



North Tyneside Council

Planning Committee

7 January 2022

To be held on **Tuesday, 18 January 2022** in Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 10.00 am.**

Agenda Item	Page
1. Apologies for absence	
To receive apologies for absence from the meeting.	
2. Appointment of substitutes	
To be informed of the appointment of any substitute members for the meeting.	
3. Declarations of Interest	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
4. Minutes	5 - 10
To confirm the minutes of the previous meeting held on 14 December 2021.	

Members of the public are welcome to attend this meeting and receive information about it.

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For further information please call 0191 643 5359.

Agenda Item	Page
<p>5. Planning Officer Reports</p> <p>To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.</p>	11 - 16
<p>6. 21/02173/FUL, Land to the West of Bellway Industrial Estate, Benton</p> <p>To determine a full planning application from Northumberland County Council for construction of an underpass, works to public rights of way, construction of soft and hard landscaping, surface and subsurface drainage, utilities and other services, boundary treatment and other associated works.</p>	17 - 52
<p>7. 21/02424/TELGDO, Land Adjacent to North Tyneside General Hospital, Rake Lane, North Shields</p> <p>To consider a telecommunication system notification from CK Hutchinson Networks (UK) Ltd for a proposed 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.</p>	53 - 60
<p>8. 18 Station Road, Forest Hall Tree Preservation Order 2021</p> <p>To decide whether to confirm the making of the 18 Station Road, Forest Hall Tree Preservation Order 2021 in light of the representations received.</p>	61 - 172

Circulation overleaf ...

Members of the Planning Committee:

Councillor Ken Barrie
Councillor Julie Cruddas
Councillor Margaret Hall
Councillor Chris Johnston
Councillor John O'Shea
Councillor Willie Samuel (Chair)

Councillor Trish Brady (Deputy Chair)
Councillor Muriel Green
Councillor John Hunter
Councillor Frank Lott
Councillor Paul Richardson

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Planning Committee

Tuesday, 14 December 2021

Present: Councillor W Samuel (Chair)
Councillors K Barrie, T Brady, M Green, M Hall,
John Hunter, C Johnston, J O'Shea and P Richardson

Apologies: Councillors J Cruddas and F Lott

PQ50/21 Appointment of substitutes

There were no substitute members appointed.

PQ51/21 Declarations of Interest

There were no declarations of interest or dispensations reported.

PQ52/21 Minutes

Resolved that the minutes of the meeting held on 16 November 2021 be confirmed and signed by the Chair.

PQ53/21 Planning Officer Reports

The Committee received guidance in relation to the principles of decision making when determining planning applications and then gave consideration to the planning applications listed in the following minutes.

PQ54/21 21/00561/FUL, Land at Former Point Pleasant House, Point Pleasant Terrace, Wallsend

The Committee considered a report from the planning officers in relation to a full planning application from Montagu Hotels Limited for development of a vacant site to 10no.residential dwellings with ancillary car parking, using existing access from Meadow Road.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Elaine McMahon, Lucie Cordon and Neil and Andrea Steggel had been granted permission to speak to the Committee. Elaine McMahon spoke on behalf of residents living in Point Pleasant Terrace to describe their objections. Whilst they accepted the principle of development on the site, they believed any development should have a minimal impact for residents of Point Pleasant Terrace. This application was not acceptable because a) the proposed development would

generate additional traffic leading to overspill car parking in Point Pleasant Terrace and Ford Terrace and construction traffic accessing the site would create a danger; b) the 10 new homes would create noise and disturbance for neighbouring residents particularly during the construction period; and c) there would be a loss of valuable trees and wildlife from the site.

Anton Lang addressed the Committee on behalf of the applicants to respond to the speakers' comments. He stated that the layout, design and car parking proposals had been deemed to be acceptable by the Council's officers. Any concerns regarding the impact of the construction works could be addressed by the preparation and submission of a construction management plan. The loss of trees and wildlife habitat had to be balanced against the proposed mitigation and need for housing. Mr Lang addressed each of the proposed reasons for the officer's recommendation to refuse the application. He stated that the applicant was minded to sign up to a legal agreement for the contributions requested by the Council and towards the Coastal Mitigation Scheme but the applicant needed time to discuss and resolve these matters and draw up the agreements. There had been difficulties in carrying out noise assessments at the site but these technical issues could be resolved in the time required to resolve the legal agreements. The loss of trees and habitat could be addressed by reconfiguring the landscape plan. Mr Lang asked the Committee to defer consideration of the application to enable these issues to be addressed.

Members of the Committee asked questions of Elaine McMahon, Anton Lang and officers and made comments. In doing so the Committee gave particular consideration to:

- a) the length of time, since the application was deemed valid in June 2021, in which the applicant had had the opportunity to indicate that they were willing to enter a legal agreement;
- b) the likely timescales required to resolve the outstanding issues; and
- c) the impact of the proposed landscaping scheme on the biodiversity of the site resulting in a net loss of 93% of biodiversity habitat.

Resolved that planning permission be refused on the following grounds:

1. Insufficient information has been submitted to demonstrate that appropriate mitigation could be secured to protect the amenity of future occupants of this development in terms of noise and prevent unreasonable restrictions being placed on Smulders yard. As such, the proposed development is contrary to the NPPF and policy DM5.19 of the North Tyneside Local Plan (2017).
2. In the absence of a scheme of mitigation to address the impact on the Northumbria Coast Special Protection Area and Ramsar Site, the Northumberland Shore SSSI and Tynemouth to Seaton Sluice SSSI, the additional residents at the coast as a result of the proposed development and a subsequent increase in recreational activity, particularly in relation to cumulative impacts with other residential schemes at the coast and the wider area, will result in significant harm to the designated sites. This is contrary to the advice in NPPF, policies S5.4, DM5.5, and DM5.6 of the North Tyneside Local Plan 2017 and the Coastal Mitigation SPD July 2019.
3. The development would result in the loss of UK Priority Habitat and trees within a designated wildlife corridor. It fails to provide adequate mitigation for this loss and results in a net loss of biodiversity units. This is contrary to the NPPF and Local Plan (2019) Policies DM5.2, S5.4, DM5.5, DM5.7 and DM5.9.
4. The applicant has not agreed the S106 contributions requested by the Council and has not demonstrated that the development would not be viable with the contributions, therefore the development fails to mitigate against the unacceptable impacts of the development contrary to Planning Obligations Supplementary Planning Document LDD8 (2018), and Policies S7.1, DM7.2 and DM7.5 of the North Tyneside Local Plan 2017.

PQ55/21 21/02188/FUL, Hadrian Yard A, B and C, Hadrian Way, Wallsend

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full planning application from Smulders Projects UK for the erection of a modular workshop building to provide a flexible indoor work area.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Marc Sargent of Alwin Close, Wallsend had been granted permission to speak to the Committee but he was unable to attend the meeting.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to:

- a) the results of the noise assessment carried out by the applicants and the potential noise impacts arising from the proposed activities within the modular workshop;
- b) the Council's approach to investigating noise complaints and the enforcement powers available to it;
- c) the car parking provision associated with the site; and
- d) the classification of the site and the modular workshops for industrial use (B2).

Resolved that (1) the Committee is minded to grant this application subject to expiry of consultation with the Coal Authority and the addition, omission or amendment of any other conditions considered necessary; and

(2) the Director of Housing, Environment and Leisure be authorised to determine the application following the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £15,185.35 to deliver employability interventions to upskill local residents to take advantage of apprenticeship/job opportunities.

PQ56/21 21/02151/FUL, 02 17774 Telecommunication Mast, Front Street, Chirton

The Committee considered a report from the planning officers in relation to a full planning application from Cornerstone for the removal of the existing 15m monopole and 1no. equipment cabinet and the installation of a replacement 20m monopole supporting 6 no. antennas, 2no. replacement equipment cabinets, and ancillary development thereto including 3no. Ericsson Radio Systems (ERSs) and 1 no. GPS module.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Frank Casey of Simpson Street, Chirton had been granted permission to speak to the Committee. As he was unable to attend the meeting the Committee considered a written statement and photographs submitted by Mr Casey in which he explained that he objected to the proposed mast on the grounds of its appearance and its harmful, cumulative polluting effects.

In response Clarke Telecom also submitted a written statement setting out the reasons for

upgrading the mast to provide improved coverage to the area, why the site was the most preferable option and why objections relating to health were not to be considered in determining planning applications.

Members of the Committee discussed the merits of the application and in doing so commented on the balance to be struck between the siting and appearance of the telecommunications masts and the demand from residents for improved communications coverage and capacity.

Resolved that the application be permitted subject to the conditions set out in the planning officers report.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of its impact on the visual amenity of surrounding occupiers and the character and appearance of the area.)

PQ57/21 21/01736/FUL, Land to the Rear of the Former Bogie Chain, Western Road, Wallsend

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full planning application from Woodacre Developments for 3no two bed new build bungalows in a terrace form, with new parking, garden and ancillary spaces.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Kirsten Hall of Rosehill Road, Howdon had been granted permission to speak to the Committee. She explained that she objected to the proposed development because of its impact on the character and appearance of the area and on biodiversity. The site had already been dug up and so the biodiversity of the area had already been damaged. Access to the works from Rosehill Road had caused damage and created an unsafe junction. She questioned the demand for bungalows in the Riverside area and how the Council would enforce the planning conditions. There was little green space for community wealth in the area and green space would be lost to the development when there were other suitable brownfield sites nearby.

Jason Gibbons of Beautiful Pigeon Architecture addressed the Committee on behalf of the applicants to respond to the speakers' comments. He stated that the brownfield site had previously been used for residential purposes and that the site had been cleared sometime ago but not by the applicants. The site was not allocated for use within the local plan but formed part of a wildlife corridor. A biodiversity net gain assessment indicated that the development would result in a 10% biodiversity net gain and the applicants were committed to contributing to the Coastal Mitigation Strategy. Mr Gibbons described how the bungalows would be sustainable, adaptable and accessible. He explained the circumstances surrounding the removal of contaminated soil via Rosehill Road and confirmed that all construction traffic would gain access to the site from Western Road and these operations would be subject to conditions.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to:

- a) the impact of the development on biodiversity;
- b) the location and accessibility of public transport routes and cycle paths in the area; and
- c) the proposed conditions regulating the method of construction, the hours of construction and to prevent mud and debris accumulating on the public highway.

Resolved that (1) the Committee is minded to approve the application subject to a unilateral undertaking in respect of a contributions of £1,011 towards the Coastal Mitigation Scheme; and

(2) the Director of Environment, Housing and Leisure be authorised to determine the application subject to the conditions listed in the planning officers' report and the addition, omission or amendment of any conditions considered necessary, providing no further matters arise which in the opinion of the Director of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

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PLANNING COMMITTEE

Date: 18 January 2022

PLANNING APPLICATION REPORTS

Background Papers - Access to Information

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the Council offices at Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside.

Principles to guide members and officers in determining planning applications and making decisions

Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed, preferably in writing, so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Local Plan (adopted July 2017);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- the statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open

mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

**PLANNING APPLICATION REPORTS
CONTENTS**

1 21/02173/FUL

Killingworth

**Land to the West of Bellway Industrial Estate, Benton, NEWCASTLE
UPON TYNE**

Speaking rights granted to the occupiers of 2 and 4 Ashcroft Drive, Forest
Hall

2 21/02424/TELGDO

Collingwood

**Land Adjacent to North Tyneside General Hospital, Rake Lane, North
Shields, Tyne And Wear**

Speaking rights granted to David Burdis of Rosewood Close, North Shields

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Application No: 21/02173/FUL Author: Jackie Palmer
Date valid: 11 October 2021 ☎: 0191 643 6336
Target: 10 January 2022 Ward: Killingworth
decision date:

Application type: full planning application

Location: Land To The West, Bellway Industrial Estate, Benton

Proposal: Construction of an underpass, works to public rights of way, construction of soft and hard landscaping, surface and subsurface drainage, utilities and other services, boundary treatment and other associated works

Applicant: Northumberland County Council, County Hall Morpeth NE61 2EF

Agent: SLC Property, Miss Alannah Healey 72 B-Box Studios Newcastle NE2 1AN

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

Summary of Main Issues

1.1 The main issues for consideration relate to:

The principle of a new underpass in this location;

Its impact on the local environment and biodiversity including on existing planting, habitat and wildlife; and

Its impact on residential amenities in terms of noise and visual impact during construction and operational phases.

2.0 Description of the Site

2.1 The existing Northumberland railway line (formerly called Ashington Blyth and Tyne line) passes through North Tyneside, running east of Backworth Village, curving south west to bisect Northumberland Park, running parallel with the metro line for a distance to Benton and then continuing south-west through the Borough and into Newcastle.

2.2 The railway line runs parallel with the metro line within a wooded corridor stretching from Palmersville and south west to Benton. It switches from single to double track within this section. Close to the point where the railway line passes under the metro line near Bellway Industrial Estate, before it curves around the Proctor and Gamble site and continues south into Newcastle, there is an established pedestrian level crossing, providing a safe route over the double track (known as a footpath wicket). The route forms part of a public right of way

which links the residential area of Ashcroft Drive, Forest Hall with the Bellway Industrial Estate and through to Whitley Road (the A191). The route of the right of way to the level crossing extends from Whitley Road in the south, passing between Proctor and Gamble to the west and a car dealership to the east and continues north, beyond the built extent of Proctor and Gamble where it runs between open land to the west (potential employment expansion land) and the industrial estate to the east. Once over the railway line, the route passes through a wooded corridor which extends between the metro and railway lines where the path curves steeply down into a small underpass, approximately 2m wide, located under the metro line. The path exits into open land located between Ashcroft Drive to the west and Meadway to the north and east where it joins the adopted highway on Elsdon Drive.

2.3 The application site relates to land adjacent to the railway line including the wooded area between the metro and railway lines and the open field to the north of the established Proctor and Gamble development, comprising 4 hectares of land in total. It also includes a construction access route which will run from Whitley Road in the south, along the western boundary of Proctor and Gamble to the open field.

3.0 Description of application

3.1 The application seeks permission to replace the existing level crossing with a new pedestrian underpass. The works will comprise the construction of a 4m wide shared pedestrian and cycle path concrete box underpass with 3m wide ramped approaches within an engineered cutting. The box underpass will extend for 10m under the railway. It will have 45 degree splayed retaining walls at each end. Fencing will be installed to restrict unauthorised access to the railway above. A set of stairs will be provided from the path up to the railway corridor and to an informal path which runs around the existing field parallel to the railway.

3.2 The scheme will require the re-alignment of the existing path to align with the position of the new underpass which is approximately 20m to the west of the existing level crossing. As the railway and footpath are currently at the same level, significant regrading works are required to achieve appropriate gradients within and on the route to the underpass. This will necessitate the regrading of the open land on the south side of the line from a point just north of the Proctor and Gamble fence line north to the track for a width of around 8m either side of the path. Some areas of planting will need to be removed to facilitate the works.

3.3 It will also entail the regrading of the wooded land to the north side where regrading works will extend to some 12m in width either side of the path. The route will be aligned to meet the path which runs through the existing metro line underpass. Maintenance steps will be provided to access the railway line from the path. New fencing will restrict access to the railway. More extensive areas of existing planting will have to be removed on the north side of the line. Altogether, tree removal will include two individual trees, two tree groups and part of two woodland groups. Some of the trees to be removed have been classed as being of moderate quality.

3.4 As part of the development an area of land is identified for replacement broadleaved woodland and hedgerow planting on part of the existing open field.

3.5 Land to be used to provide a site compound and the construction traffic access route will be reinstated to its current agricultural use.

3.6 There will be some temporary stopping up of rights of way during construction and the permanent diversion of the right of way will be required for the new underpass and realigned route to access it. This is described in more detail below.

3.7 Lighting of the underpass is not proposed. The applicant considers given the short length of the underpass, its width and wide wingwalls will provide natural light and forward visibility. The existing metro underpass is also unlit.

3.8 The proposal forms part of a wider scheme to re-introduce direct passenger train services between Ashington and Newcastle city centre (Manors station) which will see the introduction of six new stations along the length of the line, with one, at Northumberland Park being in North Tyneside. The aim of the wider scheme is to improve accessibility and connectivity in South East Northumberland – which is the most densely populated part of Northumberland but is not served by any passenger rail services – and encourage a modal shift away from the private car, in particular among commuters, towards rail services. The service, which will operate half hourly, will offer a passenger journey time of around 35 minutes from Ashington to Newcastle compared with 60 mins in a car.

3.9 The scheme is promoted by Northumberland County Council who is the applicant for this proposal.

3.10 By way of background, there are 22 level crossings along the length of the full route. Five are in North Tyneside. The safety of all the current level crossings has been assessed by Network Rail. The existing railway line is used only by freight trains at present and the introduction of additional passenger services will increase the frequency of train movements and as such the risk of accidents and fatalities, at level crossings along the route of the line. Crossings have been assessed to consider either their closure or upgrading. Initial assessments indicated that the crossing here should be closed but, in recognising this would entail a significant detour (some 2.7km), it was accepted that closure was not an acceptable outcome on what is a well used route.

3.11 The provision of a miniature stop light crossing (MSL) was also considered but for technical operational reasons, relating to the increased likelihood of freight trains held at signals in this location straddling the level crossing, meant this was also not an option which could be pursued. The only option was grade separation of the crossing and line.

3.12 There has been extensive discussion, including community engagement, on the scheme. Originally a footbridge was considered as a means to replace the level crossing. It did not however prove possible to progress this as an option because it could not deliver a route which would be as accessible to pedestrians and cyclists as the current crossing. The requirement for ramps of a suitable gradient required a significant land take and would have resulted in a bridge of a

significant height. The option of an underpass was considered to provide improved accessibility with less visual intrusion than a ramped bridge.

4.0 Relevant Planning History

20/01022/SCREIA – EIA screening opinion for the development of six new train stations and the associated upgrading of existing rail infrastructure and engineering works and the reintroduction of passenger train services – various locations including works in North Tyneside – No EIA required 19/11/20

Adjoining land

18/00133/FUL – change of use of land to storage and distribution, formation of hard standing, 2.4m fencing and landscape bund and planting – land at Bellway IE – refused 4/4/18 but allowed on appeal 15/10/18

5.0 Development Plan

North Tyneside Local Plan (2017)

6.0 Government Policies

National Planning Policy Framework (NPPF) (July 2021)

National Planning Practice Guidance (NPPG)

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires Local Planning Authorities (LPAs) to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

7.1 The main issues for consideration relate to:

- The principle of a new underpass in this location;
- Its impact on the local environment and biodiversity including on existing planting, habitat and wildlife; and
- Its impact on residential amenities in terms of noise and visual impact during construction and operational phases.

8.0 Principle of Development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 219 of the NPPF that "... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The Council considers that the LP policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.3 Paragraph 8 of NPPF states that a social objective is one of the three overarching objectives of the planning system and that amongst other matters it should seek to support a sufficient number and range of homes to meet present and future needs which support communities' health, social and cultural well-being.

8.4 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

8.5 NPPF sets out objectives relating to the promotion of sustainable transport which includes, among others, realising opportunities from existing and proposed infrastructure and promoting walking, cycling and the use of public transport. It states that "the planning system should actively manage patterns of growth in support of these objectives" and that "significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health." It notes that opportunities to maximise sustainable transport solutions vary between urban and rural areas and that this should be taken into account in both plan-making and decision-making. To do this, policies should be aligned with those of other transport infrastructure providers and routes which could be critical in delivering infrastructure to widen transport choice should be identified and protected. In decision making, opportunities to promote sustainable transport modes should be taken up.

8.6 Whilst this application is for a new underpass to replace an existing pedestrian level crossing, the requirement to construct the underpass arises as a direct requirement of the wider scheme to re-instate passenger rail services on the existing line from Ashington to Newcastle. That project is a long standing ambition of Northumberland County Council, Newcastle City Council and North Tyneside Council and as such is itself referenced in the North Tyneside Local Plan. A range of regional bodies support the scheme and support for the scheme is set out in the Strategic Economic Plan published by the NE Local Economic Partnership and it is identified as a strategic transport priority by Transport for the North and NECA.

8.7 The Local Plan notes that the re-instatement of passenger services on the Northumberland Line is seen as a key driver for delivering growth in South East Northumberland, the most densely populated part of Northumberland, providing access to employment and attracting investment. The line is existing and has continued to accommodate freight rail traffic since passenger services ceased in the mid 1960s and the Local Plan seeks to safeguard the route for the future.

Policy S7.3 Transport seeks to ensure an integrated approach to sustainable travel taking into account travel patterns based on existing demand and planned economic and housing growth. In line with national policy, it sets out a clear objective to deliver a modal shift to more sustainable modes of transport. In relation to public transport the policy states that the Council will “support its partners who seek to provide a comprehensive, integrated, safe, accessible and efficient public transport network capable of supporting development proposals and future levels of growth”. In order to retain and protect essential infrastructure which will facilitate sustainable passenger and freight movements it seeks to prevent development which would obstruct or constrain the use of existing or former railway lines and the Ashington – Blyth – Tyne Railway is identified as one of the infrastructure schemes to be protected from development and its route is safeguarded on the proposals map.

8.8 In more general terms, policy S1.1 – Spatial Strategy for Sustainable Development seeks to ensure that, among other matters, infrastructure is provided which reduces the need to travel and responds to climate change. This includes the provision of a range of sustainable means of transport. The wider Northumberland line scheme seeks to encourage a modal shift in the use of public transport and the provision of the underpass ensures that a well-used walking route is retained and available for continued use.

8.9 The land on which the south ramp will be constructed and on which ecological mitigation measures will be provided is currently allocated as reserved employment land. Policy S2.2 is relevant and seeks to identify land for future employment use so as to support the delivery of the Council’s strategy for economic prosperity and job growth. It includes some 8.5ha of land at Proctor and Gamble. Policy S2.3 goes on to identify the circumstances when development on employment land which is not for employment uses will be permitted. In this case the underpass would require only a small area of land which is located to the edge of the employment land. The off-site mitigation, which supports both the underpass proposal and the scheme for the new station already approved, will take up a larger area but is to the rear of the site, visually obscured by the existing Proctor and Gamble buildings, and in an area which is likely to be already constrained for full development given proximity to the operational railway and metro lines and residential areas beyond. As set out above, the wider Northumberland Line project will deliver significant benefits in terms of driving growth and investment in the area and the underpass will maintain a local walking route. The extent of the loss of the land is not significant and would not result in an excessive reduction in the supply of employment land. Once operational, the underpass would not result in any adverse impact on the amenity and operation of neighbouring properties and businesses. Members should also appropriately balance this loss against the wider benefits of delivering the wider Northumberland Line project.

8.10 In terms of the underpass, its location is both directly informed and constrained by the alignment of the existing railway line as well as the metro line and the existence of the definitive public right of way. Beyond LP policy to safeguard the route of the railway, there is no specific LP policy or allocation for works at this location.

8.11 In the context of national planning policy and Local Plan policy, the principle of the use of the Northumberland Line is clearly supported, with policy offering support for routes to be re-opened for passenger travel. It will deliver economic benefits and provide alternative means of transport between Northumberland and Newcastle. The construction of the underpass will ensure that an established right of way is maintained for safe future use. Officer advice is that the proposal is considered acceptable in principle.

9.0 Impact on local environment

9.1 Issues to consider relate to the impact of the development on ecology and landscaping and on local amenities in terms of both the construction and operational aspects of the development in terms of visual impact, noise and vibration and air quality.

9.2 Ecology and Landscaping

9.3 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural environment.

9.4 Paragraph 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.5 Paragraph 179 of the NPPF states that when determining planning applications LPA's should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 180 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

9.6 Paragraph 131 of the NPPF states "Trees make an important contribution to the character and quality of urban environments and can also help to mitigate climate change" and that opportunities should be taken to incorporate trees elsewhere into developments, secure measures to ensure the long-term maintenance of newly planted trees and that existing trees are retained wherever possible.

9.7 LP policy S5.1 'Strategic Green Infrastructure' seeks the protection, enhancement, extension and creation of green infrastructure in appropriate locations to support the delivery of the green infrastructure strategy. Policy S5.4 Biodiversity and Geodiversity seeks to protect, create, enhance and manage sites within the borough relative to their significance.

9.8 LP policy DM5.5 'Managing effects on Biodiversity and Geodiversity', amongst other matters, seeks to protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links. Proposals should maximise opportunities to create, restore, enhance, manage and connect natural habitat. Net gains to biodiversity should be considered, unless otherwise shown to be inappropriate. Proposals that are likely to significantly affect nationally or locally designated sites,

protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where: the benefits of the proposal clearly demonstrably outweigh any adverse impacts, applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, and for all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

9.9 The site is within a wildlife corridor. LP Policy DM5.7 'Wildlife Corridors' states: "Development proposals within a wildlife corridor must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement." Policy DM5.9 'Trees, Woodland and Hedgerows' is also relevant and seeks to protect these features where this does not degrade other important habitats.

9.10 The Council's Biodiversity officer has reviewed the application and supporting documents. Habitat on the application site comprises predominately arable land but with woodland planting, with semi-mature and mature mainly broadleaved planting, semi-improved neutral grassland and scrub in the area adjacent to the railway and metro lines. Assessments of species likely to be present on the site revealed the limited presence of any key species other than more common bird species.

9.11 Objectors raise concerns about the loss of existing planting to accommodate the works. The development will result in the loss of some existing semi-mature and mature planting on land adjacent to the railway line in order to allow the regrading works to form the embankment slopes for access to the underpass. The most significant trees on the site are in two main groups between the railway and metro lines, which flank the path leading to the metro underpass. These have been assessed by the applicant as being of moderate quality. Some of the trees are identified as Deciduous Woodland in the Priority Habitat Inventory.

