R	-
				3	3						
322	Oak	14	135	12	12	3.0m	Mature	Good	Good - amateur pruning on one side	A	15.0
				12	12						
323	Beech	8	44	5	5	1.5m	Young	Fair - thin in crown, early leaf loss	Good	C	5.5
				5	5						
323a	Birch	9	30?	4	4	2.0m	Maturing	Good	Good - on adjacent land	C	4.0
				4	4						
324	Cypress	8	57	4	4	0.5m	Maturing	Good	Fair - multiple stems	B	7.0
				4	4						
324a	Oak	8	60?	7	7	2.0m	Maturing	Good	Good - on adjacent land	A	7.5
				7	7						
324b	Hornbeam	10	45?	6	6	2.0m	Maturing	Good	Good - dense undergrowth hinders assessment	A	5.5
				6	6						

APPENDIX 3
Land at Burndell Road, Yapton
Tree Schedule and Explanatory Notes

Tree No	Species	Height (m)	Trunk Diameter (cm)	Crown spread (m)		Crown height above ground	Age class	Physiological condition	Structural condition and notes	BS 5837 cat	Root protection area (m)
G324c	Monterey cypress	<15	<75	6	6	2.0m	Mature	Poor - extensive cypress canker	Poor - extensive basal damage, poor stem and branch questions, crown damage, dead wood	R	-
				6	6						
324d	Hornbeam	11	60?	7	7	2.0m	Maturing	Good	Good - slightly one-sided	A	7.5
				7							
324e	Hornbeam	11	60?x2	7	7	0.5m	Maturing	Good	Good - 2 trunks 0.5m apart	A	7.5
				7	7						
325	Hornbeam	13	51	7	7	2.0m	Maturing	Good	Good	A	6.5
				7	7						
326	Sycamore	15	61	9	9	3.0m	Maturing	Good	Good	A	7.5
				9	9						
327	Hornbeam	13	51	8	8	2.0m	Maturing	Good	Good	A	6.5
				8	8						

APPENDIX 3
Land at Burndell Road, Yapton
Tree Schedule and Explanatory Notes

Abbreviations:

G	: Group
m	: Metre
>	: Greater than
<	: Less than

Botanical tree names:

Beech	: <i>Fagus sylvatica</i>
Birch	: <i>Betula pendula</i>
Cypress	: <i>Cupressus</i> sp
Hawthorn	: <i>Crataegus monogyna</i>
Hornbeam	: <i>Carpinus betulus</i>
Monterey cypress	: <i>Cupressus macrocarpa</i>
Oak	: <i>Quercus robur</i>
Scots pine	: <i>Pinus sylvestris</i>
Sycamore	: <i>Acer pseudoplatanus</i>

Explanatory Notes

- **Reference numbers:** Accessible trees have been given a numbered aluminium tag and this number is given in the tree schedule and on the site plans. Inaccessible trees have not been tagged, but have been given the tag number of the previous tree with a 'b', 'c' etc.
- **Species:** I based the species identification on my visual observations.
- **Height:** Height is estimated to the nearest metre.
- **Trunk diameter:** Trunk diameter for accessible trees has been measured with a diameter tape and recorded in centimetres. Inaccessible trunk diameters are estimates, indicated with '?'. Trees with multiple trunks have their largest trunk diameter given.
- **Crown spread:** Crown spread for site boundary trees is estimated in the direction of the proposed development. Crown spread for trees within the site is estimated at the four cardinal compass points. The distances given as appropriate correspond to crown spreads to the four cardinal compass points as shown in the grid below:

N	E
W	S

- **Crown height above ground:** The height of the crown clearance above the ground over the site is estimated to the nearest 0.5m.

APPENDIX 3
Land at Burndell Road, Yapton
Tree Schedule and Explanatory Notes

- **Age class:** Tree maturity has been assessed as mature (last one third of life expectancy), maturing (one third to two thirds life expectancy) and young (less than one third life expectancy) to correspond to the classes given in BS 5837:2005. There are no over mature or veteran trees included in the schedule.
- **Physiological condition:** This is an indication of the health and physiological condition of the tree, using at least the four categories in BS 5837:2005 (good, fair, poor, dead).
- **Structural condition:** This is an indication of the structural condition of the tree, e.g. collapsing, the presence of physical defects.
- **BS 5837 category:** As advised in BS 5837:2005. This grading is based on the estimated remaining contribution in years i.e. A - more than 40; B - 20-40; C - 10-20; R - less than 10.
- **Root protection area:** The area of root protection should be equivalent to the area of a circle centred on the tree with a radius of least 12 times the trunk diameter. This column gives the radius of such a circle; the distance may not be the same as the distance for protective fencing.

