



ARBORICULTURAL PLANNING CONSULTANTS

17 CROSS ROAD  
TADWORTH  
SURREY KT20 5ST

Tel: (01737) 813058  
E-mail: [sja@sjatrees.co.uk](mailto:sja@sjatrees.co.uk)

Principal: Simon R. M. Jones Dip. Arb. (RFS), F. Arbor. A.,  
Arboricultural Association Registered Consultant

Jacqui Lines  
Black & Veatch  
60 High Street  
Redhill  
Surrey  
RH1 1SH

26 March 2018

Our ref.: SJA acr 17372-01a

Dear Jacqui

**Re.: Arboricultural constraints at Mote Park Lake, Maidstone**

Further to your instruction, we visited the above address on Tuesday 6<sup>th</sup> and Wednesday 7<sup>th</sup> March 2018 and surveyed the trees growing within and adjacent to the site in accordance with British Standard BS 5837:2012, *Trees in relation to design, demolition and construction — Recommendations*, Section 4.4. Please find attached a tree survey schedule, along with a tree constraints plan (TCP).

These documents form a baseline assessment to enable the design of a potential re-development to take proper account of the below-ground and above-ground constraints associated with existing trees, and to assist the master planners and the SuDS engineer. **They are not intended to be submitted to the Local Planning Authority (LPA) in support of a planning application.**

Our assessment of which trees might have to be retained, and which can be removed, is based on:

- whether any trees are classed as 'veteran', because their age, size or contribution is of cultural, historical, landscape or nature conservation value;
- which trees' removal could have a significant and adverse impact on the character and appearance of the local landscape, on amenity or on biodiversity; and therefore, would be unlikely to comply with national planning policy guidance;

- which trees are significant for local landscape character, such that their removal would be contrary to local planning policies<sup>1</sup>; and
- our categorisation of the trees, in accordance with BS5837:2012, as summarised in the notes that accompany the tree survey schedule.

As trees growing outside the boundaries of the site are not within your control, we have assumed they will be retained, irrespective of their size, age or condition.

Based on the above, we have identified on the TCP the trees whose removal we consider justifiable in the context of a proposed development. The canopy extents of these are hatched **light blue**. Whilst the removal of any of these trees might be justified, it does not follow that the removal of all of them is necessarily justifiable; particularly if together they provide boundary screening, or are readily visible in views from outside the site. Moreover, a tree shown as one whose removal is justifiable does not mean that it must be removed, nor that its removal is necessarily desirable; it means simply that its removal, if it were to occur, would not have a significant adverse impact on the character and appearance of the local landscape, and therefore it shouldn't be considered a constraint on a proposed layout. As you will see, this applies to all the trees within the site boundary, none of which make a significant contribution to the character and appearance of the local landscape.

By contrast, the canopies of the trees likely to have to be retained are hatched **light green**, the principal ones being: -

- the tall, mature Turkey oak (tree no. 468) above the public footpath and cycleway along the northern edge of Mote Park Lake, and highly visible in long-range views to the south and east;
- the large, mature Holm oak (tree no. 484) to the north of Mote Park Lake, and highly visible in long-range views to the west, south and east;
- the two veteran beech trees nos. 631 and 632 to the east of site; and
- group G3021, consisting primarily of mature yew, growing on the southern bank of Turkey Mill Pond and highly visible from views to the north; the Wellingtonia (tree no.

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<sup>1</sup> Specifically, Policy DM 3 of the Maidstone Borough Council Local Plan, which states: "... new development [must] protect positive landscape character, areas of Ancient Woodland, veteran trees, trees with significant amenity value, important hedgerows, features of biological or geological interest, and the existing public rights of way network from inappropriate development and avoid significant adverse impacts as a result of development."

3020) to the north-east and ash (tree no. 3004) to the south are the two most prominent individuals within the group.

At the time of writing we understand that none of these trees are covered by a Tree Preservation Order (TPO). However, the trees listed above could meet the key criteria for tree preservation, and accordingly the LPA could decide to make a TPO at some time in the future. The presence of a TPO doesn't necessarily mean that a tree must be retained; but in a development context it does mean that the LPA is likely to attach greater importance to its retention, irrespective of the category assigned to it under BS 5837:2012.

The site is not within a conservation area, and consequently there are no constraints on trees in this regard.

None of the groups of trees within or adjacent to the site are classified as "ancient woodland". The closest area of ancient woodland is 0.6km to the east.

The recommended root protection areas (RPAs)<sup>2</sup> of trees that might have to be retained have been calculated in accordance with BS 5837:2012. The limits of these determine the extent of the developable areas of the site, as defined by **green, blue and grey lines** on the plan (corresponding to the assigned category of the tree). These represent the closest points to the trees identified for retention that any development and construction operations, including installation of drainage and underground services or any associated excavations, could take place without encroaching into their RPAs.

However, as there cannot be any excavation or soil disturbance within the RPAs, layout, highway and drainage design should take account of the extent of over dig or working space that may be needed around proposed structures, and of the impact of construction outside RPAs that could affect soil hydrology within RPAs. Consequently, appropriate off-sets from the RPA lines should be incorporated into the design of these features.

Owners of land that is overhung by the canopies of off-site trees have the common law right to cut these canopies back to their boundary, subject to those trees not being covered by a Tree Preservation Order or being within a Conservation Area. Exercising this right is usually acceptable in the case of small trees, and consequently small low quality off-site trees are

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<sup>2</sup> The "minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority." BS 5837, paragraph 3.7.

shown to be cut back on the TCP. Conversely, cutting back to the boundary of a large, visible or high quality off-site tree is likely to lead to an objection being made by the LPA; and so pruning back of large off-site trees has neither been considered nor shown on the TCP.

In our opinion, a planning application based on a layout that respects the constraints shown on the TCP should not give rise to any arboricultural objections from the LPA.

Once completed, please refer the initial development layout and any subsequent revisions to us so we can undertake an arboricultural impact assessment (AIA). We will identify any issues where trees identified for retention may be threatened by the effects of the proposal or by associated demolition or construction operations, advise on the impacts identified, and recommend means whereby they can be avoided or successfully mitigated.

Once the proposed layout has been finalised, as instructed we will complete an arboricultural implications report (AIR) and a tree protection plan (TPP) as supporting documents to be submitted with the planning application, as specified in our fee proposal.

We trust this supplies you with sufficient information for now: if you have any queries or wish to discuss any points, please don't hesitate to contact us.

Yours faithfully

*SJAtrees*

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