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## **Arboricultural Impact Assessment**

### **& Method Statement:**

71 Avenue Road  
London  
NW8 6HP

### **REPORT PREPARED FOR:**

PID (International) Ltd  
71 Avenue Road  
London  
NW8 6HP

### **REPORT PREPARED BY**

James Bell  
MSc. (Env). Arbor. A. Tech. Cert.

Ref: jwmb/rpt2/71avenuerd/AIAAMS

Date: 1<sup>st</sup> June 2023

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## 1.0 Introduction

### 1.1 Purpose & Use of the Method Statement

- 1.1.1 This arboricultural impact assessment & method statement report has been prepared for submission to Camden Council (CC) to accompany a planning application for the demolition of the existing house and the erection of a two storey dwellinghouse with basement, front lightwells and rear infill extension at 71 Avenue Road, London, NW8 6HP. This statement is intended to demonstrate the feasibility of construction without harm to the retained tree resource on and adjoining the site. See material accompanying this report for full scheme details.
- 1.1.2 This document lays down the methodology for any proposed works that may have an effect upon the trees on and adjacent to the site. It is essential within the scope of any contracts related to the development proposals that this method statement is observed and adhered to. It is recommended that this document form part of the work schedule and specification issued to the building contractors and can be used to form part of the contract.
- 1.1.3 Copies of this document should be available for inspection on site. The developer will inform the local planning authority within twenty-four hours if the designated arboriculturist is replaced.

### 1.2 Terms of Reference

- 1.2.1 I am instructed by PID (International) Ltd to prepare an arboricultural impact assessment & method statement report to accompany a planning application for the demolition of the existing house and the erection of a two storey dwellinghouse with basement, front lightwells and rear infill extension at 71 Avenue Road, London, NW8 6HP with reference to British Standards publication: Trees in relation to design, demolition & construction - Recommendations (BS5837:2012).
- 1.2.2 The tree protection plan at Appendix A is based on drawing reference P\_19\_245/P100 Rev K and P\_19\_245/P101 Rev K scale 1:200 @ A3 from Pu Architect, 25 Villiers Road, London, WD19 4AG.

### 1.3 Tree Survey

- 1.3.1 A BS5837:2012 survey of the trees near the proposals was conducted on 15<sup>th</sup> April 2022 by James Bell of Arbortrack Systems Ltd. Full tree survey data is provided at Appendix B.
- 1.3.2 Data from the iGeology app from the British Geological Survey suggests that it is likely that the site has a bedrock geology of London Clay Formation - Clay, Silt and Sand with an unrecorded superficial geology. The prevailing soil conditions evidently provide a reasonable medium for tree growth. Any potential for soil compaction (highly deleterious to root function) during development will depend on the proportion of clay present in the upper profile. The presence of clay in this location would appear to be likely but cannot be confirmed. Further to confirmation of the precise soil type present, a structural engineer may be able to advise further on the local geology and its implications, if any, for development.
- 1.3.3 The mature lime (T13) is subject to a Tree Preservation Order reference TPO\_H38 1957 - see Appendix F. for details.

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## 1.4 Development Proposals & Impact Assessment

- 1.4.1 See section 1.1.1, Appendix A & accompanying material for full details of the development proposals.
- 1.4.2 Trees 2-8 & 16 are approved for removal under a separate consent for the adjoining property. Their current status has not been established by Arbortrack (as of May 2023).
- 1.4.3 The area of soft ground beneath G10 & T11 will be retained as is, and no additional encroachment into this area will be made. The existing driveway's surface will be replaced with a resin-bound permeable surface. It is important that when replacing the surface treatment, the depth of the existing sub-base is not exceeded. Details can be agreed upon via the discharge of an appropriate planning condition if deemed necessary by the Camden Tree Officer.
- 1.4.4 The lightwell proposals on the eastern elevation of the new dwelling make a low and acceptable encroachment (circa 6.5%) into the likely root protection area (RPA) of the lime (T13). No mitigation is possible, but the scale of this impact is very low and acceptable given the known tolerance of this species to root disturbance. The hard standing on the frontage will serve as adequate 'de facto' ground protection.
- 1.4.5 Existing garden paths will be removed and new garden paths will be laid to the rear of the site within the RPA of tree 1 – a low-quality Leyland cypress (*x Cupressocyparis leylandii*). Existing material should be removed carefully by hand and new paths laid to a 'No Dig' specification – see Appendix E for further guidance.
- 1.4.6 The great majority of site works will take place beyond the RPA of retained trees and canopies. Retained trees will be protected throughout the course of development by fencing to the specification recommended by BS5837:2012 - see Appendix C for details.

## 1.5 Sequence of Works

- 1.5.1 The sequence of works should be as follows:
  - tree works required to allow or facilitate development (n/a)
  - erection of tree protection barrier (TPB) on advised line(s)
  - demolition of existing dwelling
  - basement excavation
  - laying/extending of service runs (if/as required)
  - main construction
  - removal of TPB
  - soft landscaping (if agreed)

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## 1.6 Site Supervision

1.6.1 An individual, e.g. the Site Agent, must be nominated to be responsible for all arboricultural matters on site. This person must:

- be present on-site for the majority of the time
- be aware of the arboricultural responsibilities
- have the authority to stop any work that is causing, or has the potential to cause, harm to any retained tree
- be responsible for ensuring that all site operatives are aware of their responsibilities toward trees on site and the consequences of the failure to observe these responsibilities
- make immediate contact with the local authority and/or the designated arboriculturist in the event of any tree-related problems occurring, whether actual or potential

## 1.7 Site Monitoring

1.7.1 The site agent will be responsible for monitoring all arboricultural works, inspecting protective fencing and monitoring all on-site works in the context of tree protection. The designated arboriculturist will be available for site visits on a basis to be agreed upon between the client and planning authority when/if appropriate or required, i.e. if required by condition. It is recommended that a record of site visits is maintained for inspection on-site and copies forwarded to the developer/agent and to the local planning authority. A certificate of practical completion can be produced for sites deemed by all parties to merit this.

1.7.2 It is the responsibility of the client to advise Arbortrack when the project begins and to forward on the approval notice when published on the planning portal, should supervision requirements be stipulated.

1.7.3 Principal contact information: 1/. Mr James Bell. Arbortrack Systems Ltd. Arboricultural Consultant. 07986 122074. 2/. Mr Nick Bell. CC Arboricultural Officer. 0207 9745939. [nick.bell@camden.gov.uk](mailto:nick.bell@camden.gov.uk). 3/. Mr Patrick Urbanski. Pu Architect, 25 Villiers Road, London, WD19 4AG. 07858809627. [pu@puarchitect.com](mailto:pu@puarchitect.com) 4/. Site agent details to be advised.

## 1.8 Statement Adoption

1.8.1 It is recommended that, in due course, acceptance of the recommendations in this report is demonstrated by, for example, the architect specifying in writing to the building contractor that tree care conditions apply in the execution of the contract and by an estimate or written undertaking from the contractor to the architect demonstrating that the practical aspects of observation of such recommendations have been priced in.

1.8.2 If conflicts between any part of a tree and the building arise during the course of development, these can often be resolved quickly and at little cost if a qualified arboriculturist is consulted promptly. Lack of such care is often apparent quickly, and the decline and death of such trees can spoil design aims and can, of course, affect saleability, as well as reflecting poorly on the construction and design personnel involved. Trees that have been the recipients of careful handling during construction add considerably to the appeal and value of the finished development.

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## 2.0 Pre-Development Site Preparation

### 2.1 Arboricultural Works – n/a

### 2.2 Preparation of Surfaces

- 2.2.1 Existing hard standing will serve as effective ‘de facto’ ground protection – specifically for trees G10 to 14 on the frontage of the site.

### 2.3 Installation of Tree Protective Barrier

- 2.3.1 The TPB must be comprised of a vertical and horizontal scaffold framework, braced to resist impacts, with vertical tubes spaced at a maximum level of 3m. On to this, weldmesh panels should be securely fixed with wire scaffold clamps: see section 6.2.2 and Figure 2 of BS5837:2012 (Appendix C). Hardboard or marine ply sheets can be used as an alternative to weldmesh panels, but these must be fixed firmly to the framework. The location of the TPB is shown in Appendix A.
- 2.3.2 This TPB is to be erected before any construction work commences on site, is to remain ‘in situ’ and undamaged for the duration of all work or each phase, and is only to be removed once all work is completed. If any work other than preparatory tree work is deemed necessary prior to the erection of fencing, the designated arboriculturist should be informed to enable his/her presence to oversee the work being carried out.
- 2.3.3 The only other exception is the completion of soft landscaping, but if any excavations, however minor, are to be carried out as part of soft landscaping within RPAs, an arboricultural assessment must be carried out beforehand and any arboricultural protection measures incorporated. The TPB should carry waterproof warning notices denying access within RPAs.
- 2.3.4 The Tree Protection Plan in Appendix A illustrates where the protective fencing should be located to form the boundary of the Tree Protection Zone (TPZ). The TPZ is an exclusion zone and suitable steps should be taken to prevent access by pedestrians and vehicles. The storage of any works materials and equipment should be located outside of the TPZ.

### 2.4 Pre-Development Site Inspection

- 2.4.1 At the instigation of the client/site agent or CC, upon the erection of the fencing, the designated arboriculturist will meet the relevant local authority member on-site to check the standard of the work(s). If there are any amendments required to the protective fencing, these will be agreed upon at this meeting, confirmed in writing, and undertaken thereafter.

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### 3.0 Development Phase

#### 3.1 General Precautions

- 3.1.1 No fires shall be made on any part of the site or within 10m of the furthest extent of the canopy of any tree or group tree to be retained on-site or on land adjoining.
- 3.1.2 No spilling or pouring of fuels, oils, solvents, or tar shall be made on any part of the site.
- 3.1.3 No materials that are likely to have an adverse effect on tree health, such as oil, bitumen or cement, will be stored or discharged within 10 metres of the trunk of a tree that is to be retained.
- 3.1.4 No spillage or discharge of wet mortar or concrete shall be made on any part of the site.
- 3.1.5 No storage of materials shall be made within the protective fences.
- 3.1.6 No breaching or moving of the protective fences shall occur without the approval of the designated arboriculturist.
- 3.1.7 Alterations in levels within the tree protection fence areas shall be avoided.