Town and Country Planning Act 1990

Insert title
of Order
(including
year)

TREE PRESERVATION ORDER, 2008

**Ref: TPO/2/08/Y GROUP OF TREES ON LAND AT THE REAR OF
FERNDALE HOUSE, BURNDALL ROAD, YAPTON, WEST SUSSEX.
GRID REFERENCE 986032**

Insert name
of Council The ARUN DISTRICT COUNCIL in exercise of the powers conferred on them by sections 198 [201^(a)] [and
203 of the Town and Country Planning Act 1990^(b)], hereby make the following Order:-

Citation

Insert title
of Order
(including
year)

1. This Order may be cited as THE ARUN DISTRICT COUNCIL TREE PRESERVATION ORDER REF:
TPO/2/08/Y

Interpretation

Name of
Council
making the
Order

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

[Application of section 201

Insert date

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 13th March 2008.

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders)^(c)
[or subsection (3) of section 200 (orders affecting land where Forestry Commissioners interested)], and
subject to article 5, no person shall -

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy, or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful
destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified,
except with the consent of the authority and, where such consent is given subject to conditions, in
accordance with those conditions.

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^(d) 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^(e);

(a) Under section 199(1), tree preservation orders generally do not take effect until confirmed, but a direction may be given under
section 201 for an order to take provisional effect immediately.

(b) Where the Order is to be made under the sections cited and section 300 of the Town and Country Planning Act 1990, all those
provisions should be cited, as should the fact of the consent of the appropriate authority. As to the circumstances in which the
consent of the Forestry Commission is required (and should be cited) see section 200(1) of that Act.

(c) Subsection (6) of section 198 exempts from the application of tree preservation orders the cutting down, uprooting, topping or
lopping of trees which are dying, dead or have become dangerous, or the undertaking of those acts in compliance with
obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a
nuisance. Subsection (7) of that section makes section 198 subject to section 39(2) of the Housing and Planning Act 1986
(c.63) (saving for effect of section 2(4) of the Opencast Coal Act 1958 on land affected by a tree preservation order despite its
repeal) and section 15 of the Forestry Act 1967 (c.10) (licences under that Act to fell trees comprised in a tree preservation

- order).
- (d) See section 263 of the Town and Country Planning Act 1990.
- (e) S.I. 1995/418.
- (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^(a); 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^(b).

(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)^(c),
- 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^(d) 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 for 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 1 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.

- (a) 1991 c.59, see section 72
- (b) 1989 c.29
- (c) 1986 c.31
- (d) 1984 c.12

(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.

~~[Application to trees to be planted pursuant to a condition]~~

~~10. In relation to the tree[s] identified in the first column of Schedule 1 by the letter "C", being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [these trees are planted].~~

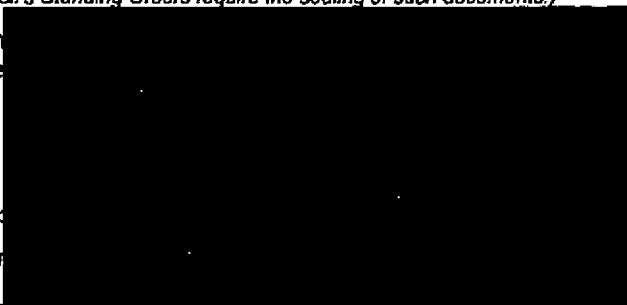
~~[Orders made by virtue of section 300]~~

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

Dated this 13th day of March 2008 (month and year)

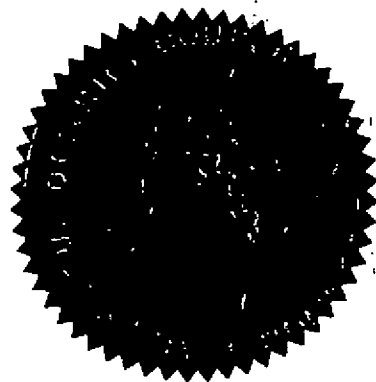
(if the Council's Standing Orders require the sealing of such documents:)