9.12 To accommodate the development two individual trees, two groups of trees (classified as of low quality) and part of the two woodland groups, classed as being of moderate quality, will need to be removed. The removal of one further, poor quality tree, is also proposed given its condition. The group of trees to the north-east corner of the Proctor and Gamble expansion land and two individual trees adjacent to this group will need to be felled, along with a smaller group of trees at the approach to the metro underpass. Part of the two woodland groups extending to the east and west of the existing footpath will need to be cleared for the regrading works. The final extent of removal will be determined when work starts but the developer has indicated that they will seek to retain existing trees on the periphery of the construction site, particularly the most significant, where this is possible. On completion of the underpass, new security fencing will be positioned to avoid significant trees where possible.

9.13 Vegetation removal extends to 3979m². There is limited scope to replace planting on site, so offsite mitigation is proposed on adjoining land. Mitigation planting will extend to 11775m² of native woodland and approximately 500m of hedge. The earth embankments will be seeded with a wildflower mix. Whilst the loss of mature trees is never desirable, it is unavoidable. Alternative options to provide a safe crossing were considered but would either have resulted in more significant vegetation loss or did not meet operational safety requirements. Sufficient mitigation is provided to compensate for the tree loss on this site and the station site and to provide a positive net gain in accordance with Local Plan policy. Members should also balance the tree loss against the wider benefits of the proposal to deliver the Northumberland Project and retain the existing right of way for continued safe use.

9.14 Securing the longer term management of this area is addressed by a condition. Whilst not a planning matter, it is expected that the Council will take on responsibility for maintaining this area and will seek a suitable agreement from the applicant to agree a commuted sum for long term maintenance.

9.15 From a visual perspective, the area is characteristic of a railway corridor within an urban area. Users of the current path and crossing travel through industrial and residential areas and through the wooded area between the rail and metro lines. The view for users will change as they will now walk underneath both the metro and railway lines, emerging at both ends of the crossing onto the path set between grassed embankments before travelling on through the adjacent industrial and residential areas. It is not considered that this change has any significant adverse impact on users, and certainly no impact which is not outweighed by the benefits of maintaining the established footpath and providing a safe environment to cross the railway corridor.

9.16 Viewed from ground level, the replacement planting will, once matured, ensure that the crossing is set in a landscaped setting. In this context the introduction of the underpass is not considered to have an adverse visual impact in views from the surrounding area.

9.17 Conditions are recommended to agree the final details of the planting and to provide control over the timing of works and the provision of bird and bat boxes. Subject to these conditions, officer advice is that the scheme is acceptable in terms of its impact on biodiversity and landscaping.

9.18 Impact on amenities

9.19 The site is located close to established residential properties to the north on Ashcroft Drive. The street of seven bungalows at 1-6a Ashcroft Drive are the closest properties to the railway line and are located around 32m from the development area. Houses at the southern end of Meadway Drive are approximately 51m distance.

9.20 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment by, among other measures preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 185 of the

NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should, amongst other matters, mitigate and reduce to a minimum potential adverse impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.21 The noise policy statement for England (NPSE) (2010) sets out the government's overall policy on noise. It aims to promote good health and a good quality of life by effective management of noise in the context of government policy on sustainable development. National advice seeks to define noise concerns over levels where there is expected to be no noticeable impact up to a significant observed adverse effect.

9.22 LP Policy S1.4 states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses. Policy DM5.19 'Pollution' states, amongst other matters, development that may cause pollution will be required to incorporate measures to prevent or reduce pollution so as not to cause unacceptable impacts to the environment, to people and to biodiversity. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.23 Policy DM6.1 seeks to achieve high and consistent design standards and states that proposals are expected to demonstrate, among other matters, a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.24 The Design Quality SPD, which applies to all building works, promotes the highest standards of design, which responds to its location and creates a safe and accessible environment.

9.25 Noise and Vibration

9.26 Construction works inevitably create some noise disturbance and vibration. This is a difficult location set between two operational railway lines. Due to constraints in place when working adjacent to an operational railway, some works will have to take place at night-time and over weekends when the applicant is able to take possession of the line. This will include the construction of the main underpass. Possession can be taken between 2200 & 0500 hours, Thursday – Monday.

9.27 Noise monitoring has been undertaken in nearby locations and a noise and vibration assessment submitted with the application. It is recognised that there will be impacts from both noise and vibration during the construction of the underpass. Once completed, the underpass is not expected to give rise to any noise and vibration impacts. The noise and vibration impact assessment has been reviewed by the Council's Environmental Health officer.

9.28 In terms of the works, which based on a current work programme are expected to last around 13 months, the noisiest element will be the earthworks. Any significant restrictions on night-time working would impact on the construction programme, prolonging the duration of works and delaying the wider project. Heavy plant will be required as well as large machinery to construct the concrete wing walls for the underpass. It is not yet known if piling will be required and final site investigation works will be carried out to ascertain this but, if required piling is likely to be the noisiest activity and also likely to cause vibration. It is clear there is the potential for noise disturbance at the nearest residential properties and that mitigation measures will be required during construction.

9.29 Measurements have been taken at various locations to establish background noise and vibration levels. It is clear that noise levels associated with the construction works, even with best practicable measures implemented, will be high and will require additional mitigation. The impacts of vibration can cause annoyance and potentially property damage although the level of vibration causing damage is higher than that which causes annoyance. Whilst final details will need to be agreed, mitigation measures would be expected to comprise the use of temporary acoustic barriers, programming noisy work and quieter work to give respite, phasing work closest to properties to give respite and seeking to undertake the noisiest activities at the least sensitive times. There needs to be a balance between keeping the duration of works to the minimum possible, so balancing temporary higher noise levels for a shorter time against lower levels over a longer period. There would also be other mitigation measures such as the use of modern, well maintained plant, operated with the appropriate noise reduction measures, loading and unloading taking place away from residential areas in areas suitably screened and the establishment of a means of regular communication with the nearest residents.

9.30 In terms of site access, access from the north is constrained by the existing metro underpass and as such, a temporary construction access road will be provided directly into the site from the A191 Whitley Road to the south of the site. The site compound will be established on the land which will form the landscaping mitigation area. This will mean no plant and equipment would access the site via Ashcroft Drive. There will be temporary parking available in the compound and contractors will be encouraged to use this and not to access the site from Ashcroft Drive (which will be restricted in any event once works commence). These arrangements will eliminate some potential sources of noise disturbance.

9.31 In terms of the construction works, BS 5228 'Code of Practice for Noise and Vibration Control from Construction and Open Sites' sets out criteria relating to noise and the point at which there is likely to be a significant impact. It identifies an exceedance of the specified noise thresholds for a period of 10 or more days of working in any 15 consecutive days or for a total number of days exceeding 40 in any 6 consecutive months as being significant. Where the impact is significant residents are potentially entitled to additional noise insulation to habitable rooms or temporary rehousing.

9.32 Conditions, which are being reviewed by the applicant and Council's Environmental Health Manager, are recommended to deal with construction noise through the submission of a detailed Construction Environmental Management Plan (CEMP) and a detailed noise and vibration impact assessment which accords with BS 5228. Required measures will include a range of mitigation measures, monitoring requirements, and a communication plan to ensure residents are made aware in advance of construction working times and activities expected to be noisy and a process for any complaints to be recorded and dealt with. With these measures in place, it is considered that significant disturbance of residents can be controlled but there will be noise and vibration impacts which are unavoidable during the construction period. Any amendments to conditions will be reported in an addendum.

9.33 The Environmental Health Manager recommends conditional approval. The conditions will secure the required mitigation and with these measures in place, it is officer advice that the proposal is compliant with national and local planning policy. It is also understood that the applicant will also submit a notice to the Local Authority under Section 61 of the Control of Pollution Act (1974) to apply to carry out noisy construction works. This provides the Authority with alternative powers to control noise and vibration from construction works.

9.34 Design and Visual Impact

9.35 Paragraph 126 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

9.36 Paragraph 130 of the NPPF states "Decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

9.37 Paragraph 92 of the NPPF, amongst other matters, seeks to promote health and safe communities. Decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction....street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; are safe and accessible....enable and support healthy lifestyles, especially where this would address identified local health and well-

being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

9.38 Paragraph 134 of the NPPF makes it clear that development that is not well designed, especially where it fails to reflect local design policies and government guidance on design should be refused. Significant weight should be given to development which reflects local design policies etc. and development which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the surroundings.

9.39 By necessity, the underpass is functional in its design and design has been informed by a range of accessibility and National Rail standards which have to be complied with in addition to planning policy. The visual impact was described above and with the inclusion of new planting as part of the proposal it is not considered that the development will have any significant visual impact. In terms of the design for users, the underpass will be for shared pedestrian and cycle use.

9.40 There are changes in levels across the route of over 3m so to achieve an accessible path gradient, the underpass has to be located 20m west of the existing level crossing. Re-locating to the east was not an option given the existing developments within Bellway Industrial Estate. The new path will have a gradient of 3%. There will be a single 5m intermediate landing along the route. The cutting embankments will have a gradient of 1:3.

9.41 The retaining wing walls will splay out at 45 degrees which minimises the extent of excavation required, reduces the extent the route is confined and also presents a wide opening to the main underpass which would maximise light and views through. As the box design for the underpass is 4m x 2.4m this too is designed to maximise natural lighting and visibility. As noted previously, the underpass will not be lit.

9.42 It is noted that the objectors raise concerns about anti-social behaviour. Design policy seeks to ensure the provision of an environment which is safe and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. As described above, the underpass has been designed to maximise natural light and visibility so that users have a safe environment in which to walk. The objectors describe the underpass as being in a remote location and whilst it is well screened by the planting between the railway lines, it is close to an established and well occupied industrial estate, the location is not considered remote. The route to and from the underpass is not currently lit so is already less attractive to use at night. Whilst the concerns are noted, it is not considered that the proposal would result in a fear of crime to an extent which, when balanced against the wider benefits of the proposal, would justify refusal of permission.

10.0 Other issues

10.1 Highways Impact

10.2 NPPF paragraph 111 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.3 NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and second to facilitate access to high quality public transport.

10.4 NPPF paragraph 113 sets out guidance on sustainability and connectivity.

10.5 LP Policy S7.3 states that the Council, will support its partners, who seek to provide a comprehensive, integrated, safe, accessible and efficient public transport network, capable of supporting development proposals and future levels of growth.

10.6 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being.

10.7 The application relates to the provision of an underpass on an established walking route. There are no highway impacts, beyond construction activities which have been addressed above, associated with the development.

10.8 The underpass is required in response to the delivery of the wider Northumberland Line scheme which itself seeks to introduce an enhanced public transport option so as to divert current car journeys onto a train service. This will bring regional benefits.

10.9 As no local traffic and transport impacts have been identified the Council's Highway Network Manager recommends approval of the application and the proposal is considered to comply with relevant national and local highway policies and guidance.

10.10 Public Rights of Way

10.11 The existing level crossing is on the route of a designated public right of way (PRoW) – Forest Hall 5 – which extends from the south-eastern residential areas of Forest Hall through to Whitley Road, via the metro underpass, level crossing and through Bellway Industrial Estate. There is also a non-designated route which runs parallel to the railway line as it curves south. This route is currently subject of a Definitive Map Modification Order (DMMO) for its inclusion on the Definitive Map as a right of way.

10.12 The works to construct the underpass will require some temporary and permanent changes to the PRoW network in this location. Whilst often such changes would be dealt with under planning legislation as part of the planning application determination process, in this case, the Northumberland Line Project is also subject to an application under the Transport and Works Act 1992 (TWA).

Planning permissions are being sought for the primary works associated with the project, but the TWA seeks approval from the Secretary of State for Transport to grant powers to enable the delivery of the full scheme including the compulsory purchase of land, access to the land required temporarily for construction works, the closing of level crossings and the temporary and permanent stopping up and diversion of highways (including PRow). Statutory bodies were consulted as part of the TWA process.

10.13 The TWA application was submitted in May 2021 and was subject of a public inquiry from 9 November – 10 December 2021. The decision is awaited. In this context the Planning Committee is not required to authorise the Director of Law and Governance to progress any diversions and closures. The TWA will also deal with authorisation of the closure of the current level crossing.

10.14 For information, there will be a permanent, localised diversion, of Forest Hall 5 to align the PRow with the new underpass and access routes (20m west of the current crossing). It will re-join the current route at the metro underpass to the north and adjacent to the Proctor and Gamble sports court to the south. The existing section which runs from the metro underpass, over the level crossing and between the Gurteen storage site and the Proctor and Gamble expansion land will be closed (although this will be retained as a point of access to the railway via a gated route).

10.15 There will also be minor, permanent diversions on the route of the recordable path, subject of the DMMO.

10.16 During construction, the PRow will need to be temporarily closed along with the route subject of the DMMO. Closures will be from the path approach via Ashcroft Drive in the north and north from the Proctor and Gamble eastern access gate. Signage will be provided to make users aware of the closures.

10.17 This application will deliver an enhanced, safer crossing point for users of the PRow. It will also provide a wider route than exists currently. The route will be extended in length as a result of the re-location of the crossing point some 20m further west of the existing crossing but this is not considered to be a significant diversion along the length of the route. The diversion would not be substantially less convenient to users of the path. The closure of the crossing would result in severance of the PRow necessitating a significant detour which would not be acceptable. The Public Rights of Way officer raises no objections to the proposals. A condition is recommended to agree the installation of appropriate temporary and permanent route signage.

10.18 Flood Risk

10.19 Paragraph 167 of the NPPF states “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.”

10.20 LP Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield

sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

10.21 LP Policy DM5.15 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

10.22 As the site is not in a flood risk area, a Flood Risk Assessment (FRA) was not required to accompany this application. It is known that the underpass is in a location where there is the potential for ground water flooding. There are reported issues with flooding in the existing metro underpass. To deal with surface water run off, drainage channels will direct surface water from the path and embankments and discharge this to a pump chamber on the south side of the underpass. From the chamber, water will be discharged into the combined sewer. The Lead Local Flood Advisor has assessed the scheme and advises the drainage arrangements are acceptable.

10.23 It is noted that there are existing flooding issues in the existing metro underpass. This scheme will not resolve these issues as they fall outside the scope of this application and the funding for the wider Northumberland Line scheme. The underpass development will not exacerbate the current situation. From a planning standpoint, this is acceptable. It is recognised that it would be desirable to improve the existing underpass but in the absence of funding this is not an option at this time but with new drainage infrastructure being provided as part of this development remains an option for future consideration by Nexus and the Council.

10.24 Ground conditions

10.25 Paragraph 183 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation.

10.26 Paragraph 184 of the NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

A Preliminary Sources Study for the site has been submitted. This has assessed geotechnical and geo-environmental information to identify constraints to be considered in scheme design and construction. Further investigations will be required and these will inform the final detailed design. The report identifies key issues as the presence of ground water and the potential presence of made ground which will be considered in the final assessments of slope stability for the embankments. It also identifies potential risks from gas and contamination. A Coal Mining Risk assessment is not required as the site is in a low risk area.

10.27 The Contaminated Land Officer has recommended conditions to address the potential risks identified.

10.28 Aviation Safety

10.29 Newcastle International Airport Limited (NIAL) has been consulted and have only commented on the need to limit berry bearing planting to no more than 10% of the planting mix.

10.30 In considering the impact of the development on the other matters set out above, there are, subject to the imposition of conditions, not considered to be any reasons which would justify refusal of permission and the proposal is considered to comply with national and local planning policy.

11.0 Conclusion

11.1 The application is considered to comply with the relevant national and local planning policy and guidance set out in this report. There are a range of socio-economic benefits associate with the wider Northumberland Line scheme, the delivery of which has been an ambition of Northumberland County Council, North Tyneside Council and Newcastle City Council for some years. The wider scheme will improve opportunities for more sustainable travel in the region and this complies with a key aim of planning policy.

11.2 In terms of the underpass, its provision is necessary to ensure the existing right of way can be maintained in light of the current level crossing being considered unsafe for future use once the railway line is being used more frequently as a result of the additional passenger train journeys being introduced. The new route will be wider and safer and will mean users are not delayed at times when a freight train is held over the crossing which does occur from time to time. The location is largely constrained by the location of the current crossing and the need to minimise the diversion of the right of way. Whilst there are residential properties nearby, with appropriate mitigation measures in place and good on-going communication, the nuisance arising from construction can be minimised. Once constructed, the design of the underpass is considered appropriate for its function and, whilst concerns over the fear of crime are noted, it is not considered that the extent of this fear is a basis on which to refuse planning permission. Alternative means of maintaining a crossing point have been considered but it is this scheme which is being considered.

11.3 The scheme does necessitate the removal of existing mature and semi-mature planting and whilst this is disappointing it is unavoidable, appropriate mitigation is proposed to provide new planting in accordance with net gain requirements.

11.4 Subject to conditions, as recommended, to mitigate the biodiversity impacts arising from the loss of existing landscaping and habitat and the adverse effects of construction as far as possible, approval of the scheme is recommended.

11.5 Whilst not a planning matter, the recommendation includes appropriate instruction to the Director of Law and Governance to work with the applicant to secure an appropriate agreement and commuted sum to cover the long term maintenance of the development.

RECOMMENDATION: Application Permitted

The Committee is recommended to grant planning permission for this development subject to conditions as listed below.

In addition the Committee is requested to authorise the Director of Law and Governance to enter into an appropriate legal agreement to secure the arrangements, including payment of a commuted sum, for the long term maintenance of this development by the Council.

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and documents as listed below:

Plans		
A.	60601435-ACM-01-ZZ-DRG-EST-001101	Proposed General
Arrangement Plan View (P01)		
B.	60601435-ACM-01-ZZ-DRG-EST-001102	Proposed General
Arrangement Elevation and Section (P01)		
C.	60601435-ACM-01-ZZ-DRG-EST-001103	Proposed General
Arrangement Footpath Sections (P01)		
D.	60601435-ACM-01-ZZ-DRG-EST-001104	Existing GA (A01)
E.	60601435-ACM-XX-ZZ-DRG-EEN-000508	Landscape Plan
(P02.1)		
F.	60601435-ACM-XX-ZZ-DRG-LEP-000021	Site Location Plan
(P01.1)		
Documents		
A.	60601435-SLC-P-270-Pal-PS	Planning Statement (V03)
B.	60601435-SLC-P-270-Pal-DAS	Design and Access Statement
(V04)		
C.	60601435-ACM-01-ZZ-REP-EGE-000003	Preliminary Sources
Study Report (1)		
D.	Palmersville Underpass NIA_01	Noise and Vibration Impact
Assessment		
E.	60601435-SLC-P-270-Pal-SCE	Statement of Community
Engagement (V02)		
F.	Palmersville Dairy Underpass 2021-09-30	Arboricultural
Impact Assessment		
G.	60601435-SLC-P-270-Pal-ECIA	Ecological Impact Assessment
(V02)		

Reason: To ensure that the development as carried out does not vary from the approved plans and documents.

2. Standard Time Limit 3 Years FUL MAN02 *

3. No development shall take place until a full programme of works has been submitted to and approved in writing by the Local Planning Authority. The programme shall allow the identification of 'enabling works', separate from the main demolition and construction works, including major groundworks (i.e. soil stripping).

Reason: To provide an identifiable separation of works which will allow the imposition of conditions aimed at the main construction works separate to the site enabling and preparation works.

4. Notwithstanding Condition 1 and pursuant to the submitted Outline Construction Environmental Management Plan (CEMP) (Planning Statement by SLC Property 8/10/21) no development shall commence until a detailed Construction Method Statement and CEMP which set out control measures and standards to be implemented for the duration of the construction period, has been submitted to and approved in writing by the Local Planning Authority. The approved statement and CEMP shall:

- identify the traffic management arrangements including access to the site for all site operatives (including those delivering materials) and visitors and the parking to be provided for the vehicles of site operatives and visitors;
- indicate the route for heavy construction vehicles to and from the site;
- identify a turning area within the site for delivery vehicles;
- provide details of a dust suppression scheme (which shall include measures to include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development);
- detail a scheme to ensure the construction site is kept clear of litter and debris including windblown materials which could impact on the operational train and metro lines.

The statements shall also provide details of the site compound(s) including:

- identifying the location of welfare facilities and for the storage of plant (silos etc) and materials used in constructing the development and provide details of the arrangements for their unloading;
- identifying the location of any fuels and waste to be stored;
- details of any concrete mixing facilities.

The scheme shall be designed and laid out to ensure that no cabins are placed, nor materials or plant placed or stored, and no parking areas are located within the root protection area (RPA) of the retained trees as defined by the Tree Protection Plan.

The scheme must include a site plan illustrating the location of facilities for each phase of the development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

5. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until the scheme for the provision of wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway as required by condition 3 has been implemented and the approved measures are available for use. The agreed measures must remain fully operational for the duration of the construction of the

development hereby approved and if the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

6. In accordance with the recommendations of the Ecological Impact Assessment and Biodiversity Net Gain Report (SLC Property October 2021), prior to the commencement of development a detailed precautionary method statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall be produced by a Suitably Qualified Ecologist (SQE) so as to ensure appropriate mitigation measures are in place to minimise the low residual risk of protected or notable species being adversely affected, including the residual risk of roosting bats being adversely affected. This shall include a requirement for all contractors involved in site clearance work to attend a toolbox talk by an SQE to ensure they are aware of the potential presence of protected and notable species in the area, the working methods which must be followed, and what to do in the event such a species is recorded on site during the works period. Works shall proceed on site in accordance with the approved Precautionary Method Statement, including all tree felling, trimming or other arboricultural works.

Reason: To maintain the biodiversity value of the site and ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

7. In accordance with the recommendations of the Ecological Impact Assessment and Biodiversity Net Gain Report (SLC Property October 2021), within 1 month prior to the start of works on site, including enabling works as agreed pursuant to condition 3, the following checking surveys shall be undertaken and details submitted to the Local Planning Authority for approval prior to works commencing on site:

Survey to establish that no Schedule 9 invasive plant species have established on site since the preparation of the ECiA and BNG Report; and

Survey to identify if any protected species are present on the site.

If stands of Schedule 9 invasive plant species are identified, details of the measures to be taken to ensure these species are subject to control or removal by an appropriately licensed contractor as part of the works shall be submitted to the Local Planning Authority.

Reason: To maintain the biodiversity value of the site and ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

8. In accordance with the Noise and Vibration Impact Assessment (AECOM September 2021) and the outline Construction Environmental Management Plan (CEMP) (Planning Statement by SLC Property 8/10/21) no development shall take place beyond the enabling works as agreed pursuant to condition 3, until a detailed Construction Noise and Vibration assessment, which is in accordance with BS5228:2009+A1 2014, has been submitted to and approved in writing by the Local Planning Authority. As set out in section 7 of the Noise and Vibration Impact Assessment the plan shall detail the construction works and

methodologies; details of predicted noise and vibration levels at the nearest sensitive receptors; and, where required, measures for the control and reduction of noise emissions and vibration associated with the construction works. The following BS 5228-1 Threshold Values will be used to determine the noise impacts at nearby residential buildings and hence the requirement for control measures:

- day time period 07:00 to 19:00 hours and Saturdays 07:00 to 13:00 hours 65 dB LAeq,façade;
- evening period 19:00 to 23:00 hours and weekends 13.00-23.00 hours 65 dB LAeq,façade; and
- night time period 23:00 to 07:00 hours 55dB LAeq,façade.

A peak particle velocity (PPV) level of below 10 mm/s will be used to assess residential vibration (from BS 5228-2). Other noise and vibration levels will be used for non-residential receptors on a case-by-case basis, as agreed with the Local Planning Authority.

The plan will also:

Provide details of a communication scheme setting out the steps which will be taken to give notice to residents of works that are expected to produce high levels of noise and vibration and a process for responding to complaints; and

Identify those activities where it is expected an exceedance of the Construction Noise Threshold Values will arise, details of the properties affected, the number of exceedances of the noise threshold level expected, and whether it meets the noise insulations or temporary criteria set out in BS5228. The works shall be carried out in accordance with the approved plans and documents. On approval the applicant will be required to carry out noise monitoring to validate noise levels. All complaints and noise monitoring results must be made available to the Local Planning Authority on request within 5 working days.

Reason: To ensure that the development is designed to mitigate the identified construction and operational noise and vibration impacts to protect residential amenity having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

9. There shall no deliveries by Heavy Goods Vehicles (HGVs) to the construction site outside the hours of 0800-1800 Monday-Friday and 0800-1600 on Saturday unless otherwise approved in advance in writing by the Local Planning Authority.

Reason: To protect residential amenity and manage noise levels at the nearest sensitive receptors in accordance with policy DM5.19 of the North Tyneside Local Plan (2017).

10. No impact or vibratory pile driving is permitted except between 10:00 and 17:00 hours Monday to Saturday, unless otherwise agreed in writing in advance with the Local Planning Authority.

Reason: To protect residential amenity and manage noise levels at the nearest sensitive receptors in accordance with policy DM5.19 of the North Tyneside Local Plan (2017).

11. Pursuant to condition 8, details of a compensation scheme for any property that meets a criteria of 40 or more exceedances of the noise threshold level as set out in BS5228, shall be agreed with the Local Planning Authority within 1

flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation or mitigation is required and how these measures will be implemented on site; details including drawings of gas protection scheme should be included.

In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is brought into use.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme.

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. Unexpected Hotspots CON007 *

16. Validation Report CON006 *

17. Within three months from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to the Local Planning Authority for approval. The fully detailed landscape scheme shall include planting proposals to ensure biodiversity net gain is achieved in accordance with other planning conditions. Any new standard tree planting is to be a minimum of 12-14cm girth. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. New trees or shrubs planted adjacent to the Nexus operational railway boundary must be positioned at a minimum distance greater than their predicted height from that boundary. Evidence must be provided with the landscaping scheme to confirm that it has been approved by Nexus and is compliant with their requirements for planting in proximity to their operational land.

Reason: To ensure that important features are protected and retained in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017) and to protect the safety of an operational railway line.

18. Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation. Reason: In the interests of amenity

and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

19. All works shall be undertaken in accordance with the submitted Arboricultural Impact Assessment (AECOM October 2021) and the Tree Protection Plan (set out in Appendix E of the AIA). If there are any changes to the design of the development hereby approved (including any additional tree removal), a revised AIA and Tree Protection Plan, which shall also be informed by the requirements in BS 5837:2012 Trees in relation to design, demolition and construction, shall be submitted for the approval of the Local Planning Authority. No development shall take place except in accordance with the approved AIA or any approved revised AIA.

Reason: To ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

20. Prior to any ground being broken on site and in connection with the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), detailed design and construction method statement of vehicular drives, parking areas, installation of kerb edges, retaining wall construction and other hard surfacing within the root protection area (as defined by BS5837:2012) a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' is to be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved tree protection scheme and Arboricultural Method Statement.

Reason: To ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

21. No vegetation removal or works to features (buildings) that could support nesting birds will take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

22. Development shall be carried out in accordance with the requirements of the submitted Ecological Impact Assessment (EclA) (SLC Property 12 October 2021). If there are any changes to the design of the development hereby approved, a revised EclA shall be submitted for the approval of the Local Planning Authority to ensure protected and priority species and habitats are

appropriately assessed in accordance with any updated design plans associated with the scheme.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

23. Any excavations left open overnight shall have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

24. No lighting will be installed during the construction works period without the prior agreement of the Local Planning Authority. Any lighting scheme, which will be prepared with input from a Suitably Qualified Ecologist (SQE) must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitat and located to minimise the risk of adversely affecting nocturnal species such as bats and the impact of light pollution on nearby residential properties and on the operational rail and metro lines. The lighting scheme shall include details of the location of lighting, the timings it is intended to be in use and information indicating predicted illuminance levels at critical locations on the boundary of the site including nearby residential properties and retained woodland.

Reason: To protect local residential amenity and to ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policies DM5.19 and DM5.5 of the North Tyneside Local Plan (2017).

25. Five bat boxes and five bird boxes will be provided on suitable trees within the development site. Details of bat and bird box specification and locations must be submitted to the Local Planning Authority for approval prior to the development becoming operational. The bat and bird boxes shall be installed prior to the development becoming operational in accordance with the approved details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

26. No development shall commence unless and until a scheme for the long term management of the broadleaved woodland planted area, species rich grassland and hedgerow planting ("the offsetting scheme") as indicated on drawing 60601435-ACM-XX-ZZ-DRG-EEN-000508 Rev. P02.1 (AECOM) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

- The provision of arrangements to secure the delivery of the offsetting measures (including a timetable for their delivery) that will be implemented by the developer;

- A fully detailed Landscape & Ecology Management Plan to include for the provision and maintenance of the offsetting measures for a 30-year period. The plan shall include details of the design, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all

newly created and/or enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include the following:-

- Details on the creation, enhancement and management of all target habitats identified within the approved Biodiversity Net Gain Assessment Report, Biodiversity Metric Spreadsheet and associated landscape plans for on-site and off-site mitigation/compensation.

- Survey and monitoring details for all target habitats identified within the Net Gain Assessment Report and associated Landscape Plans /Strategies. Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and thereafter on a 5 yearly basis, and will include a Net Gain Assessment update as part of the report to ensure habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA.

- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report.

The written approval of the LPA shall not be issued before the arrangements necessary to secure the delivery of the off-setting measures have been executed. The offsetting scheme shall be implemented in full accordance with the requirements of the approved scheme.

Reason: This information is required from the outset in the interests of biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

27. No development shall commence beyond the enabling works as agreed pursuant to condition 3, unless and until details of off-site skylark compensation have been submitted to and agreed in writing by the Local Planning Authority. Details of the Plan shall include the location of the compensation area, habitat enhancement and management measures that build capacity for skylark within the site, survey and monitoring details management responsibilities and a timetable for its implementation.

The written approval of the LPA shall not be issued before the arrangements necessary to secure the delivery of the off-site compensation scheme have been executed. The offsetting scheme shall be implemented in full accordance with the requirements of the approved scheme for a minimum period of 30 years.

Reason: This information is required from the outset in the interests of biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

28. The development shall not be brought into use unless and until a scheme for the long-term management of the drainage scheme, including the proposed sump and pump, has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure there are satisfactory arrangements to maintain site drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

29. Prior to the commencement of any works beyond the enabling works as agreed pursuant to condition 3, a scheme detailing the timetable for the temporary closure of the Public Right of Way (Forest Hall 5) and of the unrecorded route, shall be submitted to the Local Planning Authority together with details of temporary signage to be provided on site to inform users of the footpaths of the closures and diversions in operation during the construction period. Signage shall be installed in accordance with the agreed details and maintained for the duration of construction works. Before the underpass is brought into use, details of permanent destination signage on the route of the diverted public right of way shall be submitted to and agreed with the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: In the interests of users of the Public Right of Way network having regard to policy DM7.4 of the North Tyneside Local Plan (2017)

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

The applicant is advised that no part of any gates may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

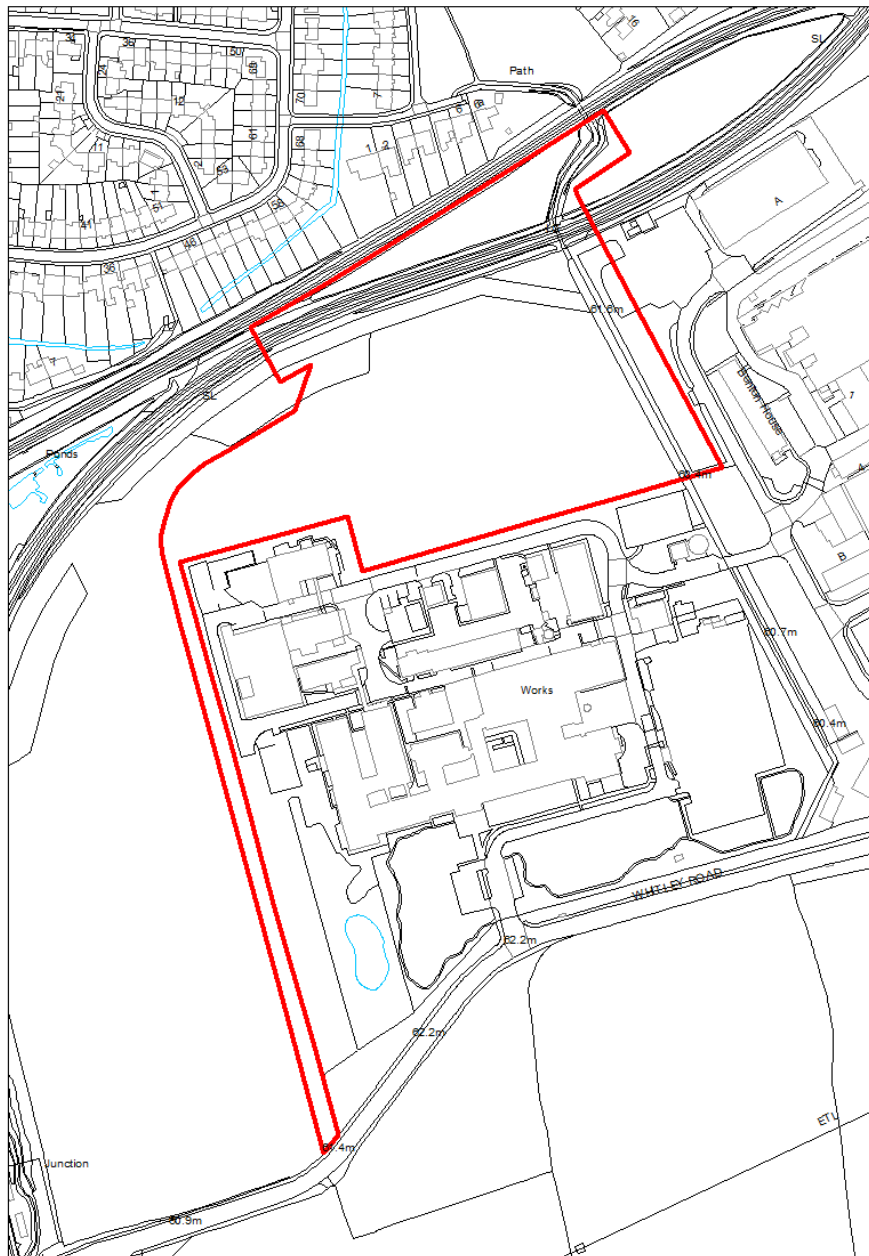
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The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

Beyond the authorised temporary closure and diversions of Public Rights of Way, free & full access to the remaining Public Right of Way network will always need to be maintained. Should it be necessary for the protection of route users to temporarily close or divert any additional routes, this should be agreed with the council's Public Rights of Way Officer.

The applicant is advised that prior to the commencement of works and upon the completion of the development the developer will need to the council's Public Rights of Way Officer to carry out a full joint inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.



Application reference: 21/02173/FUL

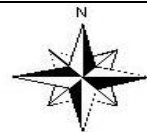
Location: Land To The West , Bellway Industrial Estate, Benton

Proposal: Construction of an underpass, works to public rights of way, construction of soft and hard landscaping, surface and subsurface drainage, utilities and other services, boundary treatment and other associated works

Not to scale

Date: 06.01.2022

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Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for construction of an underpass, works to public rights of way, construction of soft & hard landscaping, surface & subsurface drainage, utilities & other services, boundary treatment and other associated works.

1.3 The wider Northumberland Line development will enhance transport links in the North Tyneside & South East Northumberland areas and as such, the proposal is welcomed for the positive impact on single car journeys. The developer has applied to divert the Public Right of Way via the Transport & Works Act and the developer will be required to enter into an appropriate Legal Agreement to secure the commuted sum for future maintenance of the asset.

Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location,

type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

1.6 Informatives:

The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that free & full access to the Public Right of Way network will always need to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during

development, this should be agreed with the council's Public Rights of Way Officer.

The applicant is advised that prior to the commencement of works and upon the completion of the development the developer will need to the council's Public Rights of Way Officer to carry out a full joint inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

1.7 Public Rights of Way, Definitive Map and Cycle Network Officer

1.8 Raised queries as to which party will deal with the diversion of the public right of way and seeks to ensure that the statutory bodies are aware of the requirement to divert the path.

1.9 Notes the requirement for temporary closure of routes during construction and the need to provide appropriate signage to ensure users of the paths are aware of any closures well in advance. The applicant will be required to provide this. New permanent destination signage will also be required to mark the new route and the applicant will also be required to provide this in accordance with our specification.

1.10 Notes that the new surface will tie in with the Nexus underpass which itself is liable to flooding and asks what consideration has been given to dealing with this existing flooding issue.

1.11 Lead Local Flood Authority

1.12 I have carried out a review of the surface water drainage proposals for planning application 21/02173/FUL, I can confirm the proposed surface water drainage system for the underpass is acceptable as such I have no objections to the proposals.

1.13 I would recommend a condition is placed on the application requiring details of the company appointed to maintain the underpasses drainage assets to be provided to LLFA.

1.14 Biodiversity and Landscaping Officers

1.15 The site is located in a Wildlife Corridor as defined by the Local Plan therefore the following policies apply:

Policy S5.1 Strategic Green Infrastructure

Policy S5.4 Biodiversity and Geodiversity

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

Policy DM5.7 Wildlife Corridors states:

Policy DM 5.9 Trees, woodland and hedgerow

1.16 Officers have reviewed the submitted Ecological Impact Assessment, Biodiversity Net Gain assessment and Arboricultural Impact Assessment, no objections are raised, subject to the imposition of conditions.

1.17 They initially sought clarification on the information submitted, noting that the biodiversity offsetting proposal included habitat creation to mitigate not only the development of the underpass but also in relation to the approved new

station at Northumberland Park. Revised biodiversity net gain assessments were provided for both schemes which demonstrated that there is over 10% gain in relation to both developments. 0.7ha of woodland planting is proposed as mitigation for the underpass and 0.4ha for the station at Northumberland Park. In addition, there is 0.14ha of coniferous planting. A condition is recommended to ensure that the calculations are reviewed in the event there are any changes to the scheme. A condition is also recommended to allow final agreement of the woodland planting area species.

1.18 The Ecological Impact Assessment (EclA) indicates that the underpass site may support one pair of breeding skylark. Mitigation is required and the applicant has explained that the mitigation area will incorporate skylark plots on land reinstated to arable use.

1.19 Officers have sought clarification on the extent of the loss of existing vegetation. This has been confirmed as the loss of 3979m². The applicant has advised the BNG assumes a loss of 4200m² so the calculations provide for a better outcome.

1.20 Environmental Health Manager

1.21 I have viewed the noise report that has considered the existing background noise level to determine the construction noise threshold levels. This has established that the threshold will be category A for daytime, and category C for evening and night time. A detailed assessment of the noise from the proposed construction activities has not been carried out as limited information on the proposed plant to be utilised is available. However, given the distance to the nearest sensitive receptors additional mitigation measures are likely to be required to minimise significant adverse impacts on existing housing during the proposed construction times, given that some of the works will need to occur during the night period and that the programme of works is likely to take place for a period of 13 months.

1.22 The noise and vibration report outlines that the ground investigation works were not complete and therefore the construction works and plant requirements had not been identified. It is likely that piling will be required as part of the construction. As a detailed assessment of the vibration impacts has not been undertaken the requirements for plant/activities which emit significant levels of vibration, are not yet known. A detailed vibration assessment will be required as part of the construction environmental noise plan.

1.23 Restrictions of specific noisy activities of construction will need to be set e.g. piling where possible should be limited to daytime hours of 10:00 to 17:00 hours and noise threshold limits not exceeded at the nearest sensitive receptor. Noise monitoring will also need to be carried out during the construction phase to prevent adverse impacts. A detailed phase of works will need to be submitted with the noisiest construction activities restricted to daytime hours only, thereby reducing the potential noise impacts at the residential houses during the night period.

1.24 Where it is essential to carry out construction activities during the night period, it will be necessary to notify those properties that exceed the threshold

and to advise on the number of events that the threshold may be exceeded. In accordance with BS5228 compensation shall be offered to any properties were over more than 40 day/night/evening exceedances of the threshold events during the period of construction that may arise as the works will occur for more than 6 months. The threshold levels measured as free field equivalent noise levels at facade of noise sensitive property are set out from noise report as:

Day time period 07:00 to 19:00 hours freefield Leq(A) 65 dB.

Evening period 19:00 hours to 23:00 hours freefield Leq(A) 55 dB, and

Night time period 23:00 hours to 07:00 hours freefield Leq(A) 55dB,

1.25 Compensation for those properties considered eligible based on criteria shall be set out and agreed in writing with the planning authority.

1.26 I would therefore suggest the following conditions:

No pile driving is permitted except between 10:00 and 17:00 hours Monday to Saturday.

An assessment of construction noise and vibration including detailing measures for the control and reduction of noise and vibration emissions associated with demolition, earthworks and construction.

Prior to construction activities, a Construction Environmental Noise and Vibration Plan in accordance with BS2558 must be submitted in writing and approved by the local planning authority. The plan must include for a phased assessment of the noise levels and vibration emissions at residential premises for each phase of activity, excavation, earth works, stabilisation works, foundations and engineering works. The plan must include details of mitigation measures to be taken, details of the communication scheme with noise sensitive receptors and the noise and vibration monitoring scheme to validate the noise and vibration activity assessments, to enable corrective actions to be agreed to mitigate the construction noise levels and vibration emission levels to ensure compliance with the construction threshold noise levels and the peak particle velocity levels are kept below the 10 mm/s, which is considered a medium magnitude of impact. A reporting mechanism for the noise and vibration monitoring to the local planning department must be agreed for complaint recording, exceedances of the construction noise threshold level and vibration emission monitoring and any corrective action taken. . All information should be available on request within 5 working days. The noise threshold levels are set out below:
day time period 07:00 to 19:00 hours freefield Leq(A) 65 dB.
evening period 19:00 hours to 22:00 hours freefield Leq(A) 55 dB, and
night time period 22:00 hours to 07:00 hours freefield Leq(A) 55dB,

Prior to commencement of construction a compensation scheme shall be agreed and thereafter implemented for any property that meets a criteria of 40 or more exceedances of the noise threshold level.

Prior agreement for those activities where an exceedance of the construction noise threshold level is considered to arise must be obtained from the local planning authority, detailing the properties affected, the number of exceedances

of the noise threshold level, and whether it meets the compensation criteria if more than 40 events occur as set out in BS5228.

No deliveries or collections shall be carried out except between the hours of 07:00 and 19:00 hours, determined as the daytime period under BS5228.

A detailed lighting assessment will be required to ensure all external lighting utilised during the construction phase and that required for when the underpass is operational, complies with the Institute of Lighting Engineers guidance for the reduction of obtrusive lighting.

LIG01 During construction and external lighting of the underpass when in use.

1.27 Contaminated Land Officer

1.28 I have read the Preliminary Sources Study Report - Palmersville Dairy Crossing. This report has identified risk from gas and potential contamination: "The risk from exposure to hazardous gas is primarily to railway workers entering confined spaces such as the pump chamber during construction and maintenance operations. The underpass is open-ended and will not be susceptible to development of a hazardous gas environment."

"Contamination testing is advised prior to works commencing for any widespread contamination that is amenable to pre-planned mitigation through design and risk management."

1.29 Based on the information submitted the following must be applied
Con 004, 005, 006 & 007 & Gas 006

2.0 External Consultees

2.1 Newcastle Airport

2.2 No comments but requests that the woodland planting mix includes no more than 10% berry bearing species.

2.3 Coal Authority

2.4 Notes that the application site does not fall within the defined Development High Risk Area so there is no requirement for any Coal Mining risk assessment to be submitted. An informative should be imposed to ensure the developer is aware of potential public health issues.

2.5 Nexus

2.6 Nexus welcomes the intentions of Northumberland County Council and the Northumberland Line Scheme to develop and enhance the propensity to travel via rail across the North East. Any modernisation or creation of new footpaths and underpasses next to rail lines is likely to further the potential of more people travelling by rail due to ease of access and pedestrian integration between modes. At this location, creation of an underpass will enhance the ability for people to access areas north and south of the rail lines – and is likely to encourage onward passage to Palmersville Metro Station.

2.7 In consultation with Nexus Rail, Nexus recommends that the developer adhere to good housekeeping during development by the Tyne and Wear Metro line to prevent items blowing onto the Nexus Electrified Overhead Line Equipment resulting in Metro services being stopped which will incur large costs

for disruption. Enclosed skips should be used to mitigate against this from happening.

3.0 Representations

3.1 Two representations, representing three addresses have been received in response to the statutory publicity undertaken. One (on behalf of two addresses on Ashcroft Drive) raises objections relating to:

The deviation of the public right of way;

Environmental damage including extensive excavation which includes the removal of mature trees;

The remote location of the underpass which attract those engaged in unlawful activities;

The proposal is expensive and damaging and all that is required is a barrier and crossing lights on the existing route which is more cost effective and less damaging.

3.2 One resident generally supports the underpass noting that the community's views have been listened to by the applicant who have recognised that a footbridge was not suitable given its ecological impact, inclusivity issues and possible privacy concerns. Also notes that the underpass as submitted is closer to the existing crossing than on earlier designs so the environmental impact is reduced. Noted some discrepancies in the submitted application documents and requested these were addressed to as to be clear the underpass would be constructed in the location proposed – 20m west of the existing crossing. Requested consideration be given to lighting the underpass.

3.3 The applicant had undertaken consultation on this proposal (July – Aug 2021) and on the wider Northumberland Line project prior to the submission of this planning application (Nov-Dec 2020). Twelve responses were received to the 2021 consultation.

Agenda Item 7

Application No: 21/02424/TELGDO Author: Rebecca Andison
Date valid: 2 December 2021 ☎: 0191 643 6321
Target: 26 January 2022 Ward: Collingwood
decision date:

Application type: telecommunication system notification

Location: Land Adjacent To, North Tyneside General Hospital, Rake Lane, North Shields, Tyne And Wear

Proposal:

Applicant: CK Hutchison Networks (UK) Ltd, Great Brighams Mead Vastern Road Reading RG1 8DJ

Agent: WHP Telecoms Limited, Ryan Marshall 1A Station Court Station Road Guiseley Leeds LS20 8EY

RECOMMENDATION: To not exercise control over the site or appearance of the monopole and cabinet.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issue for Members to consider in this case is whether the proposal is acceptable in terms of the impact of the visual amenity of surrounding occupiers and the character of the area.

2.0 Description of the site

2.1 The application site is located on the south side of Rake Lane, North Shields, adjacent to North Tyneside General Hospital.

2.2 The site is located on the pavement adjacent to the boundary hedge of hospital car park. On the opposite side of Rake Lane is a bus stop and agricultural fields. The fields are allocated for housing within the Local Plan and planning permission has recently been granted for a development of 310no. dwellings.

3.0 Description of the Proposed Development

3.1 This application is submitted under Class A Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended). The applicant is seeking a determination as to whether prior approval is required for the siting and appearance of the following:

- Proposed 16.0m Phase 8 Monopole with a wrapround Cabinet at the base and associated ancillary work.

4.0 Relevant Planning History

4.1 There is no relevant planning history for the site.

4.2 Other relevant planning history:

Land adjacent to 98 Benton Lane

21/01503/TELGDO - Proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works
Refused 03.08.2021
APP/W4515/W/21/3281647 – appeal allowed.

Land adjacent to 1 to 6 Beaumont Drive

21/01272/TELGDO - Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works (revised plans and description submitted 24.06.21)
Refused 07.07.2021
APP/W4515/W/21/3280718 – Appeal allowed

Land adjacent to Rake House Farm

19/00257/FULES - Development of 310 residential dwellings (including affordable housing) and associated infrastructure and engineering works, creation of new access from A191 Rake Lane, creation of SuDS and open space. EIA submitted.
Permitted 15.12.2021

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (July 2021)

6.2 National Planning Practice Guidance (NPPG) (As amended)

6.3 The Town and Country (General Permitted Development) (England) Order 2015 (as amended)

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issue for Members to consider in this case is whether the proposal is acceptable in terms of the impact of the visual amenity of surrounding occupiers and the character of the area.

7.2 The National Planning Policy Framework states that advanced, high quality communications infrastructure is essential for economic growth and social well-being. It goes on to state that planning decisions should support the expansion of electronic communication networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

7.3 Paragraph 115 of the NPPF clearly states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

7.4 Paragraph 117 of the NPPF sets out the requirements for application for electronic communications development. Applications for electronic communications development (including for prior approval under Part 16 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guidelines.

7.5 Paragraph 118 of the NPPF makes it clear that Local Planning Authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for exposure.

7.6 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

7.7 Local Plan Policy DM7.11 states that the Council supports the development and extension of telecommunications services. Proposals for new homes or employment development will be encouraged to consider and make provision for high-speed broadband connectivity. Specific proposals for telecommunications development (including radio masts), equipment and installations will be permitted if:

- a. When proposing a new mast, evidence should demonstrate that no reasonable possibilities exist of erecting apparatus on existing buildings, masts or other structures.
- b. The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity and respect the character or appearance of the surrounding area.
- c. When sited on a building, the apparatus and associated structures are sited and designed in order to seek to minimise impact to the external appearance of the host building.
- d. The development would not have an unacceptable adverse impact on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest. When considering applications for telecommunications development, the Council will have regard to the operational requirements of telecommunications networks.
- e. There are no more satisfactory alternative sites for telecommunications available.
- f. There is a justifiable need for a new site.

g. Proposals subject to government guidelines on non-ionising radiation protection are accompanied by an International Commission on Non-Ionizing Radiation Protection certificate.

7.8 The proposed monopole is 16m high and would be located on the pavement adjacent to the car park of North Tyneside General Hospital. The closest residential properties are located on Rosewood Close, which is located to the east of the hospital. 2no. objections have been received from residents of this street.

7.9 The mast may be visible from the north west facing windows and gardens of properties on Rosedale Close but would be located in excess of 130m from the closest dwelling. It is not therefore considered that there would be a significant impact on the visual amenity of residents.

7.10 When the housing site to the north is developed the mast will also be visible from residential properties within this development. However, it would be located approximately 40m from the closest dwellings and separated from them by a belt of landscaping and a main highway. It would also be seen against a backdrop of hospital buildings.

7.11 In assessing this application, it is appropriate to consider two recent appeal decisions made in respect of telecommunications masts which are set out in the Planning History section above.

7.12 In the case of application 21/01503/TELGO an 18m high mast was allowed on Benton Lane, Forest Hall. The Inspector's decision refers to the urban character of the area and the presence of existing street furniture. He states:

'Although the mast would be taller than the street lighting columns, trees, and houses in the vicinity, it would have a fairly slim and uncomplicated profile, which in the context of this wide urban road and the plethora of other street furniture, would not be overly dominant or visually obtrusive in the street scene.'

7.13 The Inspector also noted that the mast would be visible in a residential context, but he considered that it would not be dissimilar to the lamp posts and telegraph poles and would not be visually obtrusive or over dominant. With regards to the impact on views from nearby residential properties the Inspector states 'the mast would not be unacceptably overbearing or intrusive when viewed from the nearby properties'. He has regard to the separation distance, the siting of the mast in a gap between the houses and the slim profile.

7.14 The mast allowed on Beaumont Drive (21/01272/TELGDO) was 15m in height and in allowing the appeal the Inspector has regard to the location of the mast close to existing street lights and trees and the ability to reduce its prominence by using an appropriate colour treatment. The Inspector assesses the impact of the wider shroud but does not consider that this results in the mast appearing unacceptably overbearing or intrusive in the outlook from nearby properties.

7.15 Like the approved mast on Benton Lane, the application site is an 'A' road where there is existing street furniture. The mast proposed under the current application is 2m lower than the one allowed on Benton Lane, and the design and width of the antennas is similar. The mast would be coloured grey which will help it blend in with the predominantly cloudy British skyline. In addition, the mast is located adjacent to a large commercial site and is well distanced from residential properties.

7.16 Taking into account the character of the area, the location of the mast and the appeal decisions set out above, it is officer opinion that the proposed mast would not have a significant detrimental impact on the visual amenity of existing or future residents, or the streetscene.