#### 3.2 Root Protection Areas

- 3.2.1 The RPA is a desirable zone of protection around the trees' rooting system and these have been marked on the plan in Appendix A. The RPAs will lie within the TPZ and therefore be fully fenced off (see Appendix A) unless where appropriate ground protection is offered.

#### 3.3 Site Access, Accommodation & Storage

- 3.3.1 Many site activities are potentially damaging to trees, e.g. material storage, parking, soil compaction and the use of plant machinery. In this latter example, particular care is required to ensure that the operational arcs of excavation and lifting machinery, including their loads, do not physically damage trees when in use or while accessing the site.

#### 3.4 Routing & Installation of Services

- 3.4.1 It is assumed that existing service runs will be reused and/or extended to serve the new dwelling. If, however, new service runs are envisaged, these should avoid RPAs of retained trees where possible. If unavoidable, any trenches within the RPAs of site trees should be hand-dug and kept as narrow as possible. They should not extend to within 1m from the base of any retained tree trunk. Exposed roots larger than 25mm in diameter should be retained with their bark intact and, when exposed, wrapped in dry hessian sacking. A mechanical mole should ideally be used for the section beneath a tree. The mechanical device is sent through the protected area at a depth of no less than 0.6m. Machinery should be selected which can be externally lubricated by water rather than oil etc. The designated arboriculturist should be informed in advance of such operations so that monitoring arrangements can be undertaken.
- 3.4.2 Where crown interference with mature trees is a possibility, over-ground services will be routed in an alternative direction. In relation to this, any landscaping taking place should accommodate the presence of over-ground services and take mature tree size into account.

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### 3.5 Demolition Measures

- 3.5.1 If required, access facilitation pruning should be undertaken to prevent injurious contact between demolition plant and the tree(s). Any such pruning should be undertaken in accordance with British Standards publication: Tree work – Recommendations (BS3998:2010) N.B. it is not evident that this is required on this site.
- 3.5.2 Demolition/removal of structures (including underground structures) within what would otherwise be an RPA should proceed with due caution to avoid unnecessary damage to trees.
- 3.5.3 All plant and vehicles engaged in demolition works (removals only), if not operating on existing hard standing, should either operate outside the RPA or should run on a temporary surface designed to protect the underlying soil structure N.B. existing hard standing will serve as adequate ground protection but can be reinforced if CC require this. See section 6.2.3.3 of BS5837:2012 for further guidance.
- 3.5.4 Where trees stand adjacent to structures scheduled for demolition, it will be necessary to undertake demolition inwards within the footprint of the existing building (often referred to as “top down, pull back”).
- 3.5.5 If the weather is “dry,” the site should be watered down to reduce dust travelling to adjacent properties. Where levels of dust build-up on trees occurs, it may be necessary to seek the advice of the designated arboriculturalist on remedial measures, e.g. hose down the tree(s) immediately following any significant accumulation of dust.
- 3.5.6 Heavy plant used to remove materials should work systematically *away from retained trees*. The aim is to ensure that spoil is removed away from RPAs, but it is very important that the original soil levels are not altered.

### 3.6 Changes in Grade

- 3.6.1 The upper layer of top soil (top 60cm) contains the majority of a tree’s roots, and if this is disturbed by a change in ground level, serious damage can be caused. On this basis, as a minimum, level changes should be avoided within RPAs unless where unavoidable, i.e. the minor encroachment into the RPA of T13.
- 3.6.2 If any significant section of ground level requires raising within RPAs, this should be achieved using coarse, granular material such as pebbles. See section 7.4.4.4 of BS5837:2012.
- 3.6.3 If ground levels need to be altered within 1.5 metres of any tree trunk, prior agreement must be sought and given by the local authority tree officer.

### 3.7 Construction Measures

- 3.7.1 No specialist construction methods are required for the main building footprint in terms of trees.
- 3.7.2 New paths within the RPA of tree 1 should be constructed to a ‘No Dig’ specification - see Appendix E for guidelines. Surfaces should be porous to allow water infiltration & gaseous exchange. Various products are available with warranty & guarantees: contact providers for full details.



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### 3.8 Removal of Tree Protective Barrier

- 3.8.1 The protective fencing may be removed only upon completion of the development phase when all drainage and service runs have been installed and any site machinery has been removed.

### 3.9 Post-Construction Landscaping

- 3.9.1 Following the developing phase, some trees may be subject to either landscaping or seeding beneath their canopy, but at this stage, the protective fencing will have been removed.
- 3.9.2 Any approved landscaping works should avoid the changing of ground levels or deep digging. Mechanised cultivation, such as tractor-mounted rotovation, must not be used within the RPAs of existing trees.
- 3.9.3 Heavy machinery should not be used in the vicinity of any retained trees.
- 3.9.4 If herbicides are to be used, they should be appropriate to their purpose and not be used in such a way as to damage any retained trees or vegetation.
- 3.9.5 Ideally, retained trees should be within a shrub area as this reduces the chances of compaction and disturbance of root systems.

## 4.0 Summary of Proposed Methods

### 4.1 Table of Impacts and Mitigation

- 4.1.1 The table below summarises the main areas where trees could become damaged by the proposed development and the methods that need to be adopted in order to prevent such damage:

<b><u>Impact</u></b>	<b><u>Mitigation</u></b>	<b><u>Reference</u></b>	<b><u>Trees Affected</u></b>
Passage of machinery and storage of materials over RPAs	Construction of protective fencing to acceptable standards	Sections 2.3. Fencing spec Appendix C, Tree Protection Plan Appendix A	1, 9, G10, 11, G12, 13 & 14
New hard standing within RPAs	New paths within RPA of T1 installed to specialist 'No Dig' construction specification	Section 3.7.2 & Appendix E	1

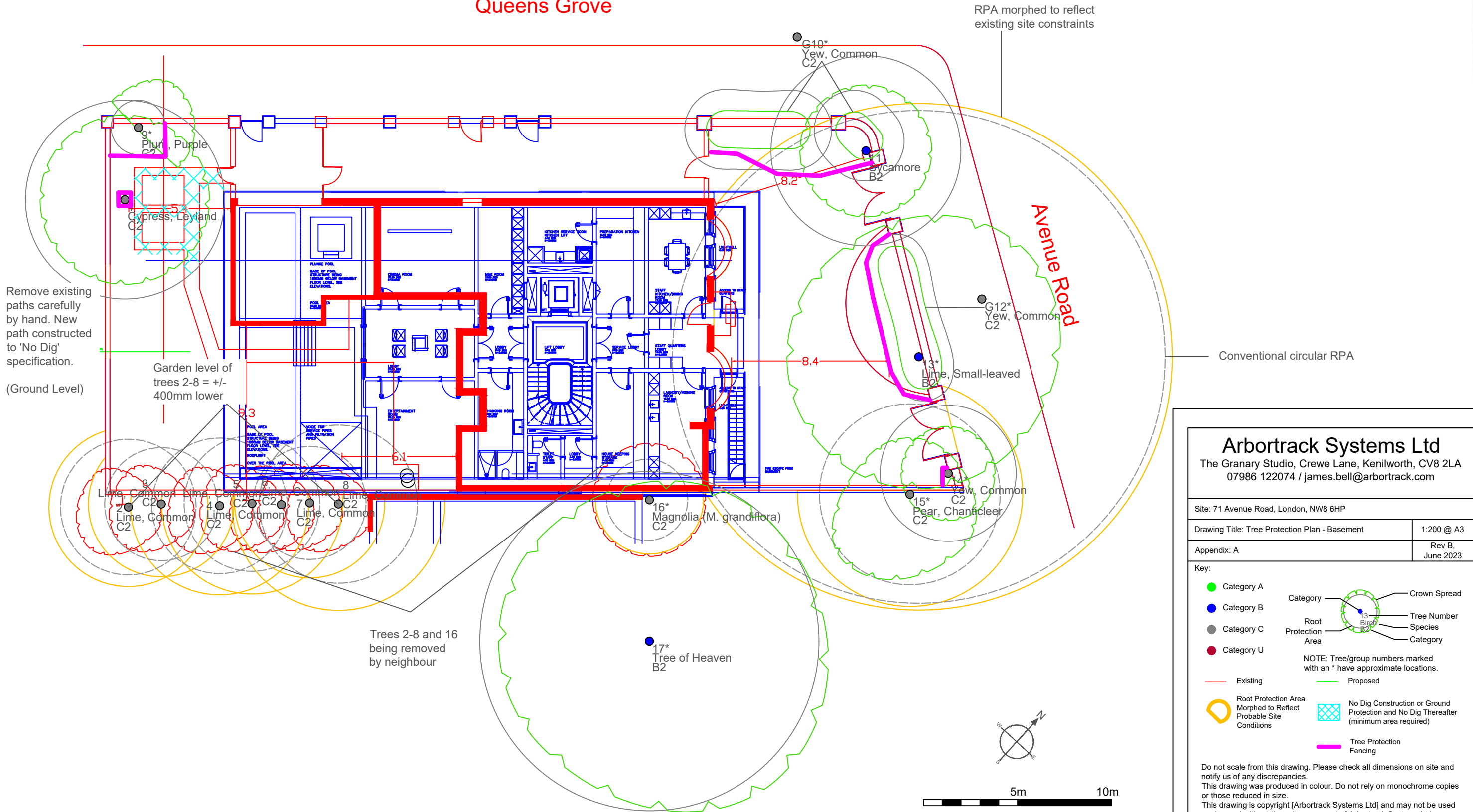
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## **5.0 Completion**

### **5.1 Completion Meeting**

- 5.1.1 Following completion of the approved works on site, the designated arboriculturist will meet with a local authority representative and agree upon any remedial works deemed necessary (if any).
- 5.1.2 Any works agreed in the above meeting will be confirmed in writing and should be performed to BS3998:2010.
- 5.1.3 Any work proposed post-development should be checked to avoid a penalty for performing illegal work on a protected tree.