[The Council
was here



(if the Council

[Signed on



45/2008

Authorised by the Council to sign in that behalf]

[CONFIRMATION OF ORDER

[This Order was confirmed by the (name of Council)
without modification on the day of

(month and year)] OR

[This Order was confirmed by the (name of Council)
subject to the modifications indicated by (state how indicated)
on the day of

(month and year)]

Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the (name of Council)
on the day of

(month and year)

Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

This Order was varied by the (name of Council)
on the day of (month and year) under the reference number

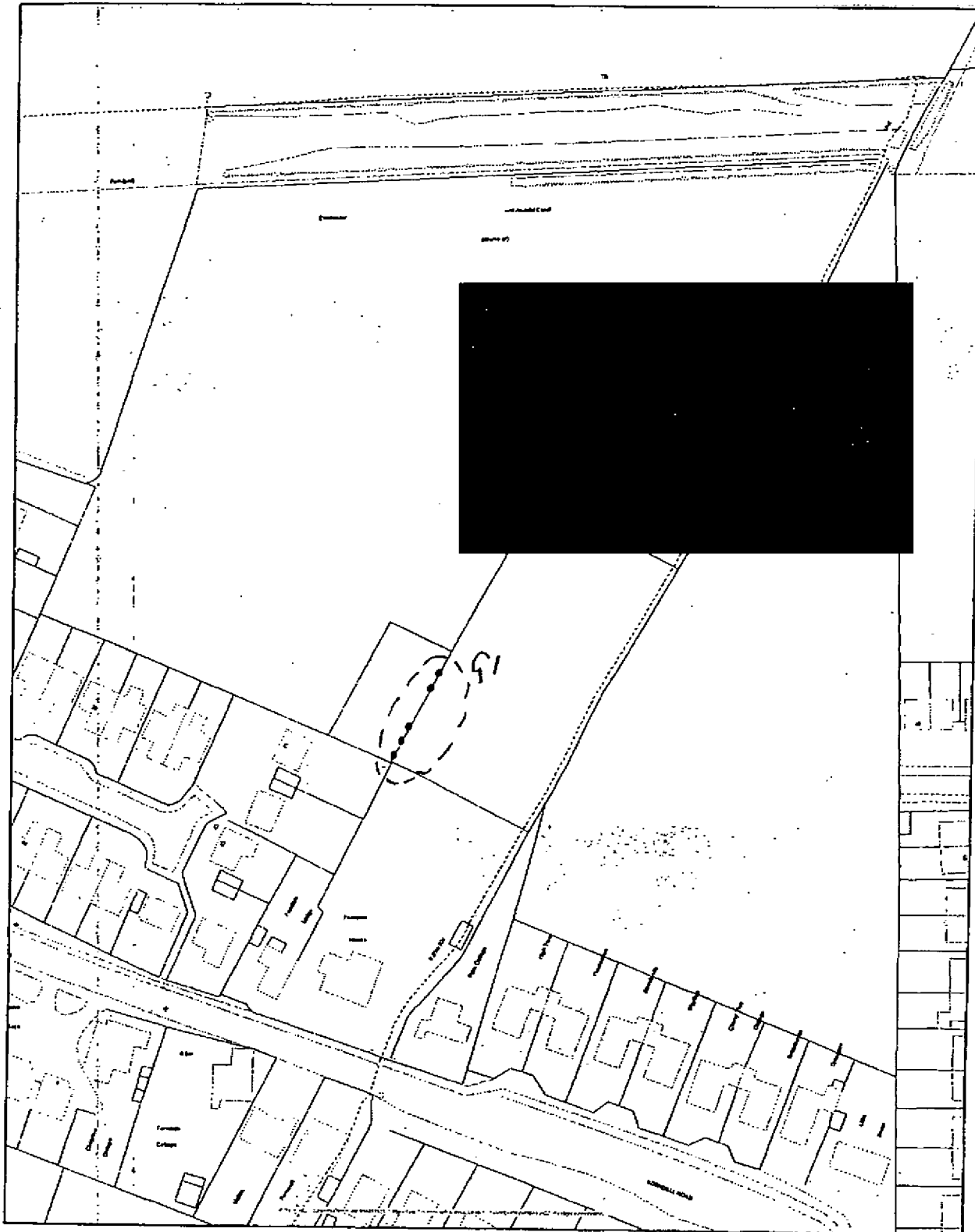
Authorised by the Council to sign in that behalf]