7.17 In order to fulfil its obligations as a code system operator the applicant has identified a need to provide improved coverage for the network in relation to 5G services. They have also advised that the height of the pole has been kept to the minimum capable of providing the required 5G coverage and that the cell search area is extremely constrained. 10no. alternative site were considered. These were discounted due to problems from a build perspective, the proximity to housing and other sensitive locations, and highway safety issues.

7.18 A statement of conformity with ICNIRP Public Exposure Guidelines has been submitted. The impact on health would not therefore be grounds on which to refuse the application.

7.19 The mast and cabinets would leave a sufficient pavement width and the Highway Network Manager has confirmed that he has no objections to the proposal.

8.0 Conclusion

8.1 The proposal is required to provide improved network coverage for the surrounding area, and on balance for the reasons set out above, the impact on the amenity of nearby residents, the streetscene and highway safety is considered to be acceptable. The application is therefore recommended for approval.

RECOMMENDATION: To not exercise control over the site or appearance of the monopole and cabinet.

Conditions/Reasons

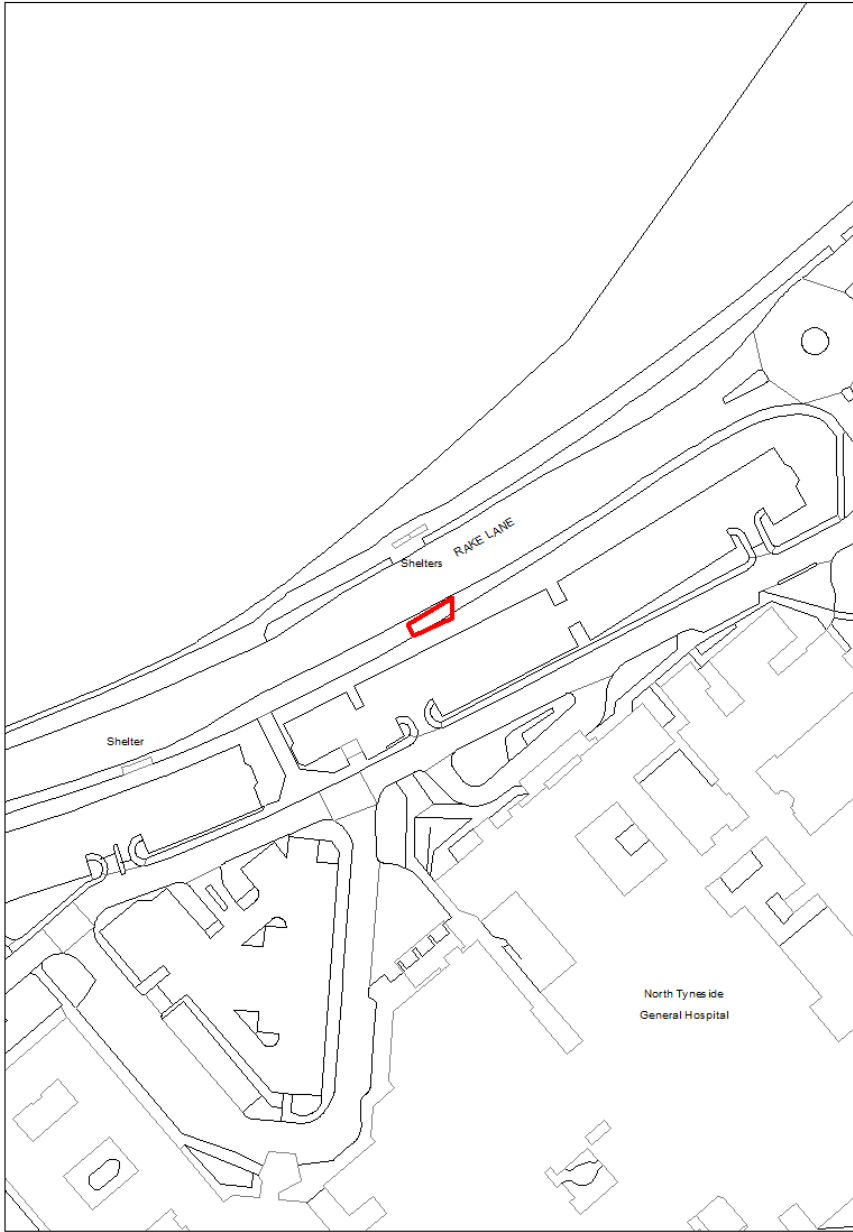
1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications.

- Application form
- 002 Site location plan NTY19197_M001 Rev.A
- 210 Proposed site plan NTY19197_M001 Rev.A
- 260 Proposed elevation NTY19197_M001 Rev.A
- Supplementary Information

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order).

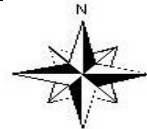


Application reference: 21/02424/TELGDO
Location: Land Adjacent To, North Tyneside General Hospital, Rake Lane, North Shields
Proposal: Proposed 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works

Not to scale

Date: 06.01.2022

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**Appendix 1 – 21/02424/TELGDO
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 No objections in principle to this proposal.

1.3 All works must be RASWA/Chapter 8 compliant. For any further information on temporary highway closure and RASWA applicant can contact streetworks@northtyneside.gov.uk - Tel. (0191) 643 6131

2.0 Manager of Environmental Health (Pollution)

2.1 No objection in principle to this application.

1.0 Representations

1.1 2no. objections have been received. The concerns raised are summarised below.

- Close proximity to residential properties.
- Overlooks a nursery, primary school, hospital and homes.
- I intend exposing the dangers online and object to this application.

North Tyneside Council Report to Planning Committee Date: 18 January 2022

Title: 18 Station Road,
Forest Hall Tree
Preservation Order
2021

Report from Directorate: Environment, Housing and Leisure

Report Author: Phil Scott Head of Environment, Housing and Leisure (Tel: 643 7295)

Wards affected: Benton

1.1 Purpose:

To consider the above Tree Preservation Order (TPO) for one tree taking into account any representations received in respect of the Order.

1.2 Recommendation(s)

Members are requested to consider the representations to 18 Station Road, Forest Hall, Tree Preservation Order 2021 and confirm the Order.

1.3 Information

- 1.3.1 The Council were notified of the intention to carry out works to the tree as part of the works to the planning application 20/01150/FULH. The planning application constituted notification of the owner to the local authority to undertake works to the tree, which is located in Benton conservation area. As required by the Town & Country Planning (Tree Preservation) (England) Regulations 2012, when an application or section 211 notice is received for works to trees in a Conservation Area, the local authority has 6 weeks to consider whether the trees justify a TPO. In this case the planning application acted as a section 211 notice which technically started the 6 week notice. The Council approved planning permission to the application (20/01150/FULH) but decided to make a TPO (Appendix 1) for the tree in question. The Order was served in August 2021.
- 1.3.2 Two objectors have made representations concerning the tree, one being the owner of the tree, the other being the next door neighbour at 2 Lyndhurst Road. The owner has also submitted two arboricultural reports as part of the representations to be considered by the committee. A copy of the representations and correspondence are included as Appendix 3, 4, 5 and 6 to this report.
- 1.3.3 Objections can be summarised as follows:
- The tree is suffering from ash dieback and should be removed.
 - The tree is within Benton conservation area and therefore already protected and no reason to make the tree subject to a TPO. The TPO should be removed.
 - Previous approved application of works to the tree (18/01401/TREECA) show a record of compliance by the owner of following the due process and appropriately managing the tree.
 - Concern of structural damage

- Problems with drainage that are believed to be caused by the roots of the tree
- The owner does not seek to have the tree removed but the neighbour has raised concerns that the tree is dangerous.
- Neighbours have noticed the tree looking increasingly unhealthy over the last three to four years and appears to be ash dieback. Several other trees in the surrounding area also appear to be suffering from the same condition.
- Neighbours cars being damaged by sap and pollen from the tree.
- Neighbours concerned of the risk posed by the tree falling on their property and parked cars. They believe the tree is in a dangerous condition and should be felled for reasons of safety.

1.3.4 Arboricultural reports submitted by the owner can be summarised as follows:

- Woodsman report July 2021 was based on various ground survey inspections between October 2020 and July 2021.
- Evidence of poor shoot formation, shoot dieback and weak distorted growth in the upper canopy. Consistent symptoms of ash dieback. The lower crown is showing signs of good vigour.
- Evidence of ash dieback in the surrounding ash trees.
- Reference from Forest Research that older trees (which would be accurate for this tree) can resist ash dieback for some time until prolonged exposure or another pest or pathogen eventually causes them to succumb.
- Given this disease cannot be treated it is recommended that the tree be removed at the earliest opportunity and the tree is likely to increase the risk it poses to adjacent people and property as if left the risk and cost to remove the tree will only further increase.
- AllAboutTrees report September 2021 reaffirms the view that the tree has ash dieback.
- The property has been flooded during adverse weather and the installation of a French drain would be a reasonable and proportionate response to repetitive flooding and damage to the root system is unavoidable.
- The tree is also attributed to causing damage to a boundary wall and there is damage to the concrete pad in front of the garage and cracking above the lintel of the garage to its roof. An underground drainage route is located in this area and may have collapsed leading to subsidence of the garage. Investigation works to the area are proposed but would further disturb the root system, which is unavoidable.
- Proposed works to construct the extension is within the Root Protection area (RPA) of the tree. Pile foundations would prevent significant damage to the root system caused by traditional trench and fill foundations. However, this generates additional cost that is prohibitive and excessive for a tree which will be lost in the coming years regardless.
- Risk of structural failure is not a concern at the present time, but the potential for structural failure will increase with time if the tree were to be retained.
- Ash dieback is not a treatable pathogen and will continue to weaken the tree, as such the tree is considered to be in irreversible decline.
- The combination of the ash dieback and the disturbance of the root system to undertake works to the boundary wall, French drain, repair the existing drainage system and construct a new extension would reduce the trees ability to tolerate the stress placed upon it and would be inadvisable.
- Recommended the tree be removed and replaced with a suitable replacement.

1.3.5 A summary of the objections is listed below. The Council has responded, in consultation with the landscape architect (who has provided a full response in Appendix 9), to each of the objections:

- a) The tree is suffering from ash dieback and should be felled because it is dangerous;
- b) Concern the tree is causing structural damage to the property and boundary wall;
- c) Concern the tree is causing problems with drainage;
- d) The tree sap and pollen is causing damage to neighbours cars;
- e) The tree is sufficiently protected by Conservation area status and does not require TPO status;
- f) Concluding remarks.

a) The tree is suffering from ash dieback and should be felled because it is dangerous

- 1.3.6 The owner of the tree obtained two arboricultural reports that advise the ash tree is dying of ash dieback, which is a non-treatable pathogen, and the tree should be removed.
- 1.3.7 Ash dieback has so far been relatively uncommon in the borough and there is a need to further understand the significance of the disease and any official reporting that may be required. Ash dieback is present in most parts of England, although the severity of the disease varies locally. Usually, more evidence of the disease would be apparent, for example wilting leaves, wilting new shoots, leaf necrosis and lesions on the branches for a tree to be of concern.
- 1.3.8 The current advice is to retain ash trees where they stand out as being healthier than those around them and it is safe to do so and more information is available to view in a guide to ash dieback produced by the Tree Council (Appendix 11). The tree still provided a high level of visual amenity which is a key consideration for protection by a TPO.
- 1.3.9 Forest Research draws on experience in continental Europe, which is now being seen replicated in the UK, indicates that the disease can kill young and coppiced ash trees quite quickly. However, older Ash trees can resist the disease for some time and in southern England, some ash trees are starting to show some level of resistance but this is an area where further research and monitoring will need to be analysed.
- 1.3.10 The presence of the disease does not necessarily mean that a tree should be felled/pruned with each situation assessed on its merits, taking account of the condition, position and importance of the tree. Also, the tree at this stage is not considered imminently dangerous whereby it requires immediate removal, and this was confirmed in the report from AllAboutTrees. The ash tree is a major component of the tree cover of the immediate area and offers significant visual amenity within the context and the aims of the Conservation Area, so any removal will need to be conclusive.
- 1.3.11 The tree is showing very minor die back in the upper crown of the tree. It is unknown at this stage if the tree will eventually succumb to the disease as local conditions will determine how ash trees are affected by the disease. At this stage the tree does not pose a real and immediate danger and it is considered premature to fell the tree, even as a precautionary measure.

b) Concern the tree is causing structural damage to the property and boundary wall

- 1.3.12 If there is damage to the structure of the property by the roots of the tree, a structural engineers report must be submitted to the LA to prove actual damage as the tree may not be the only factor that can cause building movement. For example, natural seasonal soil moisture changes, localised geological variations, damaged drainage, over loading of internal walls and settlement, amongst others so clear evidence is required that the damage caused is due to the trees in order to require their removal. This information is in

line with current TPO guidance to ensure trees are not unnecessarily removed. Trees co-exist next to structures and in many situations without conflict, so unless evidence is provided indicating otherwise, removal of the tree is not usually supported. The additional expense of constructing the extension with pile foundations rather than the traditional trench and fill foundation is not considered a sound reason to withdraw the TPO. The lifespan of the tree is unknown as the resistance of the tree to ash dieback will continue to be monitored but undertaking works that would increase the stress on a tree is not considered acceptable.

c) Concern the tree is causing problems with drainage

1.3.13 Tree roots cannot enter an intact drain. Many drains can have a variety of defects such as displaced joints, circumferential and longitudinal cracking regardless of the proximity of trees and the existence of roots within the drain does not indicate that a tree has caused the defect even if a root has grown through the crack. Provided the drains are maintained there is little capacity for damage to occur and tree removal would not normally be considered for this reason. With regard to surrounding concrete pad, tree roots typically grow close to the surface, and it is not uncommon for them to develop on the underside of hard surfaces such as driveways or footpaths, which can lead to cracks developing through physical pressure. This damage is frequently superficial, and there is a range of options available which could include repairing the damage whilst retaining the tree such as replacing the existing surface with a sustainable engineered solution that can accommodate the roots.

1.3.14 No evidence has been provided that proves the presence of tree roots affecting or contributing to any damage. This is insufficient information to allow the removal of the tree or withdraw the TPO.

d) The tree sap and pollen is causing damage to neighbours cars

1.3.15 Sap is a natural seasonal problem caused by aphids. Pruning the tree will only offer temporary relief and can exacerbate the problem in the long run as any new growth is often more likely to be colonised by aphids thereby potentially increasing the problem. As this is a natural occurrence it is not considered reason to remove the tree.

e) The tree is sufficiently protected by Conservation area status and does not require TPO status

1.3.16 Application 20/01150/FULH was granted conditional approval on 9th December 2020 with a condition that stated: 'No trees within the site shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase or without the prior written consent of the Local Planning Authority'.

1.3.17 As required by the Town & Country Planning (Tree Preservation) (England) Regulations 2012, when an application or section 211 notice is received for works to trees in a Conservation Area, the LA has six weeks in which to determine the application unless an exemption applies. This notice period gives the LA an opportunity to consider whether to make a TPO on the tree. In this case the planning application acted as a section 211 notice which technically started the six week notice.

1.3.18 A TEMPO (Tree Evaluation Method for Evaluating Preservation Orders) assessment was undertaken by the LA, which is a widely recognised and respected method of assessing a tree (or trees) suitability for a TPO. Tree Preservation Orders should only be used where it can be demonstrated that there is a reasonable degree of public benefit from the tree's retention. The ash tree was re-inspected again and it was considered that the tree provided a high level of amenity to the surrounding public area and its removal would have a detrimental impact on the character and appearance of the Conservation Area.

- 1.3.19 The TEMPO evaluation takes into account factors such as a tree's visibility to the public, its condition, age and retention span, its function within the landscape (such as screening development or industry), its wildlife or historic value and ultimately its importance to the local environment. The TEMPO assessment is only used as guidance and to act as supporting evidence to show how the conclusion to TPO or to not TPO is reached. These factors are taken into consideration to decide whether a TPO is made along with the surveyor's judgement, rather than a formal method of assessment. Furthermore, the tree usually needs to be under an immediate or foreseeable threat to warrant protection, and in this case, the ash tree was considered under threat of removal.
- 1.3.20 The ash tree is mature, and clearly visible from public footpaths and highways surrounding the property. It is considered to have a high degree of visual prominence and makes a significant contribution to the character and appearance of the local area. Its loss would be considered a visual change and local residents will experience a changed or altered view on a permanent basis. Therefore, a decision was made to protect the tree from removal with a Tree Preservation Order (TPO) and on 18th August 2021, a TPO was served.

f) Concluding remarks

- 1.3.21 The making of a TPO is a 'discretionary' power under the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012, that allows the Local Planning Authority (LPA) time to consider if the tree is worthy of protection or not.
- 1.3.22 The Local Planning Authority currently has over 100 individual tree preservation orders in place for various parts of the borough and the majority of TPO's are protecting trees in privately owned property. There is a process within the authority to determine whether a tree or trees merit protection based on a number of factors such as the size, type or location of the tree or trees and whether it/they are at risk of removal or damage. Whilst the TPO does bring additional responsibilities to the owner of the tree, this is not unusual across the borough.
- 1.3.23 The ash tree at this current stage, has no major structural defects. It is located in a prominent position within the front garden of the property and therefore highly visible to occupiers of neighbouring residential properties and from vehicular and pedestrians routes on Station Road and Lyndhurst Road. Therefore, the tree is considered to be an important element of the local landscape. The Order has been made in accordance with Government guidelines and in the interests of securing the contribution this tree makes to the public amenity value in the area. The concerns of the homeowner and neighbour have been fully considered and balanced against the contribution the ash tree makes to the local environment and it is not felt that they outweigh the contribution this tree makes to the amenity of the local area. Its loss would be considered a visual change and local residents will experience a changed or altered view on a permanent basis.
- 1.3.24 The ash dieback is not significant in the tree and it is suggested that the tree is monitored in the coming years. Following current advice consideration is given to retaining any trees of value and if it is safe to do so. If the trees should succumb to ash dieback or an associated disease, and must be removed, the TPO allows for a replacement tree to be planted which would maintain the integrity of the TPO and the character of the Conservation Area.
- 1.3.25 Due to its prominence within the local landscape, the age of the tree, its current condition, and on the understanding that the tree is at risk of being felled, it is considered

expedient in the interests of amenity to confirm a Tree Preservation Order without modification on this tree.

- 1.3.26 It is important to reiterate that, if the Order is confirmed, this would not preclude future maintenance works to the tree. Should any works need to be carried out to the tree for safety reasons, or for any other reason, an application can be made to the local planning authority to carry out works to the protected tree.

Additional Guidance

- 1.3.27 North Tyneside Council is firmly committed to providing a clean, green, healthy, attractive and sustainable environment, a key feature of the 'Our North Tyneside Plan'.

- 1.3.28 Trees play an important role in the local environment providing multiple benefits but they need to be appropriately managed, especially in an urban environment.

- 1.3.29 Confirming the TPO will not prevent any necessary tree work from being carried out but will ensure the regulation of any tree work to prevent unnecessary or damaging work from taking place that would have a detrimental impact on the amenity value, health and long term retention of the tree. If the owners/occupiers were concerned about the condition of the tree and require pruning works to be carried out, an application to the Council can be submitted as required by the TPO.

- 1.3.30 Protecting the tree with a TPO would be in accordance with the Councils adopted Local Plan policy DM5.9 Trees, Woodland and hedgerows, which states;

*'DM5.9 Trees, Woodland and Hedgerows: Where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the borough and:
a) Protect and manage existing woodlands, trees, hedgerows and landscape features'*

- 1.3.31 The recently updated National Planning Policy Framework (July 2021) emphasises the importance of street trees to the character and quality of urban environments, which can also help to mitigate and adapt to climate change. From this recognition of the importance of street trees to an urban area, the NPPF seeks to ensure that all new streets are tree-lined and that existing trees are retained wherever possible.

- 1.3.32 The National Planning Practice Guidance (NPPG) advises that a local authority should confirm a TPO if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area' (Town and Country Planning Act, 1990).

- 1.3.33 'Amenity' is not defined in law, but the local authority should be able to show that protection would bring about a reasonable degree of public benefit in the present or future. The NPPG identifies certain criteria to consider when assessing the amenity value of a tree(s) that include the visibility of the tree to the public, its contribution to the landscape, the characteristics of the tree, its future potential and whether the tree has a cultural or historical value.

- 1.3.34 In accordance with the Town and Country Planning Act 1990 (as amended) the Authority considers it necessary to issue a Tree Preservation Order to maintain and safeguard the contribution made by the tree to the landscape and visual amenity of the area. The Tree Preservation Order was served on the owners and other relevant parties on 18th August 2021. A copy of the TPO schedule (Appendix 1) and a map of the TPO (Appendix 2) is included in the Appendices.

1.3.35 The Order must be confirmed by 18 February 2022 otherwise the Order will lapse and there will be nothing to prevent the removal of the tree.

1.4 Decision options:

1. To confirm the Tree Preservation Order with no modifications.
2. To confirm the Tree Preservation Order with modifications.
3. To not confirm the Tree Preservation Order.

1.5 Reasons for recommended option:

Option 1 is recommended. A Tree Preservation Order does not prevent the felling of trees, but it gives the Council control in order to protect trees which contribute to the general amenity of the surrounding area.

1.6 Appendices:

- Appendix 1 – Schedule of 18 Station Road, Forest Hall Tree Preservation Order 2021
- Appendix 2 – Map of 18 Station Road, Forest Hall Tree Preservation Order 2021
- Appendix 3 – Email correspondence from 18 Station Road, Forest Hall 14.07.2021
- Appendix 4 – Objection from 2 Lyndhurst Road, Forest Hall 20.08.2021
- Appendix 5 – Email correspondence between the Council Landscape Architect and the owner of 18 Station Road, Forest Hall 07.09.2021
- Appendix 6 – Objection from 18 Station Road, Forest Hall 17.09.2021
- Appendix 7 – Arboricultural Report – Woodsman July 2021
- Appendix 8 – Arboricultural Report – All About Trees September 2021
- Appendix 9 – Response from the Council Landscape Architect to the objection of the TPO
- Appendix 10 – Decision notice for application 20/01150/FULH
- Appendix 11 – Tree Council Ash dieback tree owners guide

1.7 Contact officers:

Peter Slegg (Tel: 643 6308)

1.8 Background information:

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author:

1. Town and Country Planning Act 1990.
2. Planning Practice Guidance (As amended)
3. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

Report author Peter Slegg

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Town and Country Planning Act 1990
The Council of the Borough of North Tyneside (18 Station Road, Forest Hall)
Tree Preservation Order 2021

The Council of the Borough of North Tyneside in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the 18 Station Road, Forest Hall, Tree Preservation Order 2021.

Interpretation

2. (1) In this Order “the authority” means the Council of the Borough of North Tyneside

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

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

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

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

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

Dated this 18th day of August 2021

The Common Seal of the
Council of the Borough of North Tyneside
was affixed to this order in the presence of:



Authorised Signatory



TREE PRESERVATION ORDER 2021

18 STATION ROAD, FOREST HALL

SCHEDULE

The map referred to is at a scale of 1:500 and is based on an enlargement of the O.S. edition of sheet numbered NZ2769. The area covered by the Order is on land at 18 Station Road, Forest Hall. The area is wholly within the Metropolitan Borough of North Tyneside in the County of Tyne and Wear.

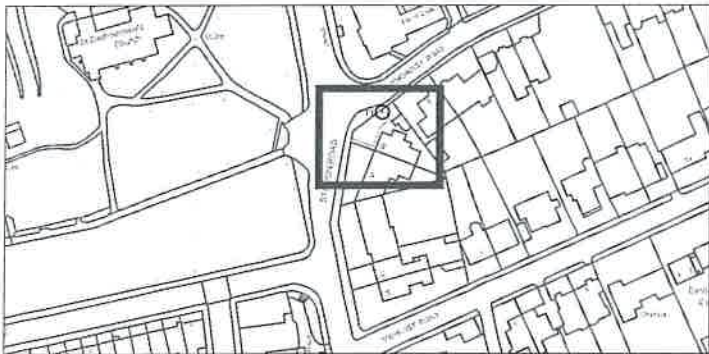
SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Ash (<i>Fraxinus sp.</i>)	Located to the front garden of 18 Station Road approximately 6.7m in a northerly direction from the northern corner of the north west facing frontage of the property.

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>
None		

GROUPS OF TREES (within a broken black line on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

WOODLANDS (within a continuous black line on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		



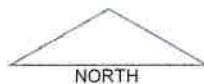
Dated this day :

18 August 2021

The Common Seal of the Council of the Borough of North Tyneside was affixed to this Order in the presence of :

Authorised Signatory

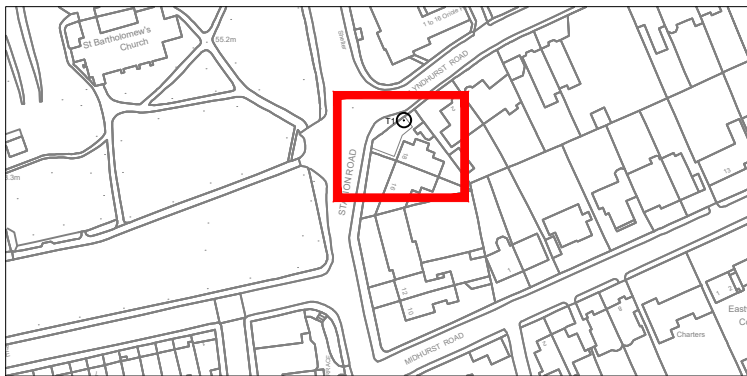
PHIL SCOTT
 HEAD OF ENVIRONMENT, HOUSING AND LEISURE
 QUADRANT EAST
 THE SILVERLINK
 COBALT BUSINESS PARK
 NORTH TYNESIDE
 NE27 0BY



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**NORTH TYNESIDE COUNCIL
 TREE PRESERVATION ORDER 2021**

18 STATION ROAD, FOREST HALL



Dated this day :

August 2021

The Common Seal of the Council of the Borough of North Tyneside was affixed to this Order in the presence of :

Authorised Signatory

PHIL SCOTT
 HEAD OF ENVIRONMENT, HOUSING AND LEISURE
 QUADRANT EAST
 THE SILVERLINK
 COBALT BUSINESS PARK
 NORTH TYNESIDE
 NE27 0BY



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**NORTH TYNESIDE COUNCIL
 TREE PRESERVATION ORDER 2021**

18 STATION ROAD, FOREST HALL

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Peter Slegg

From: [REDACTED]
Sent: 14 July 2021 15:24
To: Cathy Davidson
Cc: Peter Slegg; Kimberley Harwood; [REDACTED]
Subject: Re: [REDACTED], ASH TREE –ASH DIEBACK (chalara fraxinea) 20/01150/FULH
Attachments: [REDACTED] Ash.ArbManagementReport.July.2021..pdf; Letter from [REDACTED].pdf

EXTRNL

Cathy,
Please find attached Woodsman Arboriculturist report dated 14th July 2021 that follows their previous visits dating back to October 2020.