Queens Grove



Arbortrack Systems Ltd

The Granary Studio, Crewe Lane, Kenilworth, CV8 2LA  
07986 122074 / james.bell@arbortrack.com

Site: 71 Avenue Road, London, NW8 6HP

Drawing Title: Tree Protection Plan - Basement1:200 @ A3

Appendix: ARev B, June 2023

Key:

Category A

Category B

Category C

Category U

Existing

Root Protection Area Morphed to Reflect Probable Site Conditions

Proposed

No Dig Construction or Ground Protection and No Dig Thereafter (minimum area required)

Tree Protection Fencing

Category

Root Protection Area

NOTE: Tree/group numbers marked with an \* have approximate locations.

Crown Spread

Tree Number

Species

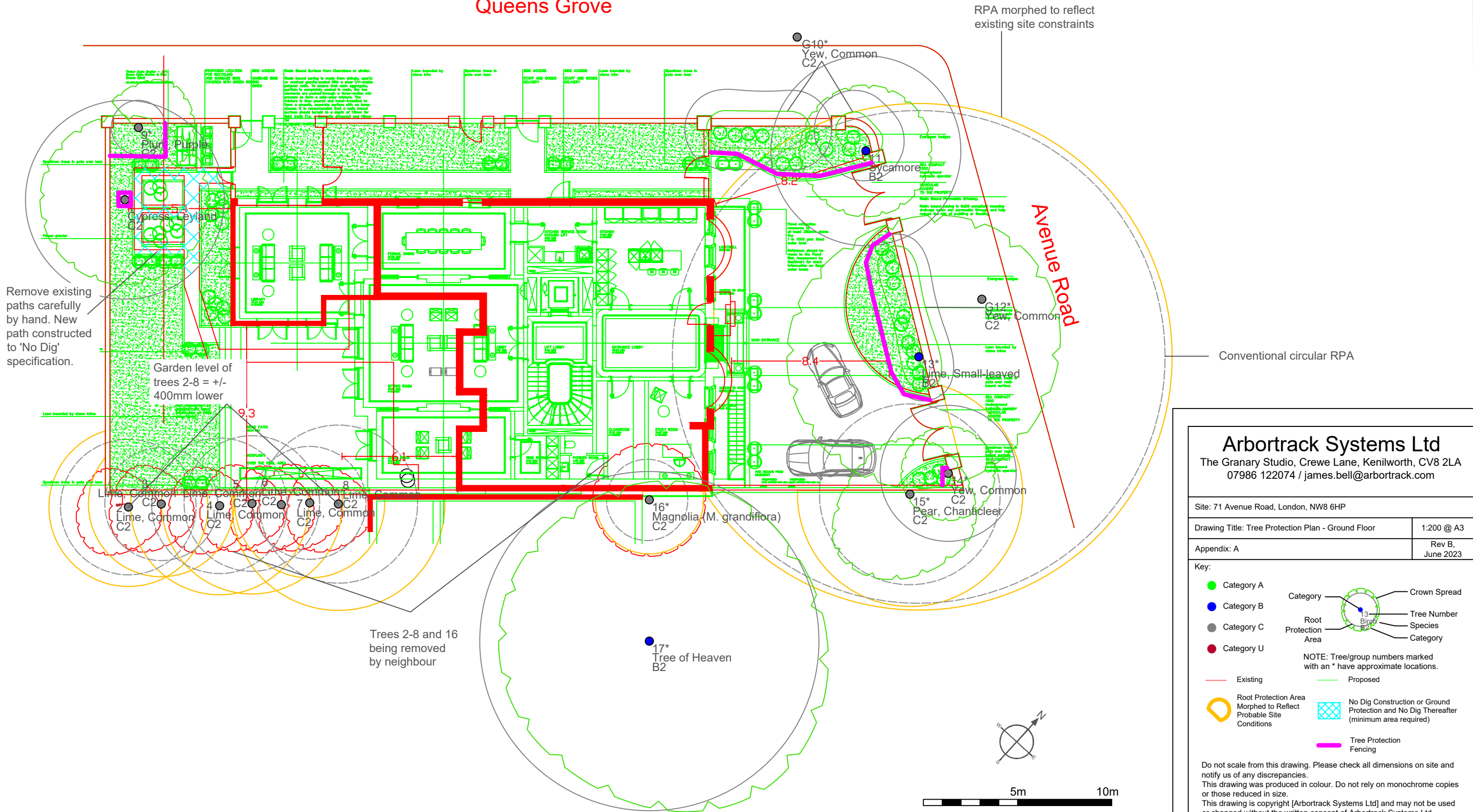
Category

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Queens Grove



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Site: 71 Avenue Road, London, NW8 6HP

Drawing Title: Tree Protection Plan - Ground Floor1:200 @ A3

Appendix: ARev B, June 2023

Key:

● Category A

● Category B

● Category C

● Category U

— Existing

— Proposed

Root Protection Area Morphed to Reflect Probable Site Conditions

No Dig Construction or Ground Protection and No Dig Thereafter (minimum area required)

Tree Protection Fencing

Category

Root Protection Area

NOTE: Tree/group numbers marked with an \* have approximate locations.

Crown Spread

Tree Number

Species

Category

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Site: 71 Avenue Rd

Date: 15th April 2022

## Appendix B

### BS5837:2012 Tree Survey Schedule

Arbortrack Systems Ltd

07986 122074

Surveyor(s): James Bell

Ref: jwmb/rpt2/71avenuerd/AIAAMS



Tree No.	English Name	Height	Crown Spread				Ground Clearance	Stem Diameter	Protection Radius	Age Class	Growth Vitality	Structural Condition	B.S. Cat	Sub Cat	Useful Life	Comments
			N	S	E	W										
1	Cypress, Leyland	8.5	4.5	4.5	4.5	4.5	3	440	5.3	Early Mature	Normal	Good	C	2	20+	Roots lifting pavements Plainly visible from Queens Grovel this
2 - 8	Lime, Common	9	1.5	3	2	2.5	2.5	0	0.0	Semi-mature	Normal	Good	C	2	20+	Pollard (Old) Topped @ 4m & reflushed SD as per plan; larger lime to west not on topo SD = 850#; 2=300, 3=250, 4=300, 5=300, 6=350, 7=250,8=350mm
9	Plum, Purple	3	3	0	3	2	1.5	120	1.4	Semi-mature	Normal	Fair	C	2	10+	Leaning (significantly)
G10	Yew, Common	4	1	1	1	1	2	177 #	2.1	Early Mature	Normal	Good	C	2	20+	Screening 7.5m @ western end of row & 4.5m @ eastern end
11	Sycamore	15	3.5	3.5	3.5	3.5	8	420	5.0	Early Mature	Normal	Good	B	2	20+	Bifurcation @ 8m
G12	Yew, Common	4.5	1	1	1	1	2	136	1.6	Semi-mature	Normal	Good	C	2	20+	Screen Portuguese laurel present too
13	Lime, Small-leaved	18	8	7	7	7	7	1090	13.1	Mature	Normal	Good	B	2	20+	Bifurcation @ 2m Included bark in main stem unions A rather imposing tree; roots damaging front wall & lifting driveway paving

**Site:** 71 Avenue Rd

**Date:** 15th April 2022

## Appendix B

### BS5837:2012 Tree Survey Schedule

**Arbortrack Systems Ltd**

**07986 122074**

**Surveyor(s):** James Bell

**Ref:** jwmb/rpt2/71avenuerd/AIAAMS



Tree No.	English Name	Height	Crown Spread				Ground Clearance	Stem Diameter		Protection Radius	Age Class	Growth Vitality	Structural Condition	B.S. Cat	Sub Cat	Useful Life	Comments
			N	S	E	W											
14	Yew, Common	7	2.5	2.5	2.5	2.5	2.5	301		3.6	Early Mature	Normal	Good	C	2	20+	
15	Pear, Chanticleer	12	3	5	4	3	3	400	#	4.8	Mature	Normal	Good	C	2	10+	Previously reduced Offsite
16	Magnolia (M. grandiflora)	9	3	3	3	3	2	180	#	2.2	Semi-mature	Normal	Good	C	2	20+	Garden ornamental Offsite; remote survey
17	Tree of Heaven	19	9	8	10	8	3	750	#	9.0	Mature	Normal	Good	B	2	20+	Offsite; remote survey

## Appendix B

### Notes on Tree Survey Schedule:

- **Height** describes the approximate height of the tree measured in metres from ground level.
- The **Crown Spread** refers to the crown radius in metres from the stem centre and is expressed as an average of **NSEW** aspect if symmetrical.
- **Ground Clearance** is the height in metres of crown clearance above adjacent ground level.
- **Clear Stem Height** is the distance between trunk base and first branch separation measured in metres.
- **Stem Diameter** is the diameter of the stem measured in millimetres at 1.5m from ground level for single stemmed trees. See section 4.6 for details of treatment for multistems.
- **Protection Radius** is a radial distance in metres measured from the trunk centre.
- **Growth Vitality** - **Normal** growth, **Moderate** (below normal), **Poor** (sparse/weak), **Dead** (dead or dying tree).
- **Structural Condition** - **Good** (no or only minor defects), **Fair** (remediable defects), **Poor** - Major defects present.
- **B.S. Category** refers to (British Standard 5837:2012 Table 1) and refers to tree/group quality and value; '**A**' - High, '**B**' - Moderate, '**C**' - Low, '**U**' - Unsuitable for Retention.
- **Sub Cat** refers to the retention criteria values where **1** is mainly **arboricultural** qualities, **2** is mainly **landscape** qualities and **3** is mainly **cultural** values including conservation.
- **Useful Life** is the tree's estimated remaining contribution in years.
- **First Significant Branch (FSB)** is the height of the first significant branch above ground level taken at the trunk separation point.