[REVOCATION OF ORDER

This Order was revoked by the (name of Council)
on the day of (month and year) under the reference number

Authorised by the Council to sign in that behalf]

TPO/2/08/Y



ARUN
DISTRICT COUNCIL

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Arun District Council 100018487.

Scale 1/1250

Date 12/3/2008

Centre = 498517 E 103050 N

SCHEDULE 1
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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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>
-------------------------	--------------------	-------------------

Groups of Trees

(within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
-------------------------	--------------------	-------------------

G1

Group of Trees:-
4 Hornbeam Trees
1 Sycamore Tree

Woodlands

(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
-------------------------	--------------------	-------------------

* complete if necessary to specify more precisely the position of the trees.

SCHEDULE 2

PART I

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

Provisions of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	(a) In subsection (1) - (i) omit - "in such manner as may be prescribed by a development order"; "such" in the second place where it appears, and "as may be so prescribed"; and (ii) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission". (b) In subsection (2) - (i) after "contain" insert ", as regards each such order"; and (ii) for paragraphs (a) and (b) substitute - "(a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.". (c) Omit subsections (3) and (4) (as required by section 198(4)).
Section 70 (determination of applications: general considerations)	(a) In subsection (1) - (i) substitute - "Subject to subsections (1A) and (1B), where" for "Where"; "the authority" for "a local planning authority"; "consent under a tree preservation order" for "planning permission" where those words first appear, and "consent under the order" for "planning permission" in both of the other places where those words appear; (ii) after "think fit", insert - "(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and (iii) omit "subject to sections 91 and 92,". (b) After subsection (1) insert - "(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area. (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting)." (c) Omit subsections (2) and (3).
Section 75 (effect of planning permission)	(a) In subsection (1) substitute - (i) "Any" for the words from "Without" to "any"; (ii) "consent under a tree preservation order" for "planning permission to develop land"; (iii) "the consent" for "the permission"; and (iv) "the land to which the order relates" for "the land". (b) Omit subsections (2) and (3).
Section 78 (right to appeal against planning decisions and failure to take such decisions)	(a) In subsection (1) substitute - (i) "the authority" for "a local planning authority"; (ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear; (iii) "consent under such an order" for "planning permission" in the second place where those words appear; (iv) for paragraph (c) substitute - "(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority.". (b) Omit subsection (2). (c) In subsection (3), for "served within such time and in such manner as may be prescribed by a development order," substitute - "in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served - (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow; (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant." (d) For subsection (4), substitute - "(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)." (e) For subsection (5), substitute - "(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question."
Section 79 (determination of appeals)*	(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority". (b) Omit subsection (3). (c) In subsection (4), substitute - (i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5"; (ii) "consent under a tree preservation order" for "planning permission"; and (iii) "the authority" for "the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 85 or 71." (d) Omit subsections (6) and (6A). (e) In subsection (7), omit the words after "section 78".

*Section 79 was amended by the Planning and Compensation Act 1991 (c. 34), section 18 and Schedule 7, paragraph 19.

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 insofar as the consent otherwise provides) ensure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

Section 78

(1) Where the authority -

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

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

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

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

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

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

Section 79

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

(a) allow or dismiss the appeal, or

(b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to him in the first instance.

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

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

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

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

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

Dated this 13th day of March 2008 (month and year)

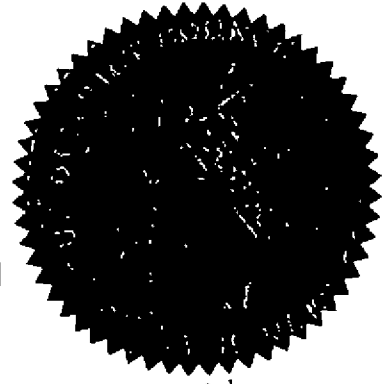
(if the Council's Standing Orders require the sealing of such documents:)