They conclude that the Ash tree at [REDACTED] is infected with Ash die back, that this disease is non-curable and as it progresses the tree will pose an increased threat to adjacent people and property. They recommend that the tree is removed at the soonest opportunity.

We also attach a letter from the adjacent property [REDACTED] that raises their concerns about the health of the tree and advises that they would hold ourselves responsible for any damage it may cause.

We trust that you will agree that we have conducted the monitoring that you required, we would be grateful if we could now agree the way forward.

Regards

[REDACTED]
Fri, Jul 2, 2021 at 3:02 PM [REDACTED] wrote:

Cathy,
This is extremely frustrating.

In your document relating to the tree received 16th November 2021, you noted that my “photographs clearly show die back of branches in the upper crown but at this stage it is uncertain that this might be the result of chalara and other issues such as drought” etc.

You stated that “further monitoring should be undertaken with increased frequency and at an appropriate time of year to assess the extent of the infection”

You proposed that an AIS and AMS would be required prior to any ground being broken.

Your document last year was received too late in the season to be able to make any further reasonable assessment of the state of the tree that year.

We have done as you requested and waited until we could undertake further monitoring and our Arboriculturist revisited and remains of the opinion that the tree is dying as are the other Ash trees around it.

Their view is that an AIS / AMS has no value to a dying tree.

I tried to arrange a meeting to discuss the condition of the Ash tree two weeks ago with yourselves, the planners and our Arboriculturist.

Last week I spoke to Kimberly who advised that you / she would not be visiting site and that as the planning conditions had already been set, the only way to progress the situation would be apply for the conditions to be discharged or to apply for a felling licence for the tree.

You now send photos, showing you say “little evidence of Ash die back” and suggest that further monitoring again take place over the next few months.

Our Arboriculturist does not share your assessment of the situation.

Will any further monitoring have any bearing on the situation or will Planning again say that an application will still need to be made for a decision to be made, only to find that the delay will make it all too late again in the season and the leaves will have fallen?

In the meantime we have received a letter from our next door neighbour complaining about the state of the tree and holding us responsible for any damaged caused by it.

Additionally we have issues of subsidence of our garage which we suspect could be due to drainage and / or foundation issues but cannot investigate further without breaking ground.

I would be very grateful if all parties could meet and agree a clear way forward to resolve this situation this year.

I would appreciate it if you could discuss with your colleagues in planning and confirm a way forward.

Regards

[Redacted]

Sent from my iPhone

On 2 Jul 2021, at 12:39, Cathy Davidson <Cathy.Davidson@northtyneside.gov.uk> wrote:

Hello [Redacted]

Thanks you for your email. I passed site yesterday and noticed the ash tree you are referring to. I have attached a couple of images taken yesterday which shows the tree in full leaf with little evidence of Ash die back. However, it would be useful to continue to monitor the tree over the next few months.

Kind regards

Cathy Davidson

Snr Landscape Architect (Design Services)

[North Tyneside Council](#)

<[image001.png](#)>

<image002.png>

<image003.png>

From: [Redacted]

Sent: 18 June 2021 10:15

To: Kimberley Harwood <Kimberley.Harwood@northtyneside.gov.uk>

Cc: Cathy Davidson <Cathy.Davidson@northtyneside.gov.uk> [Redacted]

Subject: Re: FW: [Redacted], ASH TREE –ASH DIEBACK (chalara fraxinea) 20/01150/FULH

EXTRNL

Good morning Kimberley,

Further to the correspondence last year regarding [REDACTED], Approved Planning Application 20/01150/FULH and the Ash tree at the property.

The Arboriculturist has revisited site and remains of the opinion that the tree is dying from Ash Dieback; as are the other Ash trees surrounding it in [REDACTED] St Bartholomew's graveyard and [REDACTED]

I would be grateful if it would be possible to meet with you and Cathy at the property to discuss the condition of the tree.

Should you wish to discuss, please do not hesitate to call [REDACTED]

Regards

[REDACTED]

On Mon, Nov 16, 2020 at 3:43 PM Kimberley Harwood <Kimberley.Harwood@northtyneside.gov.uk> wrote:

Good afternoon,

Enclosed in this email are the comments our landscape architect gave in regards to the ash tree to the front of the property.

Kind regards,

Kimberley Harwood

Graduate Planner

Planning

<image004.jpg>

Quadrant West, The Silverlink North, North Tyneside, NE27 0BY

[North Tyneside Council](#)

Tel: (0191) 643 6331

<[image005.gif](#)>

<image006.gif>

<image003.png>

We are working to maintain planning services during the COVID-19 outbreak. Although some restrictions are being lifted, in line with Government advice, staff continue to work remotely and are not attending face to face meetings unless absolutely essential. This means that our planning reception service remains suspended and you are currently requested not to visit our offices at Quadrant. You can still contact the Planning team via development.control@northtyneside.gov.uk or leave a message on our general phone line (0191) 643 230, which will be checked daily and we aim to return calls during the service times. Please be assured we are doing everything possible to maintain a 'normal' service but there may be some delays. We thank you for your continued understanding and co-operation at this time.

From: Cathy Davidson <Cathy.Davidson@northtyneside.gov.uk>
Sent: 12 November 2020 13:23
To: Kimberley Harwood <Kimberley.Harwood@northtyneside.gov.uk>
Subject: [REDACTED], ASH TREE –ASH DIEBACK (chalara fraxinea) 20/01150/FULH

[REDACTED] ASH TREE –ASH DIEBACK (*chalara fraxinea*)

Application No: 20/01150/FULH

Comments attached

Kind regards

Cathy Davidson

Snr Landscape Architect (Design Services)

[North Tyneside Council](#)

Tel: 0191 643 6729

<[image001.png](#)>

<image002.png>

<image003.png>

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[REDACTED]

[REDACTED]

20th August 2021 2021

Democratic Services – 3FL
North Tyneside Council
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Dear Sirs

TREE PRESERVATION ORDER 2021 – [REDACTED]

Thank you for your letter of 18th August concerning the above tree preservation order. Our property is next door to this one and the tree is some eight feet from our boundary fence. We wish to object to the imposition of this order for several reasons.

First, the tree is suffering a slow and lingering death from ash dieback. This is an old mature tree and, as in almost all living things, diseases are slower to act than in a young vigorous specimen. I have seen an expert arborist report which confirms this. This is not an isolated case and the ash trees in the churchyard opposite (St. Bartholomew's) are exhibiting similar symptoms as are others in Lyndhurst Road. Our cars are frequently covered in sap and pollens from the tree which can cause damage to the paintwork.

The root system for this tree extends into our property and, although there is no evidence of damage as yet, it remains a possibility. They will also extend into and around the street drains and we have had to make frequent calls to you to unblock the drain outside our house which blocks and floods the road regularly. Before our steeet was resurfaced, I suggested you used CCTV to check for root damage, but this was never carried out. One of these days, you will find the roots to be causing the problem and then you will no doubt have to take up part of our nicely laid street.

The tree in question is becoming increasingly dangerous. Branches are shed in high winds which fall into our property and on to our motor vehicles parked in our driveway. So far, no-one has been struck by one, but the risk is always present. Damage to our cars is much more likely. Were the whole tree to come down in the storms, which we are told will be more frequent in the future, the potential for serious damage, injury or even death is catastrophic.

This order is contrary to our wishes and those of the owner, [REDACTED], to have the tree removed on the grounds of safety. Having notified you that the tree is becoming dangerous, if you persist in the imposition of this order we will consider you strictly liable for damage that occurs to persons or property on our premises. This is a classic case of non-feasance in the face of factual evidence and any litigation in this

matter would have your defence seriously compromised as a result of this notification.

A long, lingering death is regrettably not the correct way for this case to be allowed to proceed. Were it to be a human, it is fair to say it would be heading for a care home and were it to be a pet animal it would be put down. We love trees, and, yes, this an impressive old example, but no living thing lasts forever and in our opinion, this tree's time has come. We hope you will rescind this order and allow the tree to be removed.

Yours faithfully

[Redacted signature block]

[Redacted signature block]

Peter Slegg

From: Cathy Davidson
Sent: 07 September 2021 10:38
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: [REDACTED] Tree Preservation Order

Dear [REDACTED]
Thank you for your email and apologise that I have not responded sooner but I have been on leave recently.

The ash tree is located within a conservation area so if it is intended to undertake any works to a tree, notification to the Local Planning Authority would normally be made via a section 211 notice. In this case, your planning application for development in a conservation area acted as a section 211 notice in that the application included specific works to the ash tree. On checking the application, the information you submitted about the tree was based on my comments to the planning officer, however, the application was approved with conditions that only required compliance, not information to be submitted. Nor did the granting of approval provide adequate protection of the tree.

On this basis the council has a duty to assess the tree to see if it merits further protection by way of a TPO. Based on earlier responses and inspections it was concluded that the Ash tree provides a high level of amenity to the surrounding public area and its removal will have a detrimental impact on the conservation area. Therefore, a decision was made to protect the tree with a temporary Tree Preservation Order.

Kind regards
Cathy Davidson
Snr Landscape Architect (Design Services)

[North Tyneside Council](#)



From: [REDACTED]
Sent: 20 August 2021 13:30
To: Cathy Davidson <Cathy.Davidson@northtyneside.gov.uk>; Dave Parkin <Dave.Parkin@northtyneside.gov.uk>
Cc: [REDACTED]
Subject: Re: [REDACTED] Tree Preservation Order

EXTRNL

Cathy,
Further to receipt of a letter dated 18th August 2021 which advises that a Tree Preservation Order has been made in respect to the Ash tree (T1) located in the front garden of my property at [REDACTED]

I emailed Mr Dave Parkin below as the letter identifies him as being the Officer who is dealing with the case and the person who should be contacted if I would like more information or have any queries about the notice.

However, Mr Parkin has telephoned to advise that the TPO has been raised at your request and that he does not know the reasons behind it.

I would be grateful if you could advise the reasons why you feel that a TPO should be placed on this tree at this time.

Should you wish to discuss, please call [REDACTED]

Regards
[REDACTED]

On Fri, Aug 20, 2021 at 12:59 PM [REDACTED] wrote:

Dear Mr Parkin,

Further to receipt of the letter dated 18th August 2021 which advises that a Tree Preservation Order has been made in respect to the Ash tree (T1) located in the front garden of my property at [REDACTED]

I would be grateful if you could advise the reasons why it is felt that a TPO should be placed on this tree at this time.

Should you wish to discuss, please do not hesitate to call



Regards



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17th September 2021

Democratic services – 3FL
North Tyneside Council
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Tree Preservation Order - 

Dear Sir/Madam,

Please find enclosed a copy of an email sent to you yesterday (16-9-21) which included a previous email sent to Cathy Davidson on 9-9-21.

Unfortunately, the email encountered problems in its delivery to you and therefore I have decided to post it to you.

For the reasons detailed in the emails, I would ask that the TPO is not made permanent.

Yours Faithfully





Tree Preservation Order

Thu, Sep 16, 2021 at 2:30 PM

To: "democraticsupport@northtyneside.gov.uk" <democraticsupport@northtyneside.gov.uk>

Dear Sirs,

I write with regard to the Tree Preservation Order that has been made on the Ash tree at my property at [REDACTED]

I understand that the TPO has been raised at the request of Cathy Davidson. I emailed Cathy on the 9th September (copy attached below) to request that the TPO be removed but have not yet received a reply.

Further to the Landscape Architect comments on my planning application, I employed an Arboriculturist Consultancy who issued a report on the tree which concluded that the tree has Ash die back and should be removed.

Cathy has acknowledged that the tree shows signs of dieback but requested that I continue to monitor the tree which I have done. I requested a meeting with her to discuss the differing opinions on the tree in June but unfortunately this did not take place.

I have employed a further Arboriculturist Consultancy to provide a second opinion on the condition of the Ash tree and when this is received, I will forward it to Cathy see if an agreement can be reached on the health of this tree.

I would note that I have fully complied with a previous 18/01401TREECA application and have done everything requested by the Landscape Architect on the current planning application and since.

Our Property is in a Conservation area and our Ash tree is therefore already protected, I do not see why it is necessary to raise a further TPO on this tree.

Should you wish to discuss, please do not hesitate to call me on [REDACTED]

Regards



[Quoted text hidden]

 **Tree Preservation Order**

Thu, Sep 9, 2021 at 4:29 PM

To: Cathy Davidson <Cathy.Davidson@northtyneside.gov.uk>

Cc: 

Cathy,

I appreciate that our property is in a conservation area and that therefore, the Ash tree was already protected even before the recent TPO was made. I would note that in the past I have made and had approved application 18/01401/TREECA before attempting to do anything to the tree.

I have also looked to comply with the planning application 20/01150/FULH requirements and employed Woodsman Consultancy to produce an Arboriculture management report. In this report, they conclude that the tree has Ash dieback and that it should be removed.

In your comments on our planning application, you acknowledged that the tree exhibits signs of die back but note that this could be due to other causes, including root damage and soil compaction etc. because of this, not only have I not attempted to commence any work on the extension, I do not even park our car on the drive in case it might be thought to be the cause of any further deterioration to the tree.

As per my previous email to you of the 2nd July 2021, I tried to request a meeting with you, the Planner and the Arboriculturist in June to see if the tree could be discussed and a consensus reached on its condition and also to see if it would be permissible to undertake a trial pit to investigate the depth of the existing foundations, to try and establish what was causing the structural damage, to check the condition of drainage that must run adjacent to the corner of the garage and to establish the extent of the tree roots.

I spoke to Kimberly Harwood and was told that you would not visit site and that I would need to apply for the conditions to be discharged, which I did. This appears to have now resulted in the TPO being raised.

I do not wish to lose the tree but our neighbours have written to raise their concerns that the tree is dangerous and to advise that they will hold us responsible for any damage it may cause. It will be problematic if the tree does cause damage and a report that advises that it should be removed has been ignored.

I am looking to employ a further Arboriculturalist to get a second opinion on the condition of the Ash tree.

I would appreciate it if the TPO could be removed as it is not necessary and I would hope that as part of your request for us to undertake ongoing monitoring of the tree, it would be possible for you to meet with the Arboriculturist in order to agree the trees condition and to establish a benchmark against which any further deterioration may be measured and also to discuss if it is possible for the investigation works which I wish to undertake to be progressed.

I would be grateful if you could advise and should you wish to discuss further, please do not hesitate to call 

Regards



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TREE SURVEYS AND REPORTS
BS 5837
DECAY MAPPING
CONSULTANCY



18 Station Road Ash Tree Arboricultural Management Report July 2021

Produced for Mr Peter Bouchard
By Jim Richardson BSc For. HND Arb.



Document Details

Document Title	18 Station Road Ash Tree Arboricultural Management Report July 2021
Consultant	Jim Richardson BSc For. HND Arb.
Site Surveyor	Jim Richardson BSc For. HND Arb.
Site Survey Date	Various October 2020-July 2021

Document Production and Revisions

Original Arboricultural Management Report	
14 th July 2021	Authorised by Jim Richardson BSc For. HND Arb.
Revisions	

18 Station Road Ash Tree Arboricultural Management Report July 2021

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1. Introduction

- 1.1. Mr Peter Bouchard has commissioned this arboricultural management report in order to inform tree management requirements a mature Ash tree located in the front garden of 18 Station Road, Forest Hall, NE12 9NQ.
- 1.2. The survey and resulting report have been produced in order to guide tree management operations for the Ash tree.
- 1.3. Documentation used in preparation of this report. – N/A – No previous management reports maps or tree data were available.
- 1.4. All observations have been made from ground level without detailed inspection. Some measurements may have been estimated.
- 1.5. A tree location plan has been produced to accompany this report and tree locations should be referenced to this plan.

2. Site Details

2.1. Location: 18 Station Road, Forest Hall, NE12 9NQ

2.2. Site Description: The site consists of a private semi-detached residential house with gardens to the front and rear.

2.3. Site Visit Details: The site was surveyed between October 2020 and July 2021 during calm clear weather conditions.

2.4. The Ash tree surveyed has had no significant recent management.

3. Statutory Tree Protection

- 3.1. Trees may be legally protected. Tree protection can include Tree Preservation Orders (TPOs) or Conservation Area status. The felling of large quantities of timber may also require a felling licence.
- 3.2. A formal search into the statutory protection of the sites trees has not been carried out as part of this survey and report. Statutory protection of trees can include Tree Preservation Orders (TPOs) and Conservation area status.
- 3.3. Large penalties may be enforced for illegally carrying out works on protected trees. It is therefore advised that clarification of protection status be sought from the local planning authority prior to any tree works being carried out on site. Where appropriate permission for works must be applied for.
- 3.4. Some exemptions to the above may apply such as the removal of trees where full planning permission has been granted where new buildings occupy the space where protected trees lie.
- 3.5. 18 Station Road is within a conservation area.

4. Summary of Findings

- 4.1. There Ash tree to the front of No 18 Station Road is showing signs of 'Ash Dieback'. Although there is still some good foliage cover in the lower crown the upper crown shows poor shoot formation, shoot dieback and weak distorted growth in the upper canopy. This is consistent with 'Ash Dieback' symptoms in mature trees.
- 4.2. The lower crown shows some vigour which is consistent with a mature tree using its energy reserves to maintain photosynthesis during stress.
- 4.3. *'Experience in continental Europe, which is now being seen replicated in the UK, indicates that it can kill young and coppiced ash trees quite quickly. However, older trees can resist it for some time until prolonged exposure, or another pest or pathogen, such as Armillaria (honey fungus), attacking them in their weakened state eventually causes them to succumb'*
- para <https://www.forestresearch.gov.uk/tools-and-resources/fthr/pest-and-disease-resources/ash-dieback-hymenoscyphus-fraxineus/>*
- 4.4. The surrounding Ash trees on Station Road, Lyndhurst Road and those within the Benton Cemetery are also showing clear signs of 'Ash Dieback', with loss of terminal buds and all key signs of the disease.
- 4.5. The first recorded infection of the disease in the immediate area was 2015 (<http://chalaramap.fera.defra.gov.uk/>) and infection has continued to spread since. Ash dieback is now devastating the Ash population across the North-East region.
- 4.6. Given that this is a none-treatable disease it is recommended that the tree be removed at the soonest opportunity.
- 4.7. Continued dieback of the tree is likely to increase the risk it poses to adjacent people and property.

4.8. The longer the tree is left in situ the worse its condition will become, which will increase the risk and cost of its removal.

5. Arboricultural Management Requirements

- 5.1. Given that this is a none-treatable disease it is recommended that the tree be removed at the soonest opportunity.
- 5.2. Continued dieback of the tree will increase the risk it poses to adjacent people and property.
- 5.3. The longer the tree is left in situ the worse its condition is likely to become, which will increase the risk and cost of its removal.

5.4. Ash Dieback

Ash dieback is a highly destructive disease of Ash trees (*Fraxinus* species), especially the United Kingdom's native ash species; Common Ash (*Fraxinus excelsior*). It is caused by a fungus named *Hymenoscyphus fraxineus* (*H. fraxineus*), which is of eastern Asian origin. The current spread of the disease is estimated to kill 95% of our native Ash trees. Trees showing signs of the disease should be removed at the soonest opportunity before severe dieback occurs, making tree removal operations more hazardous. The presence of the disease in the region de-values the retention value of Ash trees, as their expected useful life expectancy is greatly reduced. Infected trees are best removed at an early stage as removal can become more hazardous as the trees die back further.

6. Arboricultural Method Statement

6.1. Tree Works

6.1.1. All tree pruning and removal works must conform strictly to BS3998 (*Recommendations for Tree Works*) and must use target pruning in accordance with best practice.

6.1.2. Schedule of Arboricultural Works

1. Provide site managers with a copy of Arboricultural report.
2. Check conservation status of trees and apply for works if required.
3. Remove Tree.

6.2. Arboricultural Supervision

- 6.2.1. Tree work recommendations on this site are relatively straightforward. Arboricultural supervision is therefore not considered necessary provided that the operations are carried out by suitably qualified and experience staff.

7. Other Arboricultural Site Factors

7.1. Protected Wildlife

7.1.1. It is an offence under the Wildlife and Countryside Act 1981 (WCA and amendments) and the EU Habitats Directive to disturb and or destroy the nests of bats, birds and other protected wildlife. Birds are protected by; The Wildlife and Countryside Act 1981 and The Countryside (or CROW) Act 2000. Bats are protected by; The Wildlife & Countryside Act 1981 (WCA and the Conservation of Habitats and Species Regulations 2010

7.1.2. For birds as with bats there is an obligation to carry out visual checks prior to works commencing. Where possible tree works should be carried out in order to avoid the bird nesting season during the period from August to the end of February.

Appendices

I. Tree Details

Tree Table Details

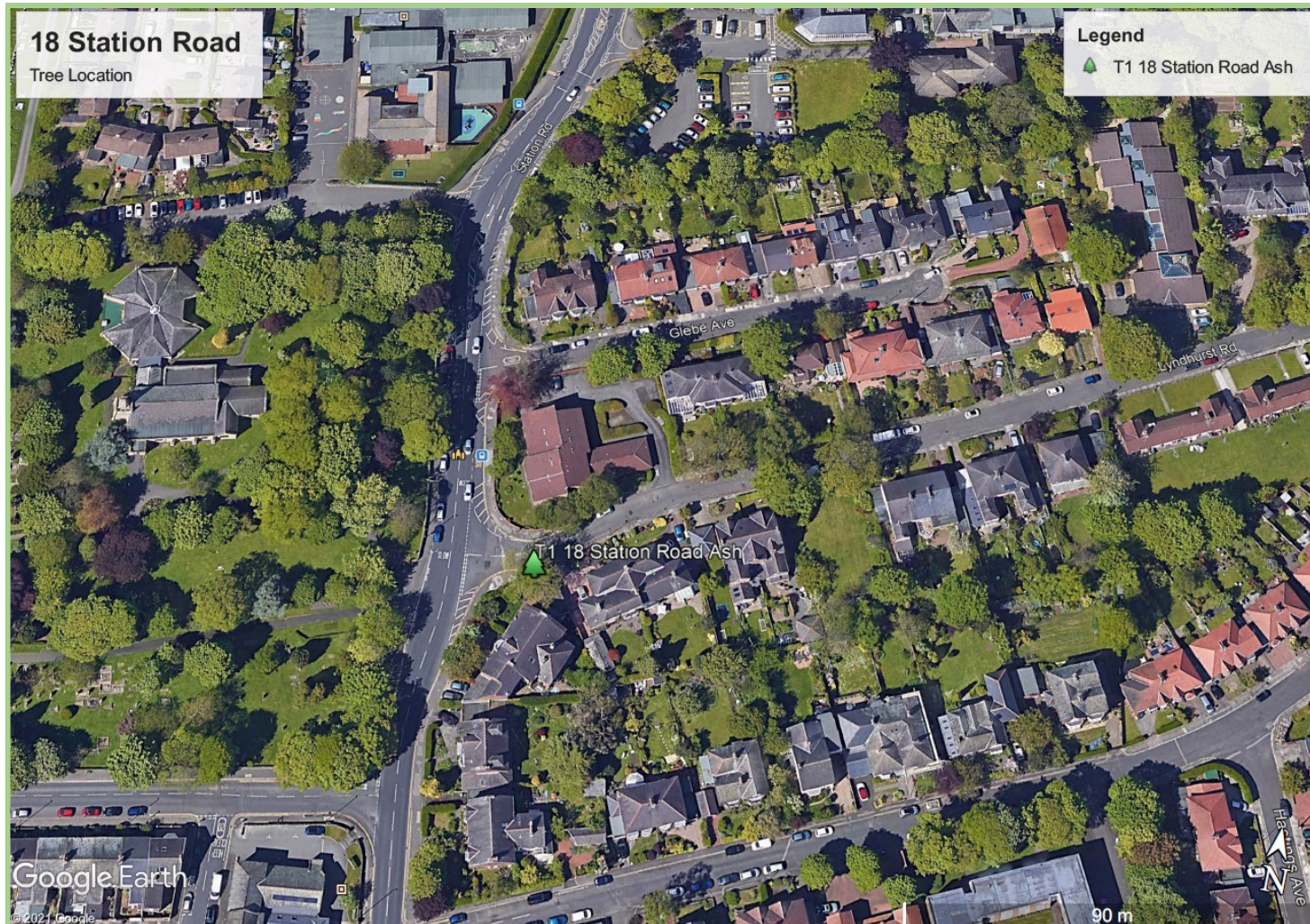
- **Tree number:** An individual identifying number – usually relating to tree tag.
- TPO: Detail of Tree Preservation Order tree or group number
- **Common Name (Botanical Name)** Species identification is based on visual field observations. (Botanical name in brackets)
- **Age Category:** Either an estimate (or statement if accurately known) of the age of the tree, classified as:
 - **Y** = Young tree, established tree usually up to one third of expected ultimate height & spread
 - **MA** = middle aged, usually between one third and two thirds of ultimate height & spread
 - **M** = Mature, more or less at full height but still increasing in girth & spread
 - **OM** = Over mature, grown to full size and becoming senescent,
 - **V** = Veteran tree, individuals surviving beyond the typical age range for the species
- **Stem Diameter:** Trunk diameter measured at 1.5 metres from ground level and recorded in millimetres. (Number of stems – MS = Multi stemmed)
- **Height:** Height estimated in metres. (Lower crown height - Height in metres of crown clearance above adjacent ground level)
- **Crown Spread:** Measurement of canopy from the trunk in metres - North, South, East, and West
- **Useful Life Expectancy:** Estimated Safe Useful Life Expectancy (SULE). Short: 0 – 10years Medium: 10– 20 Years, Intermediate: 20-40, Long: 40 + years.
- **Condition:** Physiological Condition;
 - Good = Healthy tree with good vitality.
 - Fair = Moderate health and vitality normal or slightly less for species and age,

- Poor = Poor shape or form - signs of decline in crown, may have structural weakness.
- Dead = dead or dying tree
- **Comments:** Notes on tree condition and other points of interest.
- **Recommendations:** Management recommendations – actions required.
- **Works Priority:**
 - Urgent – Requiring immediate urgent attention.
 - High – Works relating to high risk trees potential to cause significant harm.
 - Medium – Works relating to significant potential harm.
 - Low – Works to improve tree health amenity or reduce long term risk.
 - Very-Low – Long term management or aesthetic works.
- **Bat Roost Potential:**
 - None – No significant bat roost features.
 - Low – Only minor significant bat roost features.
 - Moderate – Some notable bat roost features.
 - High – Significant or multiple bat roost features.
 - Confirmed – Confirmed bat roost.
- **Pruning:** Removal of living or dead parts of a tree.
- **Crown Cleaning:** The removal of dead, dying or diseased branch-wood, broken or crossing branches or stubs left from previous tree surgery operations unwanted objects, ivy, other climbing plants and general debris/rubbish.
- **Deadwood Removal:** Removal of significant dead and dying branches and limbs from the tree.
- **Crown Lifting:** Removal of all growth and branches below the height specified.
- **Crown Reduction:** Reduction of the complete outline of the canopy, pruning to appropriate growth points and leaving a natural silhouette.