## Appendix C Tree Protective Fencing Detail (from BS5837:2012)

Figure 2 Default specification for protective barrier

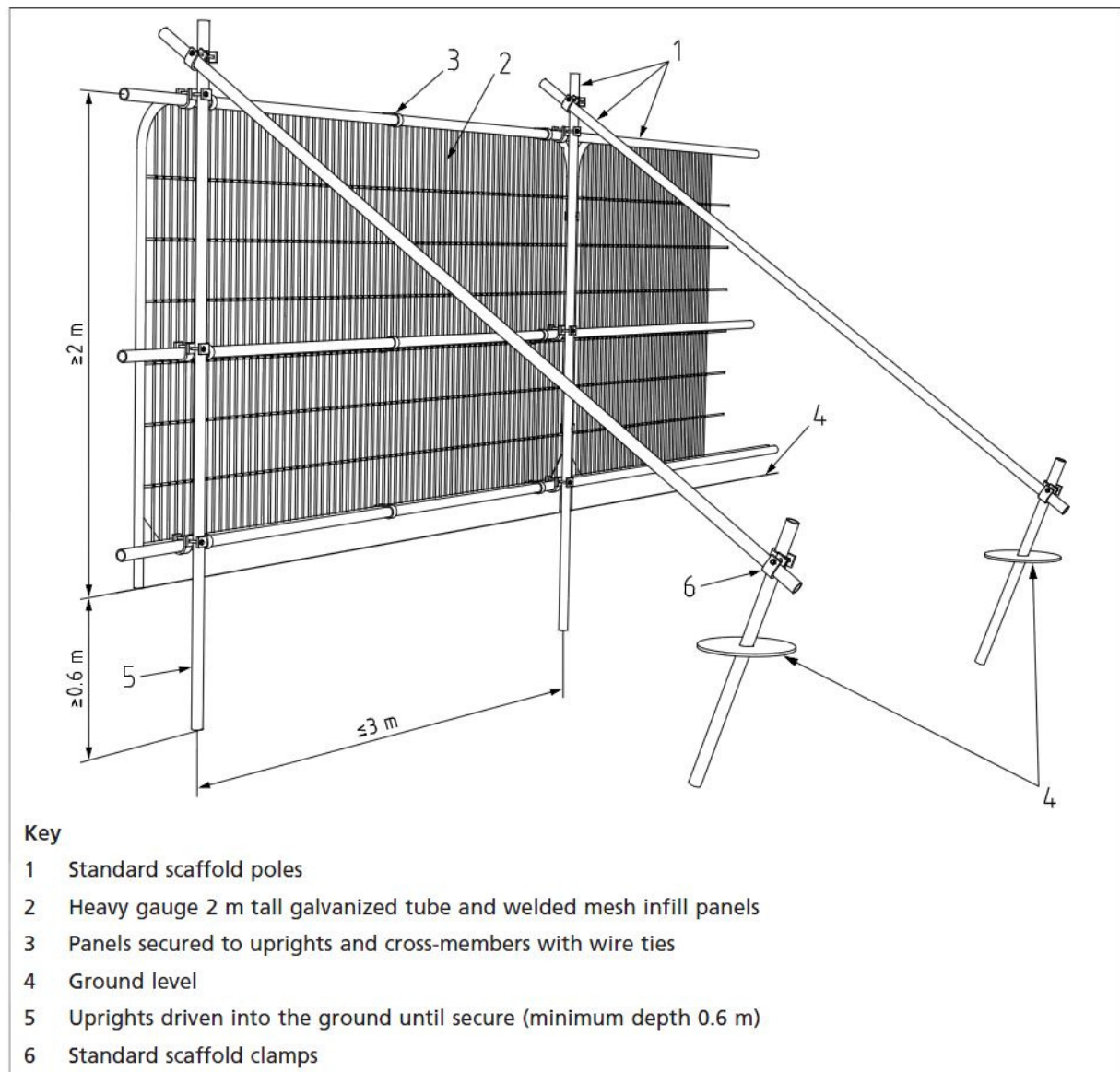
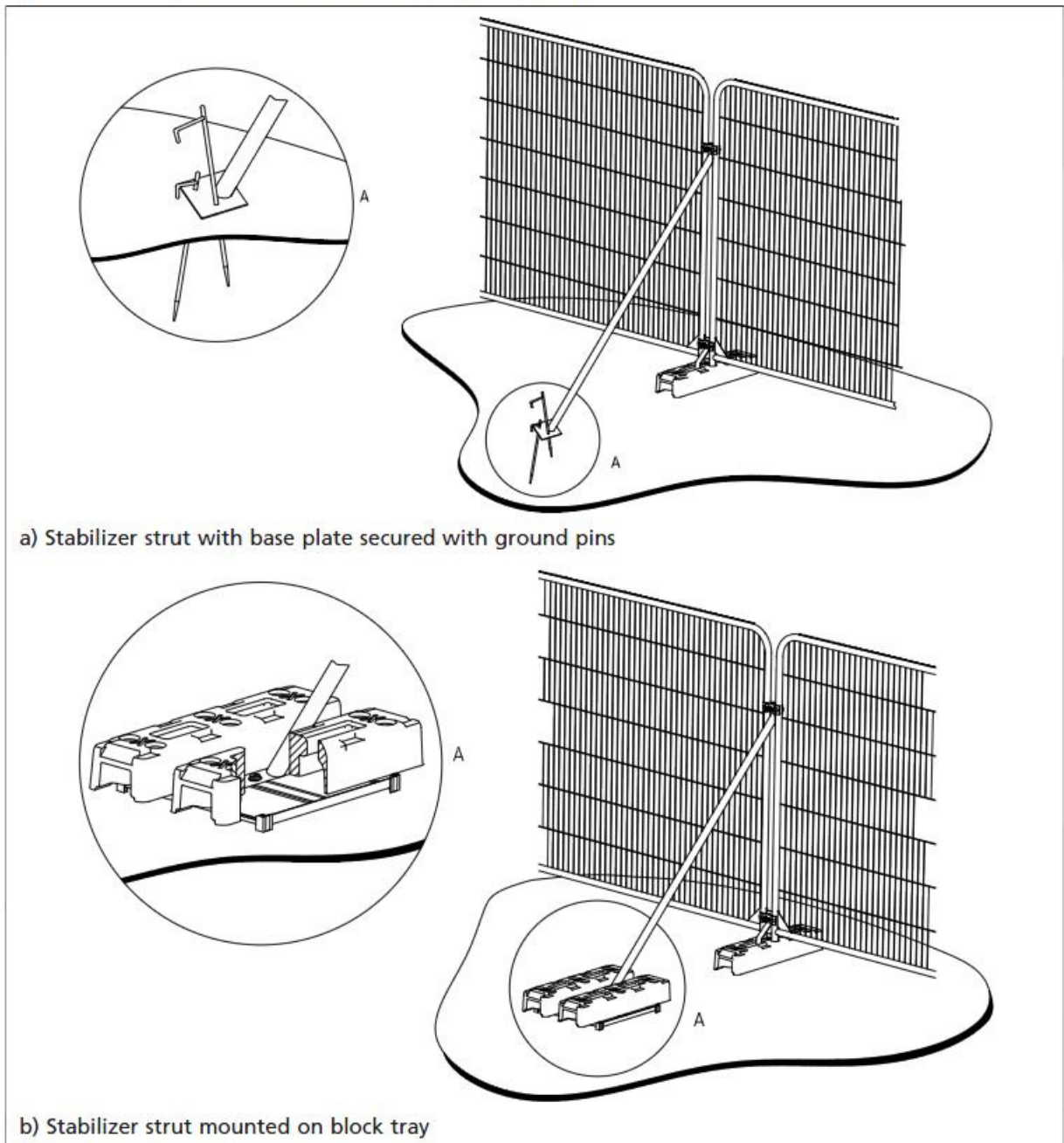




Figure 3 Examples of above-ground stabilizing systems



## Appendix D

### 1.0 Glossary of Terms

<b>Canker</b>	Disease damaged area of a tree, usually caused by fungus or bacteria.
<b>Co-dominant Stem</b>	A stem which has grown in direct competition to the main stem and which has formed a substantial size influencing the appearance of the tree.
<b>Crown Lift</b>	The removal of the lowest branches, usually to a given height. It allows more residual light and greater clearance underneath for vehicles etc.
<b>Crown reduce</b>	The reduction of a tree's height or spread while preserving its natural shape.
<b>Crown thin</b>	The removal of some of the density of a tree's crown, usually 5-25% allowing more light through its canopy and reducing wind resistance.
<b>Deadwood</b>	The removal of all dead, dying and diseased branches from a tree. Also, wood which is dead.
<b>Dieback</b>	Where branches are beginning to show signs of death usually at the tips in the crown.
<b>Epicormic shoots</b>	Small branches that grow in uncharacteristic clusters around the base or the stem of a tree, usually as a result of bad pruning or some other stress factor.
<b>Formative pruning</b>	The trimming of a tree to remove weaknesses and irregularities which may lead to problems. The formative pruning operation is aimed at reducing the potential for future weaknesses or problems within the tree's crown.
<b>Included bark</b>	Where the bark on two adjoining branches or stems is growing tightly together, forming a joint with limited physical strength.
<b>Pollarding</b>	A method of tree management in which the main trunk of the tree is cut at about 4m, and the resulting branches are then cropped on a regular basis.
<b>Remedial pruning</b>	The removal of old stubs, deadwood, epicormic growth, rubbing or crossing branches and other unwanted items from the tree's crown. Sometimes referred to as crown cleaning.
<b>Topping</b>	Topping is a form of pruning that removes terminal growth leaving a 'stub' cut end. Topping causes serious health problems to a tree.

## **2.0 General Guidelines**

- 2.1 All work must be to BS 3998:2010 – Tree work - Recommendations
- 2.2 Staff carrying out the work must be qualified, experienced and ideally be Arboricultural Association approved contractors, and should be covered by adequate public liability insurance.
- 2.3 Any defects seen by a contractor or the client that were not apparent to the consultant must be brought to the consultant's attention immediately.
- 2.4 No liability can be accepted by the consultant in respect of the trees unless the recommendations of this method statement are carried out under the supervision of the designated arboriculturist.
- 2.5 It is advisable to have trees inspected by designated arboriculturist regularly. On this site it is recommended that these inspections are made every year.