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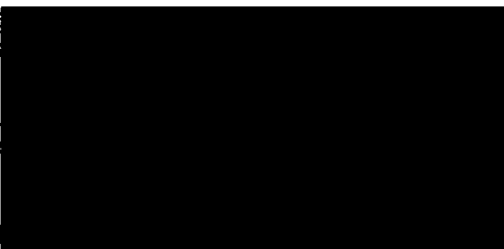
45/2008

Authorised by the Council to sign in that behalf]

[CONFIRMATION OF ORDER

[This Order was confirmed by the (name of Council)
without modification on the 22nd day of April 2008 (month and year)] OR

[This Order was confirmed by
subject to the modifications
on the day of



(month and year)]

Authorised by the Council to

[DECISION NOT TO CONFIRM

A decision not to confirm this Order was taken by the (name of Council)
on the day of (month and year)

Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

This Order was varied by the (name of Council)
on the day of (month and year) under the reference number

Authorised by the Council to sign in that behalf]

[REVOCATION OF ORDER

This Order was revoked by the (name of Council)
on the day of (month and year) under the reference number

Authorised by the Council to sign in that behalf]

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plans: P626/01 Rev P; P626/A/01; P626/A/02; P626/B/01; P626/B/02; P626/C/01; P626/C/02; P626/D/01; P626/D/02; P626/E/01; P626/E/02; P626/F/03; P626/G/01; P626/G/02; P626/G/03; P626/H/01; P626/H/02; P626/H/03; P626/J/01; P626/J/02; P626/K/01; P626/K/02; P626/K/03; P626/L/01; P626/L/02; P626/M/01; P626/P/01; P626/P/02; P626/R/01; P626/R/02; P626/R/03; P626/T/01 Rev B; P626/U/01; P626/U/02; P626/V/01; P626/V/02; P626/GAR/01; P626/GAR/02; P626/GAR/03; P626/GAR/04; P626/GAR/05; P626/LSAA/01 Rev B; P626/LOC/01; 14768 Revision 1; P626/X/01; P626/RLTH/01; P626/RLTH/02; P626/H/04; P626/02 Rev A; P626/SS/01 Rev E; P626/Y/01; and P626/Z/01.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until an arboricultural method statement prepared by an arboricultural consultant (holding a nationally recognised arboricultural qualification) providing comprehensive details of development works in relation to trees and shrubs to be retained has been submitted to and approved in writing by the local planning authority. All works shall, subsequently, be carried out in strict accordance with the approved details. In particular, the method statement shall provide the following:
 - i A specification for protective fencing to trees the subject of Tree Preservation Orders and other trees identified for retention during both demolition and construction phases which complies with BS 5837:2005.
 - ii A statement describing how the shrub and hedging areas within the site will be protected during the development.
 - iii A schedule of tree works conforming to BS 3998:2010 'Recommendations for Tree Work'.
 - iv Details of all other activities which have implications for trees on or adjacent to the site. This shall include mitigation measures for the oak T322 by soil aeration and a statement of works describing how T326, 324d and 324e will be pruned to produce a visually aesthetic and safe landscape feature [the trees are as numbered in the report "Arboricultural Implications Assessment in connection with development at Land North of Burndell Road (Goodhew Close), Yapton" by Alderwood Consulting Limited and dated 13 October 2010].
 - v Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and the procedure for notifying the local planning authority of the supervisory visits.
5. No development shall take place until such time that fully detailed proposals for the surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The design shall follow the hierarchy of preference for different types of

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submitted

surface water drainage systems as set out in Approved Document H of the Building Regulations and the recommendations of PPS 25 and the SUDS Manual produced by CIRIA.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location of the proposed structures. The percolation tests and design shall be carried out in accordance with BRE 365 and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway and the highest recorded groundwater table. The scheme shall have provision to ensure that there is capacity in the system to contain below the lowest ground level the 1 in 100 year event plus 30% on stored volumes. Adequate freeboard shall be provided between the base of the soakage structure and the highest recorded ground water level identified in that location.