Tag	TPO	Name	Age	Height (m) (Lower Crown Height)	Stem Diameter - mm (No of Stems)	Crown spread North (m)	Condition	Useful Life Expectancy - Years	Comments	Recommendations	Priority	Growth	Bat Roost Potential
T1	Conservation Area	Ash (Fraxinus excelsior)	OM	15m	90cm (1)	12m	Poor	>10	Overmature tree. Upper crown with clear signs of Ash Dieback	Remove	High	No	Moderate

II. Tree Location map



III. Photographic Record

Early Crown Dieback Autumn 2020



Terminal Shoots Withering - Upper Crown 2021



Terminal Shoot Death 2021



Terminal Shoots Withering 2021



Ash Dieback In Adjacent Trees - Benton Cemetery



Ash Dieback In Adjacent Trees - Benton Cemetery



Ash Dieback In Adjacent Trees – Lyndhurst Road – Terminal Shoots Dying.



IV. Scope of Report

The survey and resulting report have been produced in order to guide tree management operations over the next two-year period. The management operations offer a guide only and should be reviewed periodically. Regular re-assessment of trees within falling distances of high occupancy areas are recommended in order to check for changes in tree and site conditions.

a. Limitations

This report has not been designed as a hazard assessment or safety report and should not be used as such. As such only major visual tree defects are commented upon where appropriate.

This report makes no comment on any trees ability to cause either direct or indirect damage to buildings, walkways and other utilities other than where direct pressure damage is immediately and obviously foreseeable.

Trees are dynamic and changing structures and this report comments on tree condition as assessed on the day of surveying.

Further to this report it is recommended that all trees in areas where failure may result in significant risk of damage to people or property be assessed for hazard on an annual basis in order to fulfil the owner's duty of care.

b. Survey Methodology

All trees were assessed from ground level only using visual assessment techniques. Heights and crown spreads have been measured using a laser hypsometer and tree diameters have been measured using a girth tape at 1.5m.

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AllAboutTrees

Arboricultural & Ecological Consultancy
Chartered Arboriculturalists &
Environmentalists


Arboricultural Assessment -
Inspection Of A Specified Ash Tree
At 18 Station Road, Benton



For
Mr P Bouchard



Document Verification



Document Title	<ul style="list-style-type: none">• Arboricultural Assessment - Inspection Of A Specified Ash Tree At 18 Station Road, Benton• For Mr P Bouchard
Prepared By	<ul style="list-style-type: none">• T Archment ND HND Arb MArborA
Authorised By	<ul style="list-style-type: none">• Andrew Watson FLS MICFor CBiol MRSB FArborA CEnv LCGI

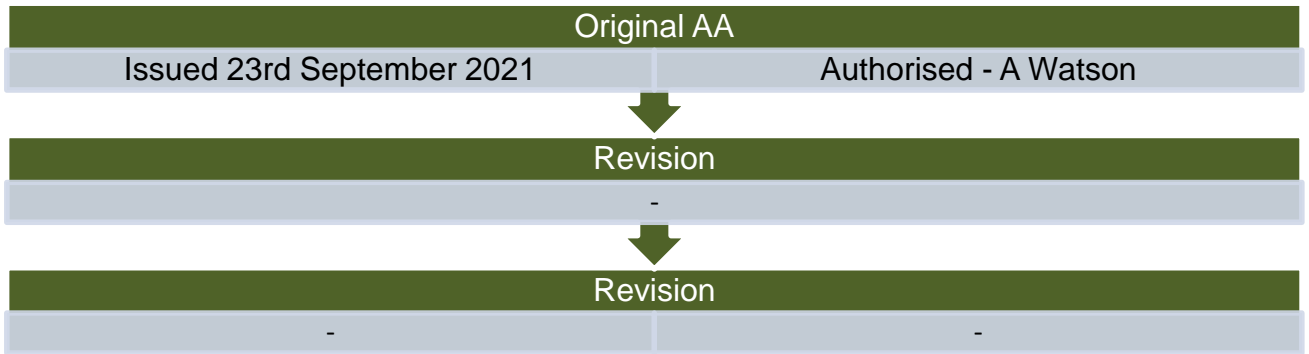


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- 1. Glossary Of Terms**
- 2. Photographs**

1. Introduction

1.1 We are instructed by Mr Bouchard to undertake a detailed Arboricultural Assessment and inspection of a specified ash tree located within the garden of 18 Station Road, Benton.

1.2 This assessment is concerned with recording the species, size and condition of the tree. Both structural integrity and physiological condition have been assessed. Recommendations are made where appropriate to establish acceptable levels of safety for the site and also to establish a higher level of arboricultural management.

1.3 The remaining contribution or safe useful life expectancy is estimated as an indication of the trees period of retention. All measurements are measured rather than estimated.

1.4 Trees are living organisms whose health and condition may change rapidly and all observations, recommendations and conclusions are based on the status of the tree at the time of inspection. The recommendations contained within this report are valid for a period of one year only.

1.4.1 Both abiotic and biotic factors can alter the health/structural integrity of trees rapidly. No liability can be accepted for any physiological or structural deterioration of the tree occurring after the date of our inspection or that was not evident on the day of inspection. Where this report is relied upon at a later date the reader should be aware that the physiological and structural condition of the surveyed trees may have changed; Re-inspection may lead to significantly different observations, recommendations and conclusions.

1.4.2 Any significant alteration to the site which may affect the trees (demolition activity, construction activity, alterations to infrastructure, level changes, hydrological changes, extreme climatic events, etc) will necessitate a re- assessment of the trees.

1.5 This report was prepared for use by our client in accordance with the terms of the contract and as an assessment of the trees physiological and structural health only. It is not a substitute for a planning, insurance, or mortgage service. Information provided by third parties used in the preparation of this report is assumed to be correct. The contents are copyright and may not be duplicated or used by third parties without the written consent of AllAboutTrees Ltd.

2. Protected Status Of Trees

2.1 Trees may be legally protected, this may either be in the form of a Tree Preservation Order (TPO) or that the trees are located within a Conservation area.

2.2 Potentially large penalties may be enforced for illegally carrying out works on protected trees. It is recommended that checks are made before any works are undertaken and no work should commence until permission has been granted.

2.3 The subject tree is located within a Conservation Area and 6 weeks' notice must be supplied to the Local Planning Authority (**LPA**) for any proposed tree work not otherwise approved by any existing relevant planning permission. It is an offence to carry out any tree work without giving the required notice.

2.3.1 It is understood the LPA are in the process of implementing a Tree Preservation Order on the tree though this has not yet been confirmed.

3. Site Visit & Description

Tree location – N 55° 00' 56.77 W 01° 34' 01.96
O/S Grid reference- NZ 277 691 GB Grid

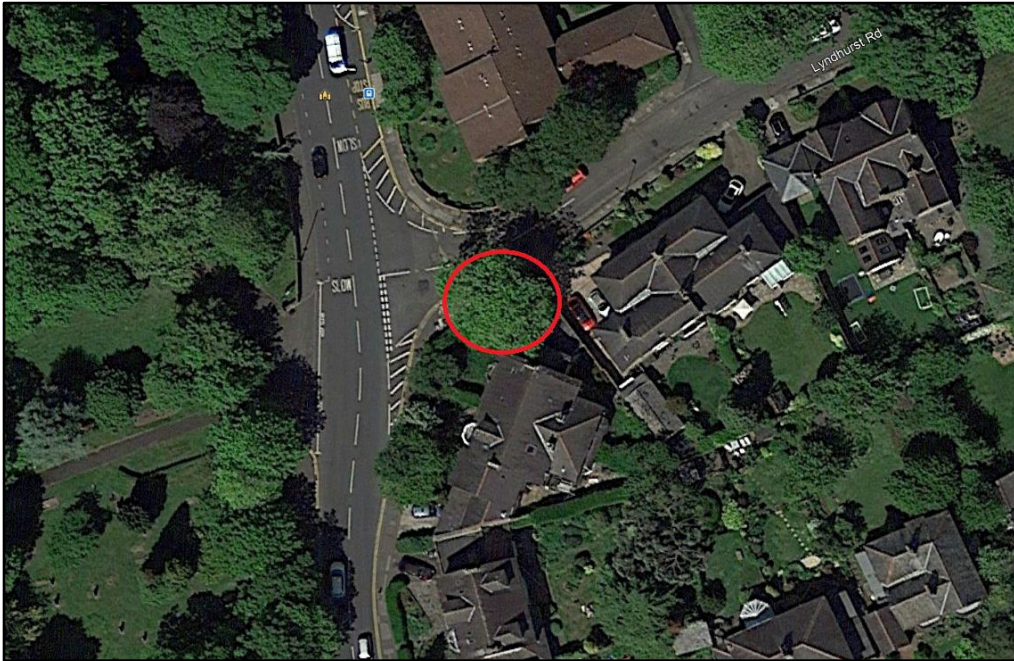


Figure 1 - The approximate position of the tree is indicated by the red circle on the image above.

3.1 A site visit was undertaken on Monday 20th September 2021 by Tim Archment.

3.2 The subject tree is located within the front garden of 18 Station Road, oversailing the property driveway and adjacent to Lyndhurst Road.

4. Appraisal

4.1 Common ash – *Fraxinus excelsior*

Height (M)	Crown Spread (M)				Height Of Crown Clearance (M)	Trunk Diameter (MM)	Age	Physiological Condition	Structural Condition
	N	S	E	W					
15.0	5.0	4.0	6.0	6.5	2.0	710	Mature	Poor	Fair

The tree has been identified for inspection due to the suspected presence of ash dieback (*Hymenoscyphus fraxineus*) and the implications this may have for the tree, particularly when considered in conjunction with the works to be conducted in the immediate vicinity of the tree in relation to planning application 20/01150/FULH.

Woodsman Arboricultural Consultancy (**WAC**) have previously considered the tree in detail and recommended its removal due to the presence of ash dieback. This has been rebutted by the LPA who indicate further evidence is required to justify the removal of the tree.

The tree is a mature and prominent individual located at the junction of Station Road and Lyndhurst Road. The tree sits atop a small, raised mound of soil between the host property driveway and boundary wall, beyond which a public footpath and Lyndhurst Road lie.

The tree has been pollarded at around 8.0m, in the past, detracting from its natural form and providing an aesthetically poor alternative. Previously host to significant ivy growth, the ivy has been severed though much of the dead growth remains in the canopy.

The subject tree is suffering with the fungal pathogen *H. fraxineus*, commonly referred to as ash dieback. The Forestry Commission indicate this pathogen was first recorded in this area in 2015. Experience tells us the pathogen was likely here prior to this though not recorded. The recommendation report associated with planning reference 20/01150/FULH states ‘Ash dieback has been relatively uncommon in the borough so far’ though this statement is somewhat surprising. Ash dieback is well established around Newcastle and North Tyneside: numerous examples can be found with little effort.

Symptoms of ash dieback range from tree to tree and may include the following:

- Leaf necrosis
- Wilting shoots and leaves, eventually turning black but remaining attached to the host tree
- Diamond shaped lesions can develop on the stem and branches

- Dieback of branches
- Stress related flushing of dormant buds

Some trees display all symptoms while others may only show a smaller selection of the above.

Inspection of the canopy reveals a number of clusters of blackened withered leaves which remain in situ (see photos 1-3 in appendix 1 of this document). Some of the examples are difficult to see in the photos due to light quality and their location in the canopy though they are easier to see on site.

Dieback of terminal shoots is well documented within the photographic record provided by WAC on pages 17 & 18 of '18 Station Road Ash Tree Arboricultural Management Report July 2021'. This was evident during the site visit though to a lesser degree due to this year's growth. Trees under stress will use their energy reserves to put on new growth and maintain photosynthetic function. This gives the impression of a full canopy and a healthy tree to the untrained eye. Unfortunately, this illusion is a thin veneer which will be lost as the pathogen progresses through the tree and the assimilate transport system is further degraded. See photos 4 and 5 in appendix 1.

Pole pruners were used to remove a small diameter section of deadwood from the lower canopy. The shoot was arising from one of the historic pruning wounds adjacent to the primary fork union. A characteristic diamond shaped lesion was found on this branch (photo 6, appendix 1). Removal of the bark in the affected area revealed the presence of tiny black lines which are pseudosclerotial plate formation (photo 7, appendix 1). Commonly referred to as spalting, this as a clear indication of the presence of fungal pathogens within the wood structure. Coupled with the blackened withered leaves, the diamond shaped lesion, and dieback of terminal shoots, the presence of ash dieback is obvious and undeniable.

The presence of ash dieback has implications for tree retention though there are a number of other factors which also need to be considered.

Flooding Of The Existing Property

It is understood the lower levels of the property become flooded during adverse weather with up to 25cm of water pooling in the house. A bilge pump is used to aid removal this though this is obviously undesirable and a more appropriate solution is required. For this reason, the homeowner wishes to install a French drain around the perimeter of the property to aid in removal of water. This is considered a reasonable and proportionate response to repetitive flooding. This work is likely to result in a degree of disturbance to the root system of the tree. Damage is unavoidable given the requirement for excavation.

Damage To The Existing Property

The boundary wall directly adjacent to the tree has a large crack present (photo 8, appendix 1) which is directly attributed to the tree. Works required to make the wall good will further disturb the root system, within 1m of the stem. Given the proximity of the tree to the wall, it is likely that the works will require repeating in the future due to incremental growth of the stem and root system.

The existing garage is also in a state of disrepair. The concrete pad visible beneath the brick work is cracked and fragmented (photo 9, appendix 1). Additionally, cracking is present from the lintel above the door to the roofline (photo 10, appendix 1) – this is directly above the fragmented concrete pad. This damage is around 4m from the tree stem. It is understood an underground drainage route is located in this area and may have collapsed leading to subsidence of the garage. Relevant professionals have been contacted to conduct investigations but have been unable to do so. The section of underground pipe to be investigated is connected to a T-junction at either end, within third party properties, which prevents remote assessment. It is understood direct excavation into the affected area is required to assess the problem though this has not been undertaken due to potential for damage to the root system. This work is being held in temporary abeyance until a resolution is found, though will become increasingly urgent as the approved planning permission is implemented. Ultimately, following investigation of the underground services, the homeowner would like to locate an access chamber between the tree and building to allow future maintenance. Again, this represents further disturbance to the root system of a mature tree – a degree of damage is unavoidable.

Proposed Extension

The proposed extension, within the Root Protection Area (RPA) of the tree, presents further disturbance to the root system. Specialist methodologies can be used to construct within the RPA though these are usually reserved for trees of particular merit due to cost implications. In this case, it would be necessary to consider the use of pile foundations to prevent significant damage to the root system caused by traditional foundations such as trench and fill. This is considered cost prohibitive and excessive for this tree, an individual infected with ash dieback which will be lost in the coming years regardless.

'British Standard 5837–2012 Trees in relation to design, demolition & construction – Recommendations' provides relevant guidance for tree retention, removal and protection on development sites. When considering trees on development sites, the trees are given a category rating which relates to the quality of the tree. These categories are A (high value trees), B (moderate value), C (low value) and U, which stands for 'Unsuitable for retention'. BS5837 provides a clear framework to categorise the trees. The following text is taken from the document and relates to category U.

Category U

Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.

- *Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g., where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)*
- *Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline*
- *Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low-quality trees suppressing adjacent trees of better quality*

The subject tree is suffering with the fungal pathogen *H. fraxineus* - It is extremely unlikely the tree will be able to be retained for more than 10 years in a safe condition.

Risk of structural failure is not a concern at the present time though this pathogen causes a vascular wilt. Affected parts become dry, brittle and liable to failure. Potential for structural failure will increase with time if the tree were to be retained.

H. fraxineus is not a treatable pathogen and will continue weaken the tree, as such it is considered this tree is in irreversible overall decline.

It could be argued that removal of this tree also fulfils the third bullet point '*Trees infected with pathogens of significance to the health and/or safety of other trees nearby*' and removal may aid in preventing transference of the pathogen to unaffected ash trees in the locality. However, as ash dieback is well established in the locality, removal of this tree will make little difference to any nearby trees not yet affected.

Section 4.5.8 of BS5837 recognises a tree can have value, even when classified as being 'Unsuitable for Retention': "*If disease is likely to be fatal or irremediable, or likely to require sanitation for the protection of other trees, it might be appropriate for the trees concerned to be categorised as U, even if they otherwise have considerable value.*"

Mature trees, generally speaking, have reduced ability to tolerate disturbance when compared to their younger counter-parts. The construction of a new extension, investigative works to the drainage system (and any resulting works), repairs to the boundary wall and installation of a French drain would put a fair strain on a healthy tree. Conducting these works to a tree which is affected with a fungal pathogen of such significance as ash dieback, is inadvisable. Given all of the reasons listed above, removal and replacement of this individual is the prudent course of action.

Recommendations

- Fell the tree due to ground level and replace with suitable individual.

4.2 Wildlife Habitats

Bats

All UK bats and their roosts are protected by law. The legislation protecting bats are:

- The Wildlife & Countryside Act 1981 (WCA)
- Conservation of Habitats and Species Regulations 2017

For all countries of the UK, the legal protection for bats and their roosts may be summarised as follows:

You will be committing a criminal offence if you:

1. Deliberately* capture, injure or kill a bat
2. Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats
3. Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time)
4. Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat
5. Intentionally or recklessly obstruct access to a bat roost

**In a court, 'deliberately' will probably be interpreted as someone who, although not intending to capture/injure or kill a bat, performed the relevant action, being sufficiently informed and aware of the consequence his/her action will most likely have.)*

Penalties on conviction - the maximum fine is £5,000 per incident or per bat (some roosts contain several hundred bats), up to six months in prison, and forfeiture of items used to commit the offence, e.g., vehicles, plant, machinery.

When carrying out tree works it is essential that the contractor or other competent person carries out a specific 'bats in trees risk assessment' which can be obtained from the 'Arboricultural Association' or the 'Bat Conservation Trust' (BCT). If evidence of bats is found work must stop immediately and Natural England Batline contacted (0845 1300 228). A further inspection may well be required by a licensed bat handler or roost visitor.

Birds

In the UK, all wild birds, their nests and their eggs are protected by law.

In England, Scotland and Wales the legislation that protects wild birds is:

- The Wildlife and Countryside Act 1981
- The Countryside (or CRoW) Act 2000

As with bats the contractor has an obligation to carry out visual checks prior to works. Where possible tree works should be carried out in the period from August to the end of February in order to avoid the bird nesting season.

5. Conclusion

5.1 Following the inspection it is apparent that the tree is affected with the fungal pathogen *Hymenoscyphus fraxineus*. When considered against the criteria specified in BS5837, against the context of the upcoming development works and likelihood of disturbance to the root system, it is evident that the tree is not suited for retention and the prudent course of action is removal and replacement.

5.2 All tree works must conform rigorously to BS 3998 (2010) 'Tree Work - Recommendations'. The contractors undertaking tree work must comply with the legal obligations to wildlife as outlined in section 4.2.

For and on behalf of
AllAboutTrees Ltd

Andrew Watson FLS MICFor CBiol MRSB FArborA CEnv LCGI
-Chartered Arboriculturalist & Registered Consultant

Appendix 1(1)

Glossary of Terms

- 1 Reference number:** An individual identifying number
- 2 Species:** Species identification is based on visual field observations and lists the common name. In some cases the botanical name will be used where there is no common alternative. On in-depth surveys the botanical name only may be used
- 3 Height:** Height is estimated to the nearest metre. On computerised surveys this may be within a range of heights. When measured height is required, a clinometer is used to measure to the nearest metre
- 4 Diameter:** Trunk diameter measured at 1.5 metres from ground level to the nearest centimetre. In some surveys this is indicated as a range
- 5 Spread:** Measurement of canopy from the trunk to the nearest metre in four directions, North, South, East, and West in metres
- 6 Lower crown Clearance:** Height in metres of crown clearance above adjacent ground level
- 7 Age:**
Either an estimate (or statement if accurately known) of the age of the tree, classified as:
Y = Young tree, established tree usually up to one third of expected ultimate height & spread
MA = middle aged, usually between one third and two thirds of ultimate height & spread
M = Mature, more or less at full height but still increasing in girth & spread
OM = Over mature, grown to full size and becoming senescent,
V = Veteran tree, individuals surviving beyond the typical age range for the species
- 8 Physiological Condition:**
Good = Healthy tree with good vitality,
Fair = Moderate health and vitality normal or slightly less for species and age
Poor = Poor shape or form - signs of decline in crown, may have structural weakness.
Dead = dead or dying tree
- 9 Structural Condition:**
Good = No visible structural defects
Fair = Only minor structural defects
Poor = Defects which may need to be rectified or regularly monitored
Remove = Severe defects which may result in imminent failure or collapse
- 10 Management Recommendations:** General comments on the condition of the tree or group and any action required. potential for wildlife habitats
- 11 Estimated Remaining Contribution:** Safe Useful Life Expectancy (SULE): in some cases the age ranges are modified
Short: 0 – 10years Medium: 10– 20 Years
Intermediate: 20-40 Long: 40 + years
- 12 Tree Quality:** Assessment of tree quality see following cascade chart for details
- 13 Priority:**
A - Works to achieve an acceptable level of safety or required to facilitate the development
B - Works to achieve higher levels of arboricultural management.
C - To improve the aesthetic appearance.
- 12 Ultimate Size:** Taken from Arboriculture Research Note 8490ARB or NHBC Standards Chapter 4.2 as appropriate The Normal Ultimate Height in an Urban Situation in metres. Ultimate spread of the Crown in metres.
- 13 Root Protection Area:** The distance at which the protective barrier should be erected measured in a radii from the centre of the trunk in metres.
- 14 Pruning:** Pruning shall be defined as the removal of living or dead parts of a plant by the Contractor. Such parts may be soft growth, twigs, branches, limbs or sections of the tree trunk. The cut material may vary from small to large in size.

- 15 Crown Cleaning:** Cleaning out is defined as the removal of dead, dying or diseased branchwood, broken branches or stubs left from previous tree surgery operations (see also 16 Deadwooding) together with all unwanted objects, which may include ivy (if specified) and/or other climbing plants, nails, redundant cable bracing, rope swings, tree houses and windblown rubbish from the tree, and any such debris from any cavities within the tree.
- 16 Deadwood Removal:** Dead-wooding shall be defined as the removal of all dead and dying branches and limbs from the tree.
- 17 Crown Lifting:** Crown lifting shall be defined as the removal of all soft growth and branches or parts thereof which are below or which extend below the height specified in the tender documents. It is recognised that the resultant canopy base might not be one single level but might be stepped to allow for different clearances, for example where a tree overhangs both the footway and the road where different height clearances are required.
- 18 Crown Reduction:** Crown reduction shall be defined as the reduction of the complete outline dimension of the canopy, from the tips of limbs and branches to the main trunk, by pruning growth to an acceptable branch, twig or but to leave a flowing silhouette.