## Appendix E

### 'No Dig' Construction-Guidance Notes

- Install F4M Geotextile Separation Fabric over cleared levelled ground surface N.B. ensure that existing material is carefully removed and levels altered minimally: infill with salt free sharp sand where necessary.
- The cellular confinement system (e.g. 1 x 100 mm 'ProtectaWeb' (or equivalent) cellular confinement system subject to site requirements & manufacturer's recommendations) is then laid on the membrane and adjacent panels are stapled together. Place staking pins to maintain 'ProtectaWeb' cells open.
- Panels are then backfilled with 100mm depth of no-fines 20-40mm particle size stone (clean granular fill).
- The construction should ideally be undertaken between May and October when the ground is sufficiently dry to prevent compaction occurring. The sub-base should be flat, that is to say any small hollows should be filled with sharp sand to bring up to surrounding levels.
- The geotextile should be laid out and not trafficked across at any time.
- The 'ProtectaWeb' confinement system should be laid out and worked on as the contractor progresses across the length of the area. The panels are sequentially filled with the no-fines aggregate, each serving as a platform for the next section.
- There is no need at any time for the ground to be crossed by heavy traffic. The particles/gravel pieces are transported from the on site storage area over the freshly-laid confinement system BY WHEELBARROW and installed BY HAND. There will be no trespass on to the root protection area beyond the installation of the confinement system itself.
- The infill can then be rolled to compact the particles and create a tight interlock across the cells. The finished surface can then be laid on top. Again no fines material to be used: porous tarmac is recommended for this site given the level changes that are required.
- New kerb lines may be cast into the ProtectaWeb cells.
- During the main construction phase a wearing course should be placed over the 'ProtectaWeb' system.
- For technical data on the ProtectaWeb system always refer to the manufactures guidelines for design and implementation.

Further technical advice can be gained from the manufacturer(s) including Wrekin Products, Geosynthetics or Core LP.

## APPENDIX F

# THE COUNTY OF LONDON TREE PRESERVATION ORDER 1957

(Sgd.) E.H.T. WILTSHIRE  
(L.S.)  
Assistant Secretary,  
Ministry of Housing  
and Local Government  
29<sup>th</sup> day of May 1938

Sealed by Order

W.O. HART

REGISTERED

Clerk of the London County Council



MAP REFERRED TO IN THE COUNTY OF LONDON  
(HAMPSTEAD No.38) TREE PRESERVATION ORDER.1957.

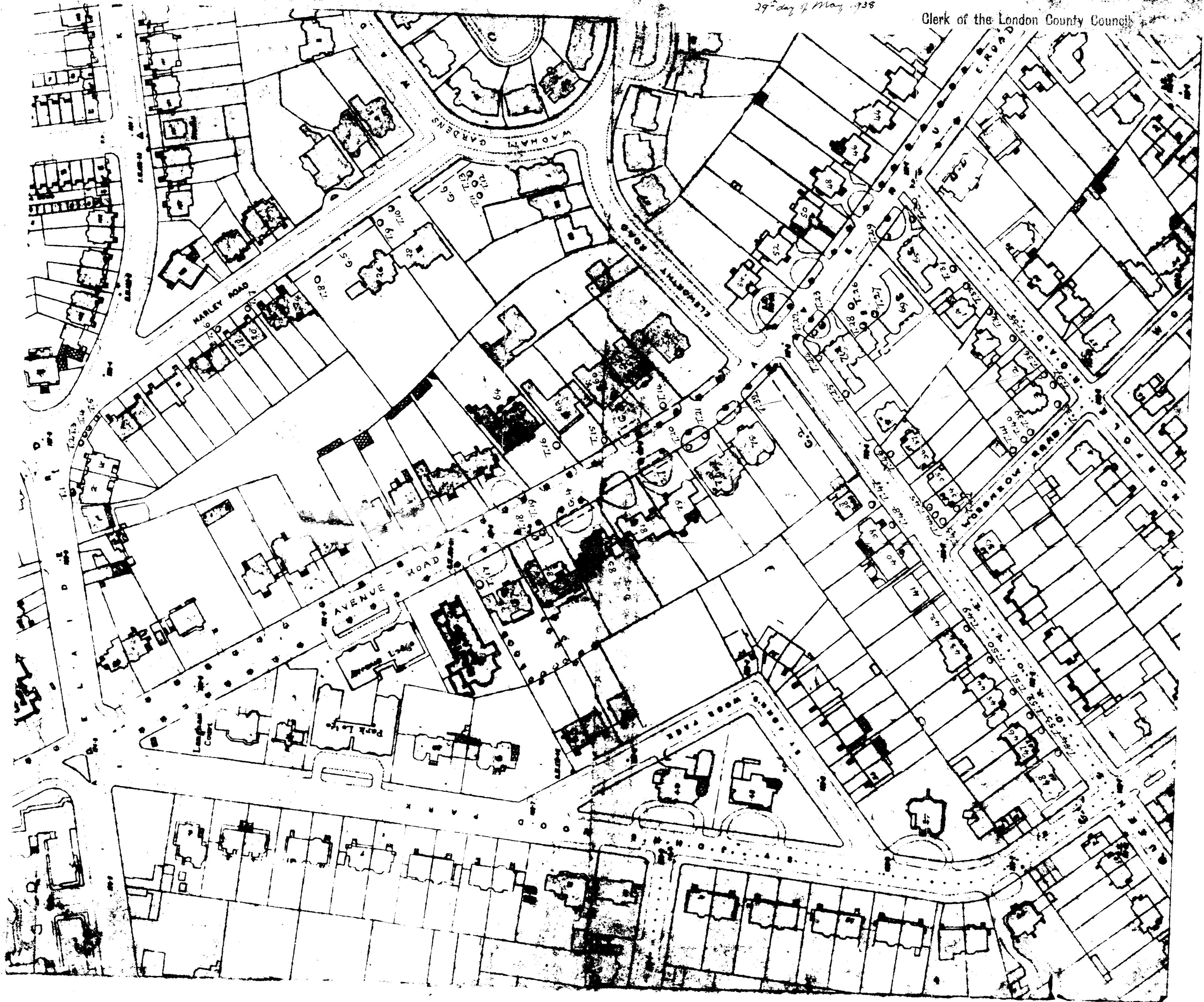
(L.S.)

(Sgd.) E.H.T. WILTSHIRE  
Assistant Secretary,  
Ministry of Housing  
and Local Government  
29<sup>th</sup> day of May 1958

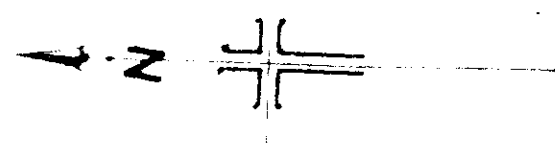
Sealed by Order.

W.O. HART REGISTERED

Clerk of the London County Council



SCALE: 88 FEET TO ONE INCH.



LONDON COUNTY COUNCIL  
PARKS DEPARTMENT.

P 5297

The Minister of Housing and Local Government hereby confirms the foregoing Order.

Given under the official seal of the  
Minister of Housing and Local  
Government this *Twenty-ninth*  
day of *May* nineteen  
hundred and fifty-*eight*

(L.S.)

(Sgd.) E. H. T. WILTSHIRE

Assistant Secretary  
Ministry of Housing and  
Local Government.

TOWN AND COUNTRY PLANNING ACT, 1947

---

## Tree Preservation Order

---

J. G. BARR,  
The Solicitor,  
London County Council,  
The County Hall,  
Westminster Bridge, S.E.1.



66534 ✓

**REGISTERED**

## TOWN AND COUNTRY PLANNING ACT, 1947

The County of London (Hampstead No. 38)  
Tree Preservation Order, 1957

THE LONDON COUNTY COUNCIL (in this Order called "the authority") in pursuance of the powers conferred in that behalf by Section 28 of the Town and Country Planning Act, 1947, hereby make the following Order:—

1. In this Order—

"the Act" means the Town and Country Planning Act, 1947;

"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; a lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more, and a mortgagee in possession; and

"the Minister" means the Minister of Housing and Local Government.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map, sealed with the Common Seal of the authority and marked as being the map referred to in this Order which map and a certified copy thereof have been deposited for inspection, the former at the offices of the authority and the latter at the offices of

the Council of the Metropolitan Borough of Hampstead

which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

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

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

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

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

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

(a) that the refusal or condition is in the interests of good forestry; or

(b) in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

6.—(1) Where consent is granted under this Order to fell any part of a woodland then unless—

(a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or

(b) the authority with the approval of the Minister dispense with replanting, the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall subject to the provisions of this Order replant the said land in accordance with the direction.

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

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

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

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

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

9. In assessing compensation payable under the last preceding Article or under Section 22 of the Act as applied by this Order account shall be taken of:

- (a) any compensation or contribution which has been paid in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 28 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and
- (b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

10.—(1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority such service to be effected by delivering the claim at the offices of the authority addressed to the Clerk thereof or by sending it by prepaid post so addressed.

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

11. Any question of disputed compensation shall be determined in accordance with the provisions of Section 110 of the Act.

12. Any person contravening the provisions of this Order is guilty of an offence under sub-section (6) of Section 28 of the Act and liable on summary conviction to a fine not exceeding fifty pounds; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued.