6. Details of the maintenance and management of the SUDS system shall be set out in writing in a site specific maintenance manual. This manual shall include details of the implementation of the system, financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended life span. The manual shall be submitted to and approved in writing by the local planning authority before development commences on site. Maintenance and management shall be carried out in accordance with the approved manual.
7. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
8. No development shall take place until a detailed scheme of highway works has been submitted to and approved in writing by the local planning authority. The works shall comprise a staggered junction ahead sign to diagram number 507.1 of the Traffic Signs Regulations and General Directions 2002 (TSRGD) on the westbound approach to the A27 junction with Yapton Lane. The sign shall have a height of 1.20 metres, be erected between 245 and 305 metres in advance of the hazard, have clear visibility of 105 metres and be supported on a yellow backing board. In addition, at the end of the A27 right turn lane into Yapton Lane, the priority arrangement shall be highlighted by the provision of additional "Give Way" signs and road markings to diagram number 602 and 1023 of the TSRGD.

No dwelling shall be occupied until the scheme approved by the local planning authority has been completed in full.

9. No dwelling shall be occupied until plans and details for the improvement of the existing public rights of way have been submitted to and approved in writing by the local planning authority. These improvements shall take the form of signing of the legal routes, the provision of dropped crossing points across the proposed internal roads and the provision of surfacing improvements in accordance with a specification to be submitted to and approved in writing by the local planning authority. The approved works shall be implemented in full by the time of the occupation of the 150th dwelling unless otherwise agreed in writing by the local planning authority.
10. No dwelling shall be occupied until the roads serving the respective dwellings have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved in writing by the local planning authority.

following components to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented by deadlines identified within the approved strategy.

1. A preliminary risk assessment which has identified all previous uses and potential contaminants associated with those uses.
2. A conceptual model of the site indicating sources, pathways and receptors as well as potentially unacceptable risks arising from contamination at the site.
3. A site investigation scheme, based on 1, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
4. The site investigation results and the detailed risk assessment 3 and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
5. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in 4 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components shall require the express approval in writing of the local planning authority.

19. A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority prior to any development works in the areas where the need for remediation has been identified. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
20. No development shall take place until details of the foul water drainage system have been submitted to and approved in writing by the local planning authority. No building shall be occupied until the foul drainage works have been carried out in accordance with the agreed details.
21. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow the archaeologist to observe the excavations and record items of interest and finds.

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- access.

11. No dwelling shall be occupied until the car parking spaces relating to the respective dwelling have been constructed in accordance with the approved plans and details. These spaces shall thereafter be retained at all times for car parking associated with the dwelling.
12. No dwelling shall be occupied until covered secure cycle parking spaces relating to the respective dwelling have been provided in accordance with a detailed construction plan which shall have been submitted to and approved in writing by the planning authority.
13. No development shall take place on the site until an effective vehicle wheel cleaning facility has been installed in accordance with details to be submitted to and approved in writing by the local planning authority. Such facility shall be retained in working order throughout the period of work on site.
14. No development shall take place until such time as a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details relating to the number of vehicle movements, routing and management of construction traffic, which shall include matters relating to temporary construction access and signage. The CMP shall also include details as appropriate for each stage of development of all temporary contractors' buildings, plant and stacks of materials as well as provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision shall be retained for these purposes throughout and until the completion of each stage of work on the site.
15. No dwelling shall be occupied until such time as details of the emergency access point to Fordwater Gardens and the timing of provision have been submitted to and approved in writing by the local planning authority. The emergency access shall thereafter be implemented in accordance with the approved details.
16. No development shall take place until a landscaping scheme, including details of hard and soft landscaping, has been submitted to and approved in writing by the local planning authority. The approved details of the landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
17. No development shall take place until the following details of mitigation measures, identified within the Ecological Appraisal report from Hyder dated June 2010 Report No WX82162/C1162/AW/Yapton/v1, have been submitted to and approved in writing by the local planning authority together with a programme for the implementation of the measures:
 - i mitigation and relocation of any reptiles;
 - ii eradication/control of Japanese Knotweed;
 - iii lighting strategy in relation to bats;
 - iv provision and location of suitable bat and bird boxes for use in gardens and/or in public open space areas; and
 - v a construction phase management plan.

Any works to manage or clear vegetation must be undertaken outside of the bird nesting season. The mitigation measures shall be carried out in accordance with the approved details and programme.

18. Prior to the commencement of development (or such other date or stage in development as may be agreed in writing by the local planning authority), a remediation strategy with the