2 - Photographs

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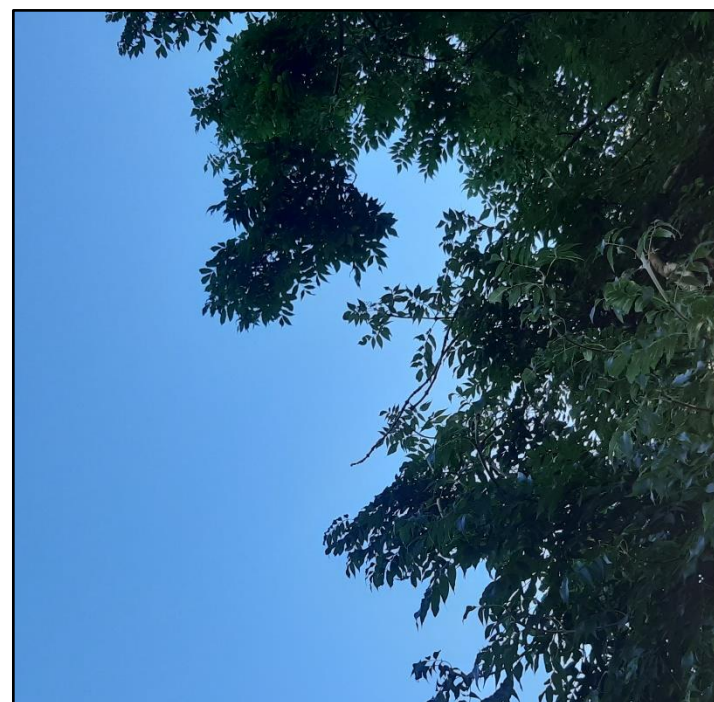
Photo 1 – Blackened withered leaves hanging in the canopy



Photo 2 – Blackened withered leaves hanging in the canopy



Photo 3 – Blackened withered leaves hanging in the canopy



Photos 4 & 5 – Dieback of shoots in canopy. Displayed more clearly in WAC report of July 2021.



Photo 6 – Characteristic diamond shaped lesion found on trees suffering with ash dieback



Photo 7 – Exposure of underlying wood structure shows discoloration associated with ash dieback. Delicate black lines are pseudosclerotial plates which confirm presence of fungal pathogen within wood structure.



Photo 8 – Severe cracking in boundary wall attributed to tree



Photo 9 – Cracking & fragmentation of concrete pad



Photo 10 – Cracking adjacent to lintel on garage



AllAboutTrees

Arboricultural & Ecological Consultancy
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OBJECTION TO TREE PRESERVATION ORDER AT 18 STATION ROAD FOREST HALL

A planning application was received by North Tyneside Council (20/01150/FULH) for the demolition of existing side garage, erection of new attached garage, first and second floor side extension and rear extension at 18 Station Road, Forest Hall.

18 Station Road is a semi-detached property located on the junction of Station Road and Lyndhurst Road. The front and rear gardens of neighbouring properties contain a number of mature and semi mature trees and shrubs of varying species. The front garden of 18 Station Road contains a mature Ash (*Fraxinus sp.*) tree in a prominent position, close to the front boundary wall of the property overlooking Station Road and Lyndhurst Road. The tree is not protected by a TPO (Tree Preservation Order) but is located within a Conservation Area and offers significant visual amenity within the context and the aims of the Conservation Area.

The planning application included the construction of a new attached side garage after demolition of the existing garage. Due to the nature of the proposed works, it was likely that tree roots from the mature Ash tree could be damaged as a result of the construction works. In determining the application, advice was given to the applicant that the ash tree should be retained and protected in accordance with BS5837: 2012 '*Trees in Relation to Construction-Recommendations*' to ensure that any foundations and construction works will not damage tree roots. This would also allow an opportunity to assess any alleged structural damage and any look at opportunities to mitigate. Therefore, an Arboricultural Impact Assessment (AIA) was requested to establish the root protection area of the tree which would in turn establish if any construction works will be within the root protection area of the tree and what the tree protection requirements will be.

As part of the decision making process for application 20/01150/FULH the Council Landscape Architect provided comments that led to Mr Bouchard acquiring an AIA from Woodsman Arboriculture Consultancy who confirmed that the ash tree was 'showing classic signs of Ash dieback and should be removed'. Ash dieback is a disease (*Hymenoscyphus pseudoalbidu*) which is present in most parts of the UK, but its effects are most visible in regions where the fungus has been present for the longest time, and where local conditions are most suitable for the fungus.

Based on this information, a site visit was undertaken to inspect the tree. It was found that Ash dieback was present in only about 5% of the trees canopy and was generally healthy with the tree evidencing increased leaf cover over the last few years. On this basis the tree was not considered a hazard and there was no requirement to remove it.

Application 20/01150/FULH was granted conditional approval on 9th December 2020. No condition was applied to the approval that required an Arboricultural Impact Assessment (AIA) or Arboricultural Method Statement (AMS) to be submitted. However, a condition was applied that stated: '*No trees within the site shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase or without the prior written consent of the Local Planning Authority*'.

Without conditions being applied to protect the tree further, it was considered that the Ash tree was not sufficiently protected through the planning process. In this case, the planning application itself was considered a section 211 notice whereby notification is given to the Local Authority (LA) to undertake works to a tree located in a Conservation Area. As required by the Town & Country Planning (Tree Preservation) (England) Regulations 2012, when an application or section 211 notice is received for works to trees in a Conservation Area, the LA has 6 weeks in which to determine the application unless an exemption applies. This notice period gives the LA an opportunity to consider whether to make a TPO on the trees. In this case the planning application acted as a section 211 notice which technically started the 6 week notice.

A TEMPO (Tree Evaluation Method for Evaluating Preservation Orders) assessment was undertaken by the LA and is a widely recognised and respected method of assessing a tree (or trees) suitability for a TPO. Tree Preservation Orders should only be used where it can be demonstrated that there is a reasonable degree of public benefit from the tree's retention. The Ash tree was re-inspected again and

it was considered that the tree provided a high level of amenity to the surrounding public area and its removal will have a detrimental impact on the Conservation Area.

The TEMPO evaluation takes into account factors such as a tree's visibility to the public, its condition, age and retention span, its function within the landscape (such as screening development or industry), its wildlife or historic value and ultimately its importance to the local environment. The TEMPO assessment is only used as guidance and to act as supporting evidence to show how the conclusion to TPO or to not TPO is reached. These factors are taken into consideration to decide whether a TPO is made along with the surveyors judgement, rather than a formal method of assessment. Furthermore, the tree(s) usually need to be under an immediate or foreseeable threat to warrant protection, and in this case, the Ash tree was considered under threat of removal.

The Ash tree is in reasonable health, mature, and clearly visible from public footpaths and highways surrounding the property. It is considered to have a high degree of visual prominence and makes a significant contribution to the character and appearance of the local area. Its loss would be considered a visual change and local residents will experience a changed or altered view on a permanent basis. Therefore, a decision was made to protect the tree from removal with a Tree Preservation Order (TPO) and on 18th August 2021, a TPO was served.

The order was served on the owners and occupiers of 18 Station Road and 2 Lyndhurst Road. The LA has 6 months from the serving of the order in which to consider any objections.

On the 20th August 2021, Mr Bouchard enquired as to why a TPO had been made in respect of the ash tree.

On 23rd August 2021, a letter of objection from Mr and Mrs Inness of 2 Lyndhurst Road was received

The objection to the TPO from Mr and Mrs Inness can be summarised as follows:

1. The tree is suffering from Ash die back
2. Sap from the tree is causing damage to their cars
3. The possibility of damage to their property from tree roots
4. Damage to the drainage system from tree roots
5. The tree is becoming increasingly dangerous with frequent branch failure and damage it could cause should the tree fall.

On 7th September 2021 a response to Mr Bouchard was sent.

On 23rd September 2021 Mr Bouchard obtained a second report from an arboriculturalist All About Trees which advises that the Ash tree is dying of Ash dieback a non-treatable pathogen and recommends that the tree should be removed. Mr Bouchard has asked that this report is considered at committee.

With regard to ash dieback, it has so far been relatively uncommon in the borough so far and there is a need to further understand the significance of the disease and any official reporting that may be required. Ash dieback is present in most parts of England, although the severity of the disease varies locally. Usually, more evidence of the disease would be apparent, for example wilting leaves, wilting new shoots, leaf necrosis and lesions on the branches (*Forest Research*¹) for a tree to be of concern. The presence of the disease does not necessarily mean that a tree should be felled/pruned with each situation assessed on its merits, taking account of the condition, position and importance of the tree. Also, the tree at this stage is not considered imminently dangerous whereby it requires immediate removal. The Ash tree is a major component of the tree cover of the immediate area and offers significant visual amenity within the context and the aims of the Conservation Area, so any removal will need to be conclusive.

¹ <https://www.forestresearch.gov.uk/tools-and-resources/fthr/pest-and-disease-resources/ash-dieback-hymenoscyphus-fraxineus/>

Forest Research draws on experience in continental Europe, which is now being seen replicated in the UK, indicates that the disease can kill young and coppiced ash trees quite quickly. However, older Ash trees can resist the disease for some time, indeed, in southern England, some ash trees are starting to show some level of resistance.

There are other typical signs of *Hymenoscyphus pseudoalbidu* that haven't been reported by the arboriculturalist at this stage therefore further monitoring should be undertaken with increased frequency and at an appropriate time of year to assess the extent of infection. On these grounds it would be premature to fell the tree, even as a precautionary measure.

With regard to the objections raised by Mr and Mrs Inness, the following objections have been considered as follows:

The tree is suffering from Ash die back

The tree is showing very minor die back in the upper crown of the tree. It is unknown at this stage if the tree will eventually succumb to the disease as local conditions will determine how ash trees are affected by the disease. At this stage the tree does not pose a real and immediate danger. The advice (Forestry Commission and Woodland Trust²) is to retain ash trees where they stand out as being healthier than those around them and it is safe to do so. The tree still provided a high level of visual amenity which is a key consideration for protection by a TPO.

Sap from the tree is causing damage to their cars

Sap is a natural seasonal problem caused by aphids. Pruning the tree will only offer temporary relief and can exacerbate the problem in the long run as any new growth is often more likely to be colonised by aphids thereby potentially increasing the problem. As this is a natural occurrence it is not considered reason to remove the tree.

The possibility of damage to their property

If there is damage to the structure of the property by the roots of the tree, a structural engineers report must be submitted to the LA to prove actual damage as the tree may not be the only factor that can cause building movement. For example, natural seasonal soil moisture changes, localised geological variations, damaged drainage, over loading of internal walls and settlement, amongst others so clear evidence is required that the damage caused is due to the trees in order to require their removal. This information is in line with current TPO guidance to ensure trees are not unnecessarily removed. Trees co-exist next to structures and in many situations without conflict, so unless evidence is provided indicating otherwise, removal of the tree is not usually supported. The additional expense of constructing the extension with pile foundations rather than the traditional trench and fill foundation is not considered a sound reason to withdraw the TPO. The lifespan of the tree is unknown as the resistance of the tree to ash dieback will continue to be monitored but undertaking works that would increase the stress on a tree is not considered acceptable.

Damage to the drainage system from tree roots

Tree roots cannot enter an intact drain. Many drains can have a variety of defects such as displaced joints, circumferential and longitudinal cracking regardless of the proximity of trees and the existence of roots within the drain does not indicate that a tree has caused the defect even if a root has grown through the crack. Provided the drains are maintained there is little capacity for damage to occur and tree removal would not normally be considered for this reason. With regard to surrounding concrete pad, tree roots typically grow close to the surface, and it is not uncommon for them to develop on the underside of hard surfaces such as driveways or footpaths, which can lead to cracks developing through physical pressure. This damage is frequently superficial, and there is a range of options available which could include repairing the damage whilst retaining the tree such as replacing the existing surface with a sustainable engineered solution that can accommodate the roots.

² <https://www.woodlandtrust.org.uk/trees-woods-and-wildlife/tree-pests-and-diseases/key-tree-pests-and-diseases/ash-dieback/>

No evidence has been provided that proves the presence of tree roots affecting or contributing to any damage. This is insufficient information to allow the removal of the tree or withdraw the TPO.

The tree is becoming increasingly dangerous with frequent branch failure and damage it could cause should the tree fall.

As with all mature trees, should the tree fall, then it can't be denied that damage can incur. To date no evidence has been provided by the applicant to show that the Ash tree is structurally unsound that is undermining its integrity. Responsibility for the trees lies with the owner of the land on which the tree is growing. There is a duty for the landowner to take reasonable care to ensure that their trees do not pose a threat to people and property as the owner of the tree is responsible for any damage caused to property or persons by their tree, or part of it, failing. Whilst it is difficult to predict the safety of a tree and whether it will fail or not, regular inspections of the structural integrity of the tree (other than the ash dieback) will ensure it is maintained in a safe condition.

On 10th December 2021, a further email was received from Mr Bouchard outlining the steps he had taken in obtaining advice from two tree surgeons. In addition, a further letter from his neighbour Mr David Innes of 2 Lyndhurst Road dated 28th June 2021 was also attached. Mr Bouchard in his email, also referred a number of structural issues in relation to his garage, the front boundary wall to his property and to drainage with particular reference to localised flooding under the garage. Mr Bouchard also referenced that he was unable to do any investigative works as the TPO on the tree prevented him from doing so.

With regard to damage to the property itself, no detail or evidence has been provided. If there is damage to the structure of the property by the roots of the tree, a structural engineers report must be submitted to prove **actual** damage as the tree may not be the only factor that can cause building movement. For example, damaged drainage, over loading of internal walls and settlement, amongst others so clear evidence is required that the damage caused is due to the trees in order to require its removal. This information required will be in line with current TPO guidance to ensure trees are not unnecessarily removed.

Any reasons to remove the tree must be convincing and it is recommended that a structural engineer is sought who can provide the relevant information to establish the cause of any actual damage. In addition, this should be supported by a drainage survey and a report from an arboriculturalist to support the tree work proposals, including arboricultural options for avoidance or remediation of indirect tree-related damage.

With regard to the front boundary wall, they can deform and crack over time even where trees are not present, particularly on clay soil whose volume changes with the seasons. Further investigations would clarify if the wall does require rebuilding (safety and risk) yet it is often possible to rebuild or repair garden walls to take account of adjacent trees by incorporating a 'bridge beam' or lintel in any rebuild of the wall that that allows for future root growth.

Trees co-exist next to structures and in many situations without conflict, so unless evidence is provided indicating otherwise, it is not considered a reason remove the tree.

The TPO does not prevent works being undertaken to the tree but ensures that if any pruning works or construction works in close proximity to the tree are carried out so that the tree is not damaged in any way. Further detail is provided in BS5837: 2012 '*Trees in Relation to Construction-Recommendations*'.

Conclusion

The making of a TPO is a 'discretionary' power under the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012, that allows the Local Planning Authority (LPA) time to consider if the tree is worthy of protection or not.

The Local Planning Authority currently has over 100 individual tree preservation orders in place for various parts of the borough and the majority of TPO's are protecting trees in privately owned property. There is a process within the authority to determine whether a tree or trees merit protection based on a number of factors such as the size, type or location of the tree or trees and whether it/they are at risk

of removal or damage. Whilst the TPO does bring additional responsibilities to the owner of the tree, this is not unusual across the borough.

The Ash tree at this current stage, is in reasonable condition with no major structural defects. It is located in a prominent position within the front garden of the property and therefore highly visible to occupiers of neighbouring residential properties and from vehicular and pedestrian routes on Station Road and Lyndhurst Road. Therefore, the tree is considered to be an important element of the local landscape. The Order has been made in accordance with Government guidelines and in the interests of securing the contribution this tree makes to the public amenity value in the area. The concerns of the homeowner and neighbour have been fully considered and balanced against the contribution the Ash tree makes to the to the local environment and it is not felt that they outweigh the contribution this tree makes to the amenity of the local area. Its loss would be considered a visual change and local residents will experience a changed or altered view on a permanent basis.

The ash dieback is not significant in the tree and it is suggested that the tree is monitored in the coming years. Following current advice (Forestry Commission and Woodland Trust) consideration is given to retaining any trees of value and it is safe to do so. If the trees should succumb to ash dieback or an associated disease and has to be removed, the TPO allows for a replacement tree to be planted which would maintain the integrity of the TPO and the character of the Conservation Area.

Due to its prominence within the local landscape, the age of the tree, its current condition, and on the understanding that the tree is at risk of being felled, it is considered expedient in the interests of amenity to confirm a Tree Preservation Order without modification on this tree.

It is important to reiterate that, if the Order is confirmed, this would not preclude future maintenance works to the tree. Should any works need to be carried out to the tree for safety reasons, or for any other reason, an application can be made to the local planning authority to carry out works to the protected tree.

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North Tyneside Council

North Tyneside Council
Planning – 1st Floor Left
Quadrant East
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Mr Peter Bouchard
C/O ADS Architectural
Mr Andrew Suter
12 Sandhoe Walk
Wallsend
NE28 6JL

Application No:
20/01150/FULH

Date of decision issue:
9 December 2020

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country (Development Management Procedure) (England) Order 2015
(DMPO)
Town and Country (Applications Regulations) 1988

GRANT OF PLANNING PERMISSION

TAKE NOTICE that in pursuance of its powers under the above mentioned Act and Regulations North Tyneside Council as Local Planning Authority hereby **GRANTS** planning permission

For: Demolition of existing side garage, erection of new attached garage, first and second floor side extension and rear extension (Amended 18.11.2020)

at: 18 Station Road Forest Hall NEWCASTLE UPON TYNE NE12 9NQ

in accordance with the application numbered 20/01150/FULH, deemed valid by the Council on 21 August 2020, and the plans stamped as approved on 9 December 2020.

SUBJECT TO CONDITIONS as follows:

1) The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Application Form, 18 Station Road, 21.08.2020
- Existing and Proposed Block Plans, AL(00)001, Scale 1:100, August 2020
- Existing Elevations, AL(00)101, Scale 1:50, March 2020
- Existing Floor Plans, AL(00)100, Scale 1:50, March 2020
- Proposed Elevations, AL(00)102, Rev B, Scale 1:50, March 2020
- Proposed Floor Plans, AL(00)104 Rev B, Scale 1:50, March 2020
- Location Plan, Scale 1:1250, 21.08.2020

Reason: To ensure that the development as carried out does not vary from

the approved plans.

2) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3) No site storage, parking of plant (vehicles), utilities, or drainage shall be located within the root protection area of any tree adjacent to the site. Where installation or alteration to existing, underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group Publication Volume 4 (November 2017).

Reason: To ensure the retention of significant tree cover within the conservation area, having regard to Policy DM6.6 of the North Tyneside Local Plan.

4) No trees within the site shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase or without the prior written consent of the Local Planning Authority.

Reason: To ensure trees to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 and DM6.6 of the North Tyneside Local Plan (2017).

5) Notwithstanding any other details shown on the plans hereby approved, the window(s) and any other glazing to be inserted in the side elevation of the first and second floor side extension shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass to a Level 3 or above. The windows(s) shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties having regard to policy DM6.2 of the North Tyneside Local Plan (2017).

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

How did we do ?

We would like to take this opportunity to thank you for working with us. We strive to provide our customers with a great customer experience and greatly rely on customer feedback to continuously improve the service we provide. We would be grateful if you could spare a moment to share your thoughts with us by completing this short customer survey: <http://www.northtyneside.gov.uk/nap/planning-services-2018/index.htm>;



Phil Scott
Head of Environment, Housing and Leisure

If you have any queries about this decision, please contact the case officer Kimberley Harwood on 0191 643 6331 or email kimberley.harwood@northtyneside.gov.uk

INFORMATION FOR APPLICANTS

1) The applicant's attention is drawn to the requirements of the Building Regulations. The applicant must submit a formal Building Regulation application to ensure full compliance with the Building Regulations.

The Council's Building Control offer a pre-submission facility where major design issues such as fire safety, means of escape, access to buildings, structural stability and sound resistance can be agreed. Contact Building Control on: Tel.: 0191 643 2200 Fax: 0191 643 2426 or by Email: building.control@northtyneside.gov.uk or via the web site at www.northtyneside.gov.uk/environment/buildingcontrol

2) It is an offence to obstruct the public highway (footway and/or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Highway Authority.

Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a particular hazard to those who are disabled, either by lack of mobility or impaired vision.

Please assist the Council by instructing your building contractor and materials suppliers that obstruction of the highway will not be tolerated by the Council, which is prepared to take legal action against those responsible for such obstructions.

Should you find it impossible to avoid placing materials on the public highway, contact the Highways Maintenance Section (tel 0191 643 6130) in advance to discuss the circumstances. In such cases the Council may authorise the placing of materials subject to specified conditions being met.

3) The proposed development lies within an area that falls within an area of contaminated land. You are advised that protection measures may need to be provided. Such measures could comprise the use of a gas membrane. If a gas membrane is to be used it will need to be to the highest specification to mitigate against carbon dioxide and methane ingress, unless a site investigation is carried out which demonstrates that the highest specification is not required.

Note 1 A condition of this permission requires that the development shall be carried out in complete accordance with the approved plans. Failure to do so could render the development unauthorised. Any material change to the approved plans will require a formal planning application to vary this condition or apply for a non-material amendment to the plans and the approval of the Local Planning Authority prior to any change being made. If you require any further information or advice regarding this permission please contact Development Management on 0191 6432310.

Note 2 This approval must not be construed as giving approval under Building Regulations or for improvement grant purposes. Building Regulations consent may be required for development involving the extension or construction of a building for which an application may be required. For further information telephone Building Control on 0191 6432200.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal you must do so within six months of the date of this notice. Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- If this decision on a planning application relates to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of issue of this notice.
- If an enforcement notice is served relating to the same of substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice whichever period expires earlier.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are available at www.gov.uk.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonable beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the

Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In Certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

ASH DIEBACK DISEASE

A GUIDE FOR TREE OWNERS



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THIS GUIDANCE IS FOR YOU IF:

- You are a homeowner or landowner and have trees on your land
- You think you may have ash trees on your land

THIS GUIDE WILL HELP YOU TO:

- Understand what ash dieback disease is and its impacts
- Learn to spot ash trees and understand what the signs of ash dieback look like
- Understand your responsibilities
- Understand options for managing affected ash trees
- Understand the value of ash trees and the environmental impact of ash dieback
- Understand the importance of replanting trees where possible and what species to plant

What is ash dieback disease?

Ash dieback is a highly destructive fungal disease affecting ash trees. It causes leaf loss and canopy decline and in some cases causes the trees to die. The disease was first officially recorded in the UK in 2012 and is now widespread across England, Wales and Scotland.

Why is it important?

Ash trees are the third most common tree in Britain, present in woodland, hedgerows, parks and gardens across the country and have much cultural significance in our urban and rural landscapes. They are also valuable habitats for over 1,000 species of wildlife, including a wide range of mammals, birds, invertebrates, plants and lichens.

It is estimated that there are more than 60 million ash trees outside woodlands in the UK and that the majority will become affected with ash dieback in years to come. A proportion of these infected and weakened trees will pose safety risks, especially if they are next to a busy road, public pathway, school or community grounds. Anyone with an ash tree on

their land has a responsibility to ensure that risk posed by the tree is kept within appropriate limits.

The future of ash trees

A small proportion of ash trees may have what's called 'genetic tolerance' to ash dieback, meaning they will survive and reproduce to create the next generation of trees. Therefore, tree owners have an important part to play in understanding the impacts of ash dieback on the environment and protecting tolerant and resistant trees and their associated wildlife wherever possible and safe to do so. ❌



A typical ash tree

1. What is ash dieback disease?

How will ash trees be affected by ash dieback?

Ash dieback is caused by a fungus called *Hymenoscyphus fraxineus* (formerly known as *Chalara fraxinea*). It arrived in Europe from Asia during the 1990s and rapidly spread. Although the first official record in Britain was in 2012, later analysis shows that some UK trees were infected with the fungus as early as 2004.

The disease is a serious threat to the future of the common ash tree. Research from the UK and Europe has found that seven or eight out of every 10 ash trees may die (although there are some local variations), but some trees do show some levels of tolerance and may even recover over time.

Some research carried out in France and published in April 2020, suggests that isolated ash trees, such as those growing in hedges or other open areas, may be less affected by ash dieback than those in woodlands. Whether this will be the case in Britain, only time will tell.

The ash dieback fungus progressively damages the vascular tissues of the tree, causing

particular branches to die back by blocking their supply of water and nutrients, hence the name.

Ash dieback causes a range of symptoms including wilted and spotted leaves (see page 12 for more information and images). Most affected ash trees will lose some of the leaves at the top of the tree (which is called its crown). However, ash dieback can affect trees in different ways – for example, some may develop dark patches called ‘basal lesions’ at the base of their trunk, but have no sign of ash dieback in their leaves and branches. This is why it’s important to **consult a tree professional** if you are unsure. ▶



Image © Jon Stokes

Ash trees in a woodland declining due to ash dieback

Once the fungus infects a tree, the dead or dying branches can become brittle and fall. Over time, as the tree loses nutrition, water and the leaves which produce its food, the disease may eventually kill the tree. However, often other opportunistic disease-causing organisms (pathogens), such as honey fungus or shaggy bracket, may cause the eventual death of the tree by accelerating wood decay and tree failure rather than ash dieback itself.



Images © Jon Stokes

Honey fungus



Shaggy bracket fungus

How important are ash trees in Britain and what are their benefits?

Ash trees are hugely valuable native trees and support almost 1,000 species including a huge variety of lichens, invertebrates and other wildlife. They are a valued part of our national treescape, especially in limestone areas such as the Cotswolds, where ash have been dominant and were historically managed as old pollards, particularly for wood fuel.

The annual estimated social and environmental value of ash trees growing outside woodlands is an estimated £230 million. Ash is a precious native species and no one tree can entirely replace it.

Ash dieback will have an impact on local ecosystems and the appearance of many



Image © Jon Stokes

A hedgerow ash in the Cotswolds

urban and rural green spaces we enjoy. However, if we work together across the country to tackle the issue, the disease presents an opportunity to develop UK 'treescapes' that are more resilient to pests, diseases and other threats. ❌

2.

The science

How is ash dieback spread?

Tiny fungal spores land on the leaves of an ash tree or at the base of the trunk. These wind-borne spores are produced from small white mushroom-like structures, **pictured right**, which grow on last year's fallen ash leaf stalks in the leaf litter.

While the fungus is naturally spread via airborne spores, it can also be spread by moving infected trees through trade, or moving fallen leaves.



Image © Jon Stokes

Are any trees resistant to the disease? Is there a cure?

There is no known cure to this tree disease. However, there is long-term hope as several studies have reported that a low percentage of ash trees – between 1% and 5% of the population – may have a genetic tolerance to ash dieback, meaning they can survive and reproduce to eventually create the next generation of ash trees.