REGISTERED

## FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY  
(encircled in black on the map)

No. on Map	Description	Situation
T.1	Lime	2 Harley Road ✓
T.2	Lime	
T.3	Lime	
T.4	Lime	4 Harley Road ✓
T.5	Lime	
T.6	Thorn	18 Harley Road ✓
T.7	Ailanthus	20 Harley Road ✓
T.8	Flowering Plum	26 Harley Road ✓
T.9	Sycamore	
T.10	Horse Chestnut	28 Harley Road ✓
T.11	Black Poplar	
T.12	Black Poplar	"Carisbrooke Cottage",
T.13	Black Poplar	1 Wadham Gardens ✓
T.14	Thorn	58 Avenue Road ✓
T.15	Lime	62 Avenue Road ✓
T.16	Plane	64 Avenue Road ✓
T.17	Copper Beech	87 Avenue Road ✓
T.18	Lime	85 Avenue Road ✓
T.19	Lime	
T.20	Plane	77 Avenue Road ✓
T.21	Plane	
T.22	Lime	
T.23	Lime	71 Avenue Road ✓
T.24	Whitebeam	
T.25	Bay	
T.26	Ginkgo	69 Avenue Road ✓
T.27	Ginkgo	
T.28	Ailanthus	
T.29	Flowering Cherry	65 Avenue Road ✓
T.30	Lombardy Poplar	
T.31	Birch	
T.32	Robinia	75 Avenue Road ✓
T.33	Flowering Cherry	1A Norfolk Road ✓
T.34	Copper Beech	
T.35	Variegated Holly	1 Norfolk Road ✓
T.36	Holly	
T.37	Ailanthus	
T.38	Variegated Sycamore	
T.39	Robinia	3 Norfolk Road ✓
T.40	Thorn	
T.41	Robinia	
T.42	Sycamore	
T.43	Lime	34 Queen's Grove ✓
T.44	Thorn	
T.45	Thorn	
T.46	Thorn	37 Queen's Grove ✓
T.47	Lime	38 Queen's Grove ✓
T.48	Laburnum	39 Queen's Grove ✓
T.49	Horse Chestnut	43 Queen's Grove ✓
T.50	Lime	44 Queen's Grove ✓
		(Most North-Easterly of two limes)
T.51	Rowan	45 Queen's Grove ✓
T.52	Malus	46 Queen's Grove ✓
T.53	Flowering Cherry	47 Queen's Grove ✓
T.54	Weeping Willow	48 Queen's Grove ✓

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FIRST SCHEDULE (continued)

TREES SPECIFIED BY REFERENCE TO AN AREA

NONE

GROUPS OF TREES

(within a broken black line on the map)

No. on Map	Description	Situation
G.1	One Weeping Willow Two Malus One Flowering Cherry Four Lime	Land comprising part of the garden at the side of No. 48 Queen's Grove ✓
G.2	One Beech One Elm Three Flowering Apple Ten Horse Chestnut One Lime Two Weeping Elm Two Flowering Cherry	Land comprising part of the garden of No. 75 Avenue Road adjacent to Queen's Grove ✓
G.3	Eight Malus	Land comprising part of the garden fronting No. 60 Avenue Road ✓
G.4	Five Lime	Land comprising part of the garden fronting the site of No. 83 Avenue Road ✓
G.5	Seven Black Poplar	Land comprising part of the garden fronting No. 26 Harley Road ✓
G.6	Four Black Poplar	Land fronting Harley Road between "Carisbrooke Cottage", No. 1 Wadham Gardens and No. 28 Harley Road ✓
G.7	Five Lime	Land comprising part of the garden fronting the site of No. 79 Avenue Road ✓

WOODLANDS

NONE



## SECOND SCHEDULE

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

1. to the cutting down, topping or lopping of any tree that is dying or dead or has become dangerous;
2. to the cutting down, topping or lopping of any tree—
  - (a) in compliance with an obligation imposed by or under an Act of Parliament;
  - (b) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908;
  - (c) in pursuance of the powers conferred by Section 24 of the Regulation of Railways Act, 1868;
  - (d) for the purpose of preventing or abating a nuisance;
  - (e) in the case of a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
  - (f) by or at the request of an Electricity Board within the meaning of the Electricity Act, 1947, where such tree obstructs the construction by the Board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act, 1919, and the Electric Lighting Act, 1882, or interferes or would interfere with the maintenance or working of any such line;
  - (g) (without prejudice to any other powers of the local planning authority under Part III of the Act) where immediately required for the purpose of carrying out development authorised by a planning permission granted on an application under that part or deemed to have been granted under that Part of the Act.

## THIRD SCHEDULE

Provisions of Part III of the Act as adapted and modified to apply to this Order.

15.—(1) The Minister may give directions to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the authority, and any such application shall be so referred accordingly. Reference of applications to the Minister.

(2) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the Authority:

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The decision of the Minister on all applications referred to him under this section shall be final.

16.—(1) Where application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions or where any certificate or direction is given by the authority, then if the applicant is aggrieved by their decision on the application, or by any such certificate, or if the person directed is aggrieved by the direction, the applicant or that person, as the case maybe, may, by notice in writing served within 28 days from the receipt of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister. Appeals to the Minister.

(2) When an appeal is brought under this section from a decision certificate or direction of the authority, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may cancel any certificate or cancel or vary any direction, and may deal with an application as if it had been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.

(3) Unless within two months from the date of receipt of an application for consent under the Order, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either—

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

(b) give notice to him that the application has been referred to the Minister in accordance with the directions given by him under the last foregoing section;

the provisions of sub-section (1) of this section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

21.—(1) Subject to the provisions of this section, if it appears to the authority that it is expedient that any consent under the Order granted on an application made in that behalf should be revoked or modified, they may by Order revoke or modify the consent to such extent as appears to them to be expedient as aforesaid: Revocation or modification of consent under the Order.

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where an authority submit an order to the Minister for his confirmation under this Section, that authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice of the making of the order on the owner of the land, and on any other person who in their opinion will be affected by the order, and if within the period of 28 days from the service thereof any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him and to the authority an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.

(3) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations as has been carried out before the date on which the order was confirmed as aforesaid.

(4) Where a notice has been served in accordance with the provisions of sub-section (2) of this Section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under sub-section (1) of this Section.

22.—(1) Where any person is affected by an order under the last foregoing Section, or by a notice served on him under sub-section (2) of the foregoing Section in a case where the order is not confirmed, then, if on a claim made to the authority within the time and in the manner prescribed by Article 10 of the Order it is shown that he has incurred expenditure in carrying out work which is rendered abortive by the revocation, or modification, or stay of operations, as the case may be, or has otherwise suffered loss or damage which is directly attributable to the revocation, modification or stay of operations, the authority shall pay to that person compensation in respect of that expenditure, loss or damage. Supplementary provisions as to revocation and modification.

(2) For the purposes of this Section any expenditure incurred on matters preparatory to acting on the consent shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid, no compensation shall be paid under this Section in respect of any work carried out in the period after the making of the Order and before the grant of consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of the depreciation in value of any interest in land) arising out of anything done or omitted to be done during that period.

Dated the thirty-first day of December 1957.

SEATED BY ORDER

W. O. HART

L.S.

P 5297

The Minister of Housing and Local Government hereby confirms the foregoing Order.

Given under the official seal of the  
Minister of Housing and Local  
Government this *twenty-ninth*  
day of *May* nineteen  
hundred and fifty-*eight*

(L.S.)

(Sgd.) E. H. T. WILTSHIRE

Assistant Secretary  
Ministry of Housing and  
Local Government.

TOWN AND COUNTRY PLANNING ACT, 1947

Tree Preservation Order

J. G. BARR,  
The Solicitor,  
London County Council,  
The County Hall,  
Westminster Bridge, S.E.1.

MAP REFERRED TO IN THE COUNTY OF LONDON  
(HAMPSTEAD No.38) TREE PRESERVATION ORDER 1957.

(Sgd.) E.H.T. WILTSHIRE

(L.S.) Assistant Secretary,  
Ministry of Housing  
and Local Government

29<sup>th</sup> day of May 1938



COUNTY OF LONDON  
PRESERVATION ORDER 1957

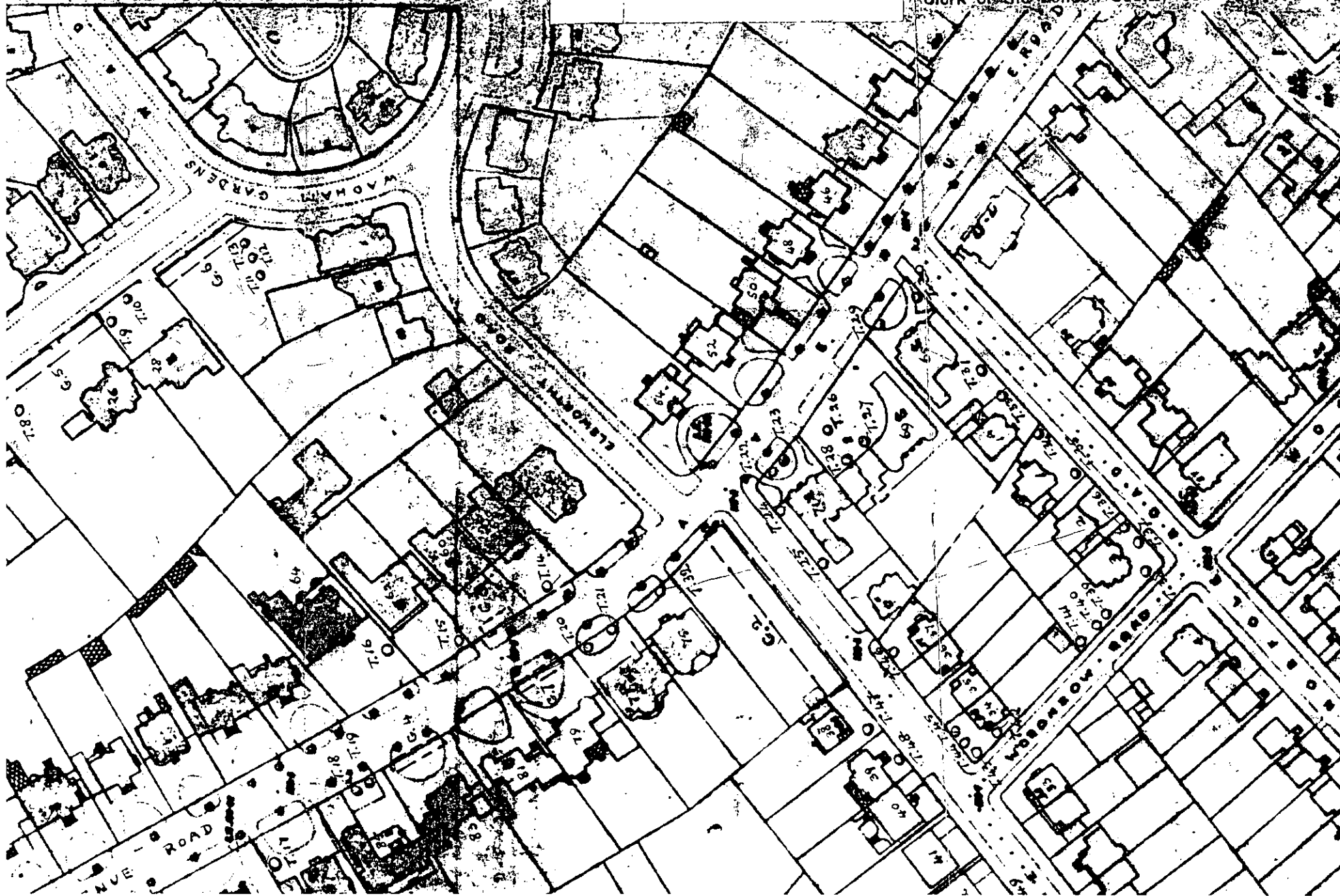
(Sgd.) E. H. T. WILTSHIRE  
(L.S.)  
Assistant Secretary,  
Ministry of Housing  
and Local Government  
29<sup>th</sup> day of May 1938