By retaining trees with no or limited signs of ash dieback, owners and tree managers might allow precious ash dieback-tolerant trees to live and reproduce.

In addition, dying and dead ash trees have huge ecological value, especially mature, veteran and ancient trees, so provided that they are managed following current guidance on **tree risk management**, it's important to keep them in the landscape.

Owners of ash trees in areas open to the public will have to balance conserving ash with managing ash trees which might pose a danger to the public. It is important all owners of ash trees understand their responsibilities (**see page 14**). ➔

Does the fungus present a threat to humans or animals?

No, there is no evidence that the fungus can affect or infect humans or animals. The safety threat comes from dead or dying trees falling or dropping branches, causing injury or damage.

How quickly will an infected tree die?

It is not possible to predict how long it will take for a specific tree to decline. The climate, site conditions and local tree cover appear to play a large role in the extent to which trees are affected by the disease. Isolated trees, trees growing in open areas or those in hedges appear to be far less affected than those in a forest environment.

The photographs in **Figure 1** show the change in one tree in Devon over one season (photographs taken on 6.7.2016) ▶

Clearing fallen leaves from around infected trees

As the fungus grows in the leaves that fall on the ground in the autumn, clearing the leaf litter from around the bases of ash trees may reduce the levels of fungus spores present, which may increase the chances of the trees surviving for longer. This action should be considered especially for ancient, veteran or other trees of special importance. Always observe good biosecurity practices – more information can be found on the [government website](#).




Figure 1: Change in one tree over one season

Images from top to bottom: © Rob Wolton, Jon Stokes

and 7.7.2017). The pictures show a 10%-15% decline in the crown of a mature tree in a single season. However, reports show different rates of decline on a site-by-site basis.

Young ash, and those which have been coppiced (cut down to the base to encourage new growth) appear to generally decline from the disease quickly, while some ancient and mature trees, and ash trees outside woodlands, appear to be able to live for many years with the disease. However, mature ash trees with ash dieback can die more quickly if other pathogens, like honey fungus, take advantage of the already weakened tree. Trees have died from ash dieback in as little as two growing seasons.

Where the dark patches called 'basal lesions' are found on the trunks – usually in areas of dense ash populations and wet woodlands – these can make trees unstable and potentially dangerous more quickly. The rot found in these trees is usually associated with other secondary pathogens such as honey fungus and can occur without any obvious dieback symptoms in the crown. This makes identifying potentially 'dangerous' ash trees considerably harder. This is why it's important to learn to identify ash dieback, survey your trees and then get the advice of a qualified tree professional on what action you should take if you find any cause for concern (**See page 17**).

Stress in trees

The health of a tree can be heavily affected by its living conditions. Conditions that are not good for a tree's health are said to cause 'stress'. These might include: root damage from ploughing, root compaction caused by people walking over the land on top of a tree's roots, building development or utilities works, air pollution levels, or where a grown tree in an open area has been shaded by trees planted too close. Trees in urban settings may experience higher levels of stress, and this stress can make them more susceptible to the symptoms of ash dieback or other pests and diseases.

3.

Spotting ash dieback in your trees

Where do I start?

The general steps that you may need to take to manage your ash trees are:

- 1 Learn to identify ash trees
- 2 Learn to spot symptoms of ash dieback disease
- 3 Survey your ash trees on a regular basis (**see page 17**)
- 4 Consult a qualified, insured tree professional to get some specific advice on the health and risks associated with your ash trees
- 5 Make a decision on whether there are any trees which might require pruning or felling, based on the advice of a professional
- 6 Put a management plan in place and apply for a felling licence if necessary
- 7 Continue monitoring your ash trees
- 8 Replace ash trees that are lost with another species wherever possible (**see page 21**)

How do I recognise an ash tree?

Ash is a very common tree, mostly found in woodland and hedgerows. In Britain, there are approximately 60 million ash trees growing outside woodlands, and an estimated two billion ash trees overall including all saplings and seedlings. ➔

HOW TO SPOT AN ASH TREE



- **Leaves:** Ash leaves are 'compound leaves', comprising three to six pairs of 'leaflets', arranged in opposite pairs with one terminal leaflet at the end of the leaf



One ash leaf comprises many leaflets

- **Seeds:** Ash seeds (called 'keys') are flat single-winged seeds which hang in abundant bunches (sometimes confused with ash leaves wilted by dieback)



Ash seeds

Images © Jon Stokes

Twigs with black leaf buds



- **Twigs and leaf buds:** Ash are easily identified in winter by their smooth twigs that have distinctive black, velvety buds arranged opposite each other.

Grey/brown bark with lichen growing on it



- **Bark:** The bark is pale brown to grey, which fissures as the tree ages. Over 770 species of lichen can live on it.

Height and form



- **Height and form:** When fully grown, ash trees can reach a height of 40 metres. ➔

Ash is most commonly confused with the rowan tree (which is sometimes also called the mountain ash). The main differences are:

- Mature rowan trees are much smaller than ash trees, growing to only 10 metres tall, compared to up to 40 metres in a mature ash tree
- Ash trees have shiny black buds in winter, where rowan trees have brown buds
- Ash flowers are small and black, while rowan flowers are white
- Ash produce seed in the form of winged 'keys', rowan produce berries
- Although both species have 'compound leaves' the whole leaf (all the leaflets) on rowan tree are in staggered pairs on the twig, while ash leaves grow opposite each other

Rowan trees cannot get ash dieback disease, although they can be affected by other diseases such as fireblight, which could lead to confusion. ➔



A compound ash leaf



A compound rowan leaf

Image © Jon Stokes



Ash leaves are opposite each other



Rowan leaves are staggered on the branch



Image © Creative Commons/E Dronkert



Image © Creative Commons/Siaron James

Rowan tree (above), Rowan berries (right)

How can I identify ash dieback in my trees?

It is easiest to spot signs of ash dieback during the summer when trees should be in full leaf, **like the one below**. Ash comes into leaf at different times in the spring, sometimes as late as the end of May, but by mid-June all healthy ash should be in full leaf.

Some affected ash trees will fail to come into leaf at all, while others will 'flush' normally before showing signs of ill-health or dieback later. It's important to bear in mind that failure to flush or dieback in ash can have many causes, **so if an ash tree looks unhealthy, it does not automatically mean it is affected with ash dieback.** ➔



Image © Jon Stokes

A healthy ash tree

SIGNS OF POSSIBLE ASH DIEBACK

- Spots on the leaves
- Wilted leaves
- Branches losing their leaves and 'dying back'
- Dark patches, called lesions, on the branches and/or trunk

The symptoms are easily visible in young trees, but they can be harder to recognise in more mature trees. Unfortunately, lesions can be caused by a number of factors including other fungi and bacteria and so dark patches alone do not necessarily mean the tree has ash dieback. For more detailed information on lookalike signs and symptoms of ash dieback, see the [Observatree guidance](#) here.

Anyone responsible for managing ash trees should learn to recognise the visual symptoms of ash dieback so they can assess the current health of their ash tree population and then consult, if appropriate, with a tree professional on what action they might take.

Once you know what you are looking for, you should survey your trees to assess their health. If you spot signs of ash dieback, you should survey them each year to track the progress of the disease.

ASSESSING THE CROWN HEALTH OF YOUR ASH TREE

Suffolk County Council has developed a four-part system for assessing the health of an ash tree's crown. While other problems such as drought stress or root problems can cause crowns to look sparse and thin, crown health is a quick and useful gauge of the tree's overall health.

As crown health is not the only symptom of ash dieback, if you are unsure, consult with a qualified tree professional. ➔



Spots on the leaves



Wilted leaves



Branches losing their leaves



Dark patches on the trunks

All images © Jon Stokes

By looking at the crown of an ash tree, you should be able to place it in one of the following classes. Don't worry if you're not completely sure – just make your best guess:

CLASS 1 100%–76% of the crown remains

CLASS 2 75%–51% of the crown remains

CLASS 3 50%–26% of the crown remains

CLASS 4 25%–0% of the crown remains

This system does not allow you to make specific management judgements about the safety of any individual tree, but it helps to identify trees that may need attention.

If you are concerned about the extent of decline in your tree's canopy (especially if it starts to look like a class 3 or 4 tree), you need to decide how to manage your tree. It is usually best to consult a qualified tree professional who can survey your tree or trees, assessing their condition and the circumstances in which they are growing, to advise you on what action to take. If the tree is assessed as presenting an unacceptable risk to people or property, felling may be recommended. It is important to seek guidance quickly if you think your tree may be in a dangerous condition.

Otherwise, pruning work such as the removal of dead wood, a reduction of the crown, or the removal of a specific limb might manage the safety risk while allowing the tree to continue providing benefits to the landscape and to nature.

For your management options for an ash tree **see page 16**. **X**



Class 1



Class 2



Class 3



Class 4

All images © Gary Battell

4.

Your responsibilities

Managing the risk from trees is the responsibility of the owners and managers of the land on which they grow. If your ash tree or one of its branches falls on someone or someone else's property, you may be liable.

Understanding the law

Under both the civil law and criminal law, an owner of land on which a tree stands has responsibilities for the health and safety of those on or near the land and has potential liabilities arising from the falling of a tree or branch. The civil law gives rise to duties and potential liabilities to pay damages in the event of a breach of those duties. The criminal law gives rise to the risk of prosecution in the event of an infringement of the criminal law. Further details can be found in the National Tree Safety Group publication **'Common sense risk management of trees'**.

Following official guidance

To help landowners understand the risk of harm posed by their trees and to manage such risk in a reasonable, balanced and proportionate way, national guidance has been produced by the National Tree Safety Group (NTSG) which should be followed by all tree owners.

NTSG's approach follows five key principles:

- Trees provide a wide variety of benefits to society
- Trees are living organisms that naturally lose branches or fall

- The overall risk to human safety is extremely low
- Tree owners have a legal duty of care
- Tree owners should take a balanced and proportionate approach to tree safety management

If you have any concerns about the health of your ash trees, you should consult a tree professional such as your Local Authority Tree Officer, or a qualified tree professional (see page 17).

Balancing safety with ecological benefits

Reasonable public safety must be the top priority when assessing what action to take on the trees you own. Levels of risk will range from low to high. Examples of locations where trees may present high levels of risks are: roads, car parks, railways, well-used public spaces, playgrounds, schoolgrounds and public right of ways.

Where ash trees pose a low safety risk, for example trees in hedges between two fields with no public access, they should be left to decline naturally so they can continue to contribute benefits to the environment (see page 17). ▶

5.

Options for managing affected ash trees

What are my options for managing my affected ash trees?

To decide which management option is most suitable for your ash trees, consider:

- Roughly what percentage of the crown has died?
- What risk does that tree pose to humans, animals or property?
- Can you mitigate the risk by means other than pruning or felling the tree (e.g. moving a pathway or a seat that is under the tree)?
- Is the tree old, or does it have a rich history worthy of preservation (ancient and veteran trees possess special cultural and ecological attributes)?
- Is the tree showing signs of tolerance to the disease?

**NOTE: THESE ARE SUGGESTIONS TO HELP YOU CONSIDER YOUR OPTIONS
– THE LEGAL RESPONSIBILITY REMAINS WITH YOU AS THE TREE OWNER.
WHEN IN DOUBT, CONSULT A QUALIFIED PROFESSIONAL FOR ADVICE.**

MANAGEMENT POSSIBILITIES

There are a range of tree management options that can be considered for trees affected by ash dieback. These include:

- Retain the tree with no work – provided the risk level is acceptable
- Deadwood removal – prune dead wood and branches showing marked symptoms of dieback to reduce the risk from falling branches
- Pollarding/topping: if the tree is posing an unacceptable risk to people or property, reduce its height by removing all the upper branches and allowing it to regrow
- Coppicing – cut the tree to the base and allow it to regrow
- Felling – fell the tree and prevent regrowth. The larger the trees, the more likely the wood will be of habitat value. Where

possible, the felled wood should be left in situ in as large pieces as possible. See guidance from the [Ancient Tree Forum](#).


Each of these options carries different benefits and challenges. To decide which management option is most suitable, consider:

- which option manages the risks most effectively?
- what is your purpose in taking action? Do you want to retain trees where possible, or remove all risk?

The final decisions will need to be made by the landowner but professional advice from a competent tree professional will be invaluable. To find a local professional, consult your Local Authority Tree Officer, or see [the advice from the Arboricultural Association](#) or the [Institute of Chartered Foresters](#).

HOW DO I PUT AN ONGOING PLAN FOR TREE MANAGEMENT IN PLACE?

The National Tree Safety Group (NTSG) provides the following guidance for householders to ensure you are meeting your responsibilities:

- You don't need a written tree safety 'policy', but you should have a 'management plan' either written down or implicitly understood. This can be as simple as having a set of processes agreed between yourself and anyone else who manages trees on your land (a gardener, maintenance staff) for how you ensure your trees are safe to enjoy
- In order to inspect your trees, you should walk around your garden once a year in late summer/autumn. If your trees look sound and healthy with no obvious defects, that's all you need to do
- A tree or branch with no leaves on it in summer is probably dead. If it is a large tree, or a branch at height, it may be dangerous for you to remove it, so you will need to employ a competent, fully insured tree surgeon
- If your tree has what looks like a fungus on it, **look it up** to check what its presence means or get advice from a suitably knowledgeable and experienced person 

As ash dieback spreads, the number of ash trees with problems will rise. Tree managers should adapt their tree management plans to take this into account – this may include carrying out more frequent inspections of affected trees, especially if they are alongside a road or path or other high-risk sites.

When you've decided on a course of action, you should:

- Familiarise yourself with and observe all relevant tree and environmental legislation (**see page 20**)
- Ensure that trained, qualified and insured contractors carry out the work
- Wherever possible, re-plant trees with an appropriate species (**see this guidance from the Forestry Commission**)

WHERE CAN I GO FOR SPECIFIC ADVICE ON MY TREES?

The final decision on what action to take will need to be made by you, the tree owner, but you should seek professional advice from a fully insured tree management professional who holds the LANTRA Professional Tree Inspection Certificate.

To find a local professional, consult your Local Authority Tree Officer, or see **advice from the Arboricultural Association** or the **Institute of Chartered Foresters**.

It's important to note that only trained and


experienced tree surgeons or forestry workers should do work on ash trees affected by ash dieback. Be aware that rogue trader tree contractors operate in some areas. Seek advice from your Local Authority if you're unsure about a contractor.

HOW DO I CONDUCT AN ASH SURVEY?

Local Authorities in **Norfolk** have produced guidance on conducting annual ash surveys to assess the risk posed by ash dieback symptoms, which they have kindly shared below:

- Inspect for ash dieback in the summer (mid-June to mid-September) when trees are in leaf and record the percentage of crown 'missing'
- Where possible, take photos so you can compare the changes in the trees between inspections
- If you have many trees, prioritise inspection of your trees by risk. For example, you might start with large trees beside roads or pathways, and inspect these trees most regularly
- Unless trees need urgent safety work, plan tree work outside of the bird nesting season (February – August)

WOULDN'T IT JUST BE EASIER TO FELL MY ASH TREES NOW?

Healthy looking ash trees should not be felled in anticipation of the disease, unless there are other overriding management requirements to do so. Ash dieback is having a serious impact 

on our treescape, and whatever we can do to retain trees in the landscape where safe to do so increases the chance that the next generation of ash trees will be able to grow and thrive.

Declining ash trees that may eventually die, can also continue to contribute ecological benefits if kept in the landscape for as long as possible. Therefore, where safe to do so, please consider keeping your ash trees in the landscape, and replace lost trees with other species.

MY TREE(S) MAY POSE A RISK TO THE PUBLIC – WHAT DO I NEED TO CONSIDER?

If your tree(s) are seriously affected by ash dieback and are, for example, in an area of public access or next to a road or park, you may have to notify other organisations and/or take legislation into account. For example:

- Are there any constraints from the Local Planning Authority, e.g. does the tree have a Tree Preservation Order, or do you live in a Conservation Area? (**see page 19**)
- Do you need a felling licence? (**see page 19**)
- Is your tree along a roadside or railside? If so, you should contact the local Highway Authority (e.g. your County Council) or Network Rail before undertaking any tree work
- Is the tree host to any European Protected Species, e.g. bats? (**see page 20**)
- Is the land protected as a designated site such as a site of special scientific interest (SSSI) or national nature reserve (NNR)? (**see page 21**)
- Might you be in breach of the Wildlife and Countryside Act (WACA) 1981? (**see page 20**)

Is there any money to help with the costs of managing my ash tree?

Currently there is no central or local government financial support for private individuals managing their trees with ash dieback in the non-woodland environment. It is the responsibility of the landowner to fund the management of the trees on their property, including the risks posed by ash dieback. Support for work in woodlands is available through Forestry Commission grants – see [here](#). ▶



Image © Jon Stokes

Ancient ash trees, including living, dying or dead trees which have been managed down to the main stem, can have enormous ecological benefit

What do I do if my ash tree is protected by a Tree Preservation Order (TPO) or grows in a conservation area?

If you have an ash tree which is protected by a Tree Preservation Order (TPO), subject to certain exemptions, you must obtain formal permission from your Local Planning Authority, e.g. your District Council, to undertake work on this tree. That is, unless a felling licence would normally be required, in which case you should apply for the licence and declare the presence of the TPO on the application. If you live in a conservation area and want to undertake work on an ash tree which has ash dieback, you must notify your Local Planning Authority at least six weeks in advance. This gives the planning authority an opportunity to place a TPO on the tree if considered appropriate. There are some exceptions to these rules which differ in England, Scotland, Wales and Northern Ireland, so consult your Local Planning Authority first.

Do I need a felling licence?

Tree felling is a legally controlled activity and you usually need permission to fell growing trees, including diseased ones. Licences are free and are issued by the Forestry Commission (in England) usually for a five-year period. Most felling licences will contain conditions that require felled trees or areas of woodland to be replaced by replanting or being allowed to regenerate. You generally don't require a felling licence to fell single trees that are standing in a garden although other permissions may be needed.

Some exemptions exist to the need for a felling licence, including:

- There is an immediate risk of serious harm and urgent work is needed on a tree to remove the risk
- Felling which yields less than 5m³ of timber, to allow for very small-scale felling works. For example, a tree with a mid-trunk diameter of approx. 60cm and which stands 10-15m tall will generate c5m³ of timber. You can find out more about [estimating timber volumes here](#)
- All trees that are standing in a garden. However, for larger estates or residences of unusual composition, land attached to a dwelling is not automatically considered to be a garden by the Forestry Commission.

There are no exemptions for diseased ash trees and the Forestry Commission therefore expects that most ash tree felling in response to ash dieback will be permitted through the use of an approved felling licence, unless the usual exemptions apply.

It's important to note that, in certain circumstances you may still need permissions from other organisations before you begin felling trees (see Tree Preservation Orders in Section 5 and Wildlife & Countryside Act and other environmental legislation in Section 6). Further information can be found in [Tree Felling, Getting Permission](#) and [Operations Note 46a](#), both by the Forestry Commission.

Guidance varies from country to country. You can find out more specific information on felling licences and exemptions in England, Scotland, Wales and Northern Ireland in the links below.

- [England](#) | ● [Northern Ireland](#)
- [Scotland](#) | ● [Wales](#) 

6.

Conservation and promoting a healthy treescape

Keeping ash trees in the landscape for the future

The Tree Council, Defra and the Forestry Commission advocate that ash trees that do not pose a health and safety risk should be retained in the landscape wherever possible so they can continue to provide biodiversity benefits.

We strongly encourage all tree owners to replace ash trees lost by replanting other species. We hope that resistant ash trees will also regenerate naturally from seed.

What do I need to know about the Wildlife and Countryside Act?

All birds, their nests and eggs, are protected by law and it is thus an offence, with certain exceptions, to:

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built

It is therefore necessary to ensure that any management work on an ash tree does not disturb nesting birds. If you think you have nesting birds using your ash tree consult a tree professional (**see page 17**).

What do I need to do about European Protected Species (EPS)?

If there are rare, threatened or protected species in an ash tree (such as bats which may use holes in an old ash tree), specific advice is needed to protect them. It is illegal to:

- Capture, kill, disturb or injure them (on purpose or by not taking enough care)
- Damage or destroy their breeding or resting places (even accidentally)

To understand the law on protected species see the [gov.uk website](https://www.gov.uk), which shows how to apply for a protected species licence. If you think you have bats or other protected species using your ash tree consult a tree professional (**see page 17**). ▶



Image ©Commons / Allan Hopkins

A garden warbler in an ash tree

What do I do about ash trees in parks, public open spaces and heritage sites?

In public open spaces and public parks, the safety risks posed by ash dieback will be managed by the Local Authority or landowner, who will be responsible for managing their trees. If you see an ash tree that concerns you, contact the owners, describing the location and condition of the tree(s) in question.

What do I do if my ash trees are in a designated site of special scientific interest (SSSI) or a national nature reserve (NNR) etc?

Natural England and the Forestry Commission have produced specific guidance on how to manage ash trees in protected sites. For details, see [here](#).

What species should I replace ash with?

There is no one tree that can replace ash. However, **aspen, alder, field maple, sycamore, birch, rowan, oak and disease-resistant elm** are all good choices.

Your choice depends on why the replacement tree is being planted – is it for timber, wildlife or aesthetics? You might consider the following factors:

- Ash trees have a big beneficial impact on soil quality. **Alder** and **lime** leaves have similar qualities, as do to a smaller extent **sycamore, field maple** and **aspen**
- Many of the generalist birds and mammals that feed on ash can also be found on **oak** and **beech, sycamore, birch** and **hazel** ▶



A mature oak (left), and a mature sycamore (right)

Images © Jon Stokes


- For the specialist ash related insects, mosses and lichens, disease-resistant **elm** is the best substitute, followed by **sycamore, aspen, oak** and **hazel**

Alternative tree selection also varies depending on the conditions of the site where the tree will grow and the type of location, such as a hedgerow, garden or park.

New ash trees can be allowed to grow from seed (natural regeneration), but it is likely that most of these young trees may die from ash dieback themselves. Of course, any that survive may be the future of our ash population and should be nurtured carefully.

It is now theoretically possible to buy ash trees from nurseries within Britain and Europe. However, The Tree Council cannot recommend the purchase or planting of any ash trees at this stage, as there are currently no guaranteed disease-resistant strains available on the market.

An Ash Dieback Resilience Group has been set up in Devon and **suggests the following:**

- 1 Act now to minimise the landscape impact of ash tree loss – start promoting new trees and taking better care of existing trees
- 2 Use the Devon 3/2/1 formula: plant at least 3 new trees for loss of a large tree, 2 for a medium tree and 1 tree for a small tree
- 3 Promote natural regeneration (letting new trees grow from the natural seeds) wherever possible, particularly in woodlands
- 4 Grow the right trees in the right places in the right ways and give them the right aftercare
- 5 Encourage a diverse range of trees to develop a resilient landscape
- 6 When choosing species, consider local factors such as what trees are characteristic of the area, soil type, management requirements, local stresses
- 7 For wildlife, landscape and woodfuel, choose native species, or those well established in the British Isles, such as sycamore, wild pear, crab apple or white willow. In urban areas it is more acceptable to use species from other parts of the world
- 8 Reduce the risks of introducing new diseases by only planting trees grown in Britain, by reputable nurseries 

Ancient, veteran and heritage trees

Ancient, veteran and heritage trees are irreplaceable. They have great ecological, cultural and amenity value.

Much of the value of these trees can be retained for a long time, even after they have died. There is also some evidence that ancient and veteran trees may be more tolerant to ash dieback than other ash trees.

Therefore, when considering what action to take on such a tree, the advice of an experienced tree consultant who is knowledgeable in the care of ancient trees and their management for reasonable public safety should be sought. They will be able to advise on the level of risk posed and help you understand your options. For example, in some circumstances moving the 'target' (i.e who or what might be harmed) by fencing off an informal footpath

Terminology:

Ancient trees are those which have reached a great age in comparison with others of the same species.

Veteran trees can be any age, but will have ancient characteristics such as heartrot or hollowing of the trunk or major limbs.

Heritage trees are trees that are part of our history and culture, and can be connected with specific historic events or people.

Source: Ancient Tree Forum

may be a simpler and less costly option than removal or carrying out drastic tree surgery.

If there are no health and safety reasons that demand work to ancient, veteran, heritage or any other isolated ash trees, where possible the trees should be left to decline naturally. If leaf litter gathers around the base of these trees, it should be removed and destroyed (such as by composting), to reduce the levels of the fungus present. ▶



Image © Jon Stokes

An ancient ash


About this guidance:

- This guide was produced by The Tree Council with expert input from the following organisations:

- Defra
- Forestry Commission
- Forest Research
- Natural England
- Arboricultural Association
- Ancient Tree Forum
- London Tree Officers Association
- Scottish Natural Heritage
- National Tree Safety Group
- Suffolk County Council
- Norfolk County Council

With thanks to all who have helped develop and review this guidance.

- The data in this document are solely the view of The Tree Council and contributors. The authors do not accept any liability for any loss incurred as a result of relying on its contents
- To find a qualified tree consultant, visit the [Arboricultural Association](#) or the [Institute of Chartered Foresters](#)

- There are a variety of online resources available to help with identifying ash dieback, including:
 - [The Forestry Commission dieback identification advice](#)
 - [The Observatree ash dieback identification guide](#)
 - [The Tree Council guide to symptoms in large trees](#)
 - [Arboricultural Association Ash Dieback Guidance for Tree Owners, Managers, Contractors and Consultants](#)
- [The National Tree Safety Group](#) (NTSG) provides detailed guidance on dealing with ash dieback, which should be followed by all owners of trees
- This guidance is in line with the government recommendations in the [Tree Health Resilience Strategy](#), published in May 2018
- For more information on managing individual ash trees affected by ash dieback, see the [Forestry Commission Operations Note 46a](#) 

June 2020

ASH DIEBACK DISEASE

A GUIDE FOR TREE OWNERS

www.treecouncil.org.uk | info@treecouncil.org.uk

Registered charity number 279000