Sealed by Order

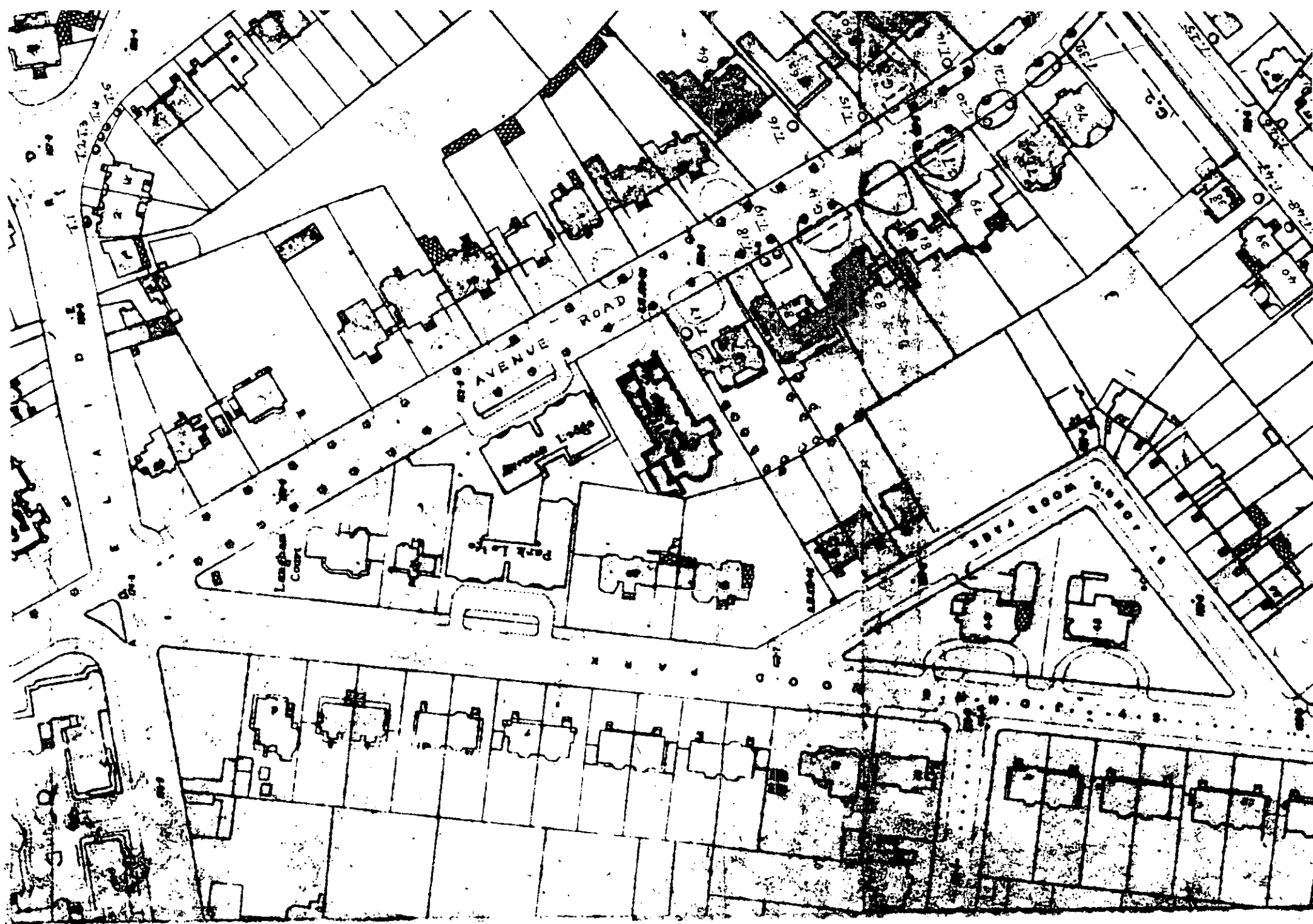
W. O. HART

REGISTERED

Clerk of the London County Council

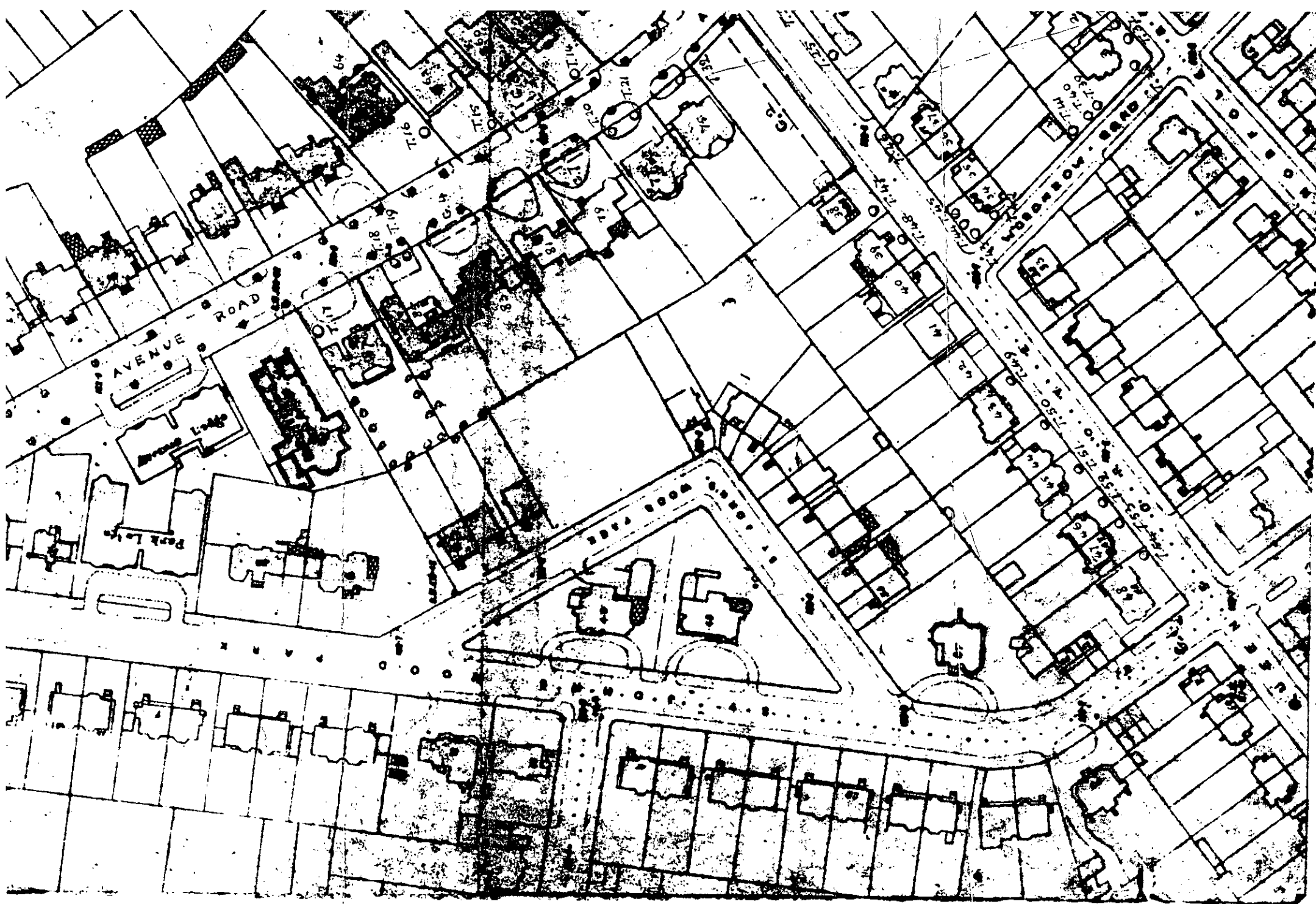






SCALE: 88 FEET TO ONE INCH.





6-6-58

REGISTERED

66534

LONDON COUNTY COUNCIL

Ext. 6697

5 JUN 1958

Ref. LP/O.1/M

MEMORANDUM from the Solicitor to the  
Council

TO THE CLERK OF THE COUNCIL (LOCAL  
LAND CHARGES)

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The County of London

( Hampstead No. 38 )

Tree Preservation Order 1957

The above-mentioned Order was confirmed, ~~subject to modifications~~, by the Minister of Housing and Local Government on 29<sup>th</sup> May 1958 on which date the Order became operative.

I send herewith a copy of the Order as confirmed with map for your retention.

*J. G. Barr*

6-6-58

REGISTERED

66534 ✓

LONDON COUNTY COUNCIL

Ext. 6697

5 JUN 1958

Ref. LP/O.1/M

MEMORANDUM from the Solicitor to the  
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To THE CLERK OF THE COUNCIL (LOCAL  
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I send herewith a copy of the Order as confirmed with map for your retention.

*J. G. Barr*



# TOWN AND COUNTRY PLANNING ACT, 1947

The County of London (Hampstead No. 38)  
Tree Preservation Order, 1957

THE LONDON COUNTY COUNCIL (in this Order called "the authority") in pursuance of the powers conferred in that behalf by Section 28 of the Town and Country Planning Act, 1947, hereby make the following Order:—

1. In this Order—

"the Act" means the Town and Country Planning Act, 1947;

"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; a lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more, and a mortgagee in possession; and

"the Minister" means the Minister of Housing and Local Government.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map, sealed with the Common Seal of the authority and marked as being the map referred to in this Order which map and a certified copy thereof have been deposited for inspection, the former at the offices of the authority and the latter at the offices of

the Council of the Metropolitan Borough of Hampstead

which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

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

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

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

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

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

(a) that the refusal or condition is in the interests of good forestry; or

(b) in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

6.—(1) Where consent is granted under this Order to fell any part of a woodland then unless—

(a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or

(b) the authority with the approval of the Minister dispense with replanting, the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall subject to the provisions of this Order replant the said land in accordance with the direction.

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

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

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

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

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

9. In assessing compensation payable under the last preceding Article or under Section 22 of the Act as applied by this Order account shall be taken of:

- (a) any compensation or contribution which has been paid in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 28 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and
- (b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

10.—(1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority such service to be effected by delivering the claim at the offices of the authority addressed to the Clerk thereof or by sending it by prepaid post so addressed.

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

11. Any question of disputed compensation shall be determined in accordance with the provisions of Section 110 of the Act.

12. Any person contravening the provisions of this Order is guilty of an offence under sub-section (6) of Section 28 of the Act and liable on summary conviction to a fine not exceeding fifty pounds; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued.

66534

REGISTERED

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY  
(encircled in black on the map)

No. on Map	Description	Situation
T.1	Lime	2 Harley Road ✓
T.2	Lime	
T.3	Lime	4 Harley Road ✓
T.4	Lime	
T.5	Lime	18 Harley Road ✓
T.6	Thorn	20 Harley Road ✓
T.7	Ailanthus	26 Harley Road ✓
T.8	Flowering Plum	
T.9	Sycamore	28 Harley Road ✓
T.10	Horse Chestnut	
T.11	Black Poplar	"Carisbrooke Cottage",
T.12	Black Poplar	1 Wadham Gardens ✓
T.13	Black Poplar	
T.14	Thorn	58 Avenue Road ✓
T.15	Lime	62 Avenue Road ✓
T.16	Plane	64 Avenue Road ✓
T.17	Copper Beech	87 Avenue Road ✓
T.18	Lime	85 Avenue Road ✓
T.19	Lime	
T.20	Plane	77 Avenue Road
T.21	Plane	
T.22	Lime	
T.23	Lime	71 Avenue Road ✓
T.24	Whitebeam	
T.25	Bay	
T.26	Gingko	69 Avenue Road ✓
T.27	Gingko	
T.28	Ailanthus	
T.29	Flowering Cherry	65 Avenue Road ✓
T.30	Lombardy Poplar	
T.31	Birch	75 Avenue Road ✓
T.32	Robinia	1A Norfolk Road ✓
T.33	Flowering Cherry	
T.34	Copper Beech	1 Norfolk Road ✓
T.35	Variegated Holly	
T.36	Holly	
T.37	Ailanthus	
T.38	Variegated Sycamore	3 Norfolk Road ✓
T.39	Robinia	
T.40	Thorn	
T.41	Robinia	
T.42	Sycamore	
T.43	Lime	34 Queen's Grove ✓
T.44	Thorn	
T.45	Thorn	37 Queen's Grove ✓
T.46	Thorn	38 Queen's Grove ✓
T.47	Lime	39 Queen's Grove ✓
T.48	Laburnum	43 Queen's Grove ✓
T.49	Horse Chestnut	44 Queen's Grove ✓
T.50	Lime	(Most North-Easterly of two limes)
T.51	Rowan	45 Queen's Grove ✓
T.52	Malus	46 Queen's Grove ✓
T.53	Flowering Cherry	47 Queen's Grove ✓
T.54	Weeping Willow	48 Queen's Grove ✓

FIRST SCHEDULE (continued)

TREES SPECIFIED BY REFERENCE TO AN AREA

NONE

GROUPS OF TREES

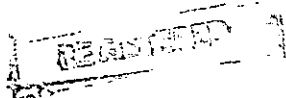
(within a broken black line on the map)

No. on Map	Description	Situation
G.1	One Weeping Willow Two Malus One Flowering Cherry Four Lime	Land comprising part of the garden at the side of No. 48 Queen's Grove ✓
G.2	One Beech One Elm Three Flowering Apple Ten Horse Chestnut One Lime Two Weeping Elm Two Flowering Cherry	Land comprising part of the garden of No. 75 Avenue Road adjacent to Queen's Grove ✓
G.3	Eight Malus	Land comprising part of the garden fronting No. 60 Avenue Road ✓
G.4	Five Lime	Land comprising part of the garden fronting the site of No. 83 Avenue Road ✓
G.5	Seven Black Poplar	Land comprising part of the garden fronting No. 26 Harley Road ✓
G.6	Four Black Poplar	Land fronting Harley Road between "Carisbrooke Cottage", No. 1 Wadham Gardens and No. 28 Harley Road ✓
G.7	Five Lime	Land comprising part of the garden fronting the site of No. 79 Avenue Road ✓

WOODLANDS

NONE





## SECOND SCHEDULE

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

1. to the cutting down, topping or lopping of any tree that is dying or dead or has become dangerous;
2. to the cutting down, topping or lopping of any tree—
  - (a) in compliance with an obligation imposed by or under an Act of Parliament;
  - (b) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908;
  - (c) in pursuance of the powers conferred by Section 24 of the Regulation of Railways Act, 1868;
  - (d) for the purpose of preventing or abating a nuisance;
  - (e) in the case of a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
  - (f) by or at the request of an Electricity Board within the meaning of the Electricity Act, 1947, where such tree obstructs the construction by the Board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act, 1919, and the Electric Lighting Act, 1882, or interferes or would interfere with the maintenance or working of any such line;
  - (g) (without prejudice to any other powers of the local planning authority under Part III of the Act) where immediately required for the purpose of carrying out development authorised by a planning permission granted on an application under that part or deemed to have been granted under that Part of the Act.

## THIRD SCHEDULE

Provisions of Part III of the Act as adapted and modified to apply to this Order.

15.—(1) The Minister may give directions to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the authority, and any such application shall be so referred accordingly. Reference of applications to the Minister.

(2) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the Authority:

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The decision of the Minister on all applications referred to him under this section shall be final.

16.—(1) Where application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions or where any certificate or direction is given by the authority, then if the applicant is aggrieved by their decision on the application, or by any such certificate, or if the person directed is aggrieved by the direction, the applicant or that person, as the case maybe, may, by notice in writing served within 28 days from the receipt of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister. Appeals to the Minister.

(2) When an appeal is brought under this section from a decision certificate or direction of the authority, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may cancel any certificate or cancel or vary any direction, and may deal with an application as if it had been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.

(3) Unless within two months from the date of receipt of an application for consent under the Order, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either—

- (a) give notice to the applicant of their decision on the application; or
- (b) give notice to him that the application has been referred to the Minister in accordance with the directions given by him under the last foregoing section;

the provisions of sub-section (1) of this section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

21.—(1) Subject to the provisions of this section, if it appears to the authority that it is expedient that any consent under the Order granted on an application made in that behalf should be revoked or modified, they may by Order revoke or modify the consent to such extent as appears to them to be expedient as aforesaid. Revocation or modification of consent under the Order.

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where an authority submit an order to the Minister for his confirmation under this Section, that authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice of the making of the order on the owner of the land, and on any other person who in their opinion will be affected by the order, and if within the period of 28 days from the service thereof any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him and to the authority an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.

(3) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations as has been carried out before the date on which the order was confirmed as aforesaid.

(4) Where a notice has been served in accordance with the provisions of sub-section (2) of this Section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under sub-section (1) of this Section.

22.—(1) Where any person is affected by an order under the last foregoing Section, or by a notice served on him under sub-section (2) of the foregoing Section in a case where the order is not confirmed, then, if on a claim made to the authority within the time and in the manner prescribed by Article 10 of the Order it is shown that he has incurred expenditure in carrying out work which is rendered abortive by the revocation, or modification, or stay of operations, as the case may be, or has otherwise suffered loss or damage which is directly attributable to the revocation, modification or stay of operations, the authority shall pay to that person compensation in respect of that expenditure, loss or damage. Supplementary provisions as to revocation and modification.

(2) For the purposes of this Section any expenditure incurred on matters preparatory to acting on the consent shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid, no compensation shall be paid under this Section in respect of any work carried out in the period after the making of the Order and before the grant of consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of the depreciation in value of any interest in land) arising out of anything done or omitted to be done during that period.

Dated the thirty-first day of December 1957.

1957 BY ORD R

W. O. HART

L.S.

P 5297

The Minister of Housing and Local Government hereby confirms the foregoing Order.

Given under the official seal of the  
Minister of Housing and Local  
Government this *Twenty-ninth*  
day of *May* nineteen  
hundred and fifty-*eight*

(L.S.)

(Sgd.) *E. H. T. WILTSHIRE*

Assistant Secretary  
Ministry of Housing and  
Local Government.

TOWN AND COUNTRY PLANNING ACT, 1947

Tree Preservation Order

J. G. BARR,  
The Solicitor,  
London County Council,  
The County Hall,  
Westminster Bridge, S.E.1.

6-6-58

REGISTERED

66534

LONDON COUNTY COUNCIL

Ext. 6697

5 JUN 1958

Ref. LP/0.1/M

MEMORANDUM from the Solicitor to the  
Council

To THE CLERK OF THE COUNCIL (LOCAL  
LAND CHARGES)

The County of London

( Hampstead No. 38 )

Tree Preservation Order 1957

The above-mentioned Order was confirmed, ~~subject to modifications~~, by the Minister of Housing and Local Government on 29<sup>th</sup> May 1958 on which date the Order became operative.

I send herewith a copy of the Order as confirmed with map for your retention.

*J. G. Barr*