



IAIN TAVENDALE F.Arbor.A.

ARBORICULTURAL CONSULTANT

Arboricultural Impact Assessment

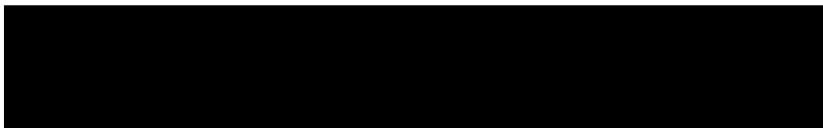
Site;

Proposed Car Port at

North Barn, Back lane, Grindleton.

Client;

S J Bialecki.



Tree Survey and Methodology

An inspection of the site under consideration was undertaken on 3rd January 2024 to establish the condition of the trees present all in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations.

A detailed survey had also been prepared on to which relevant tree survey information has been imported for identification and assessment purposes.

The survey was undertaken from ground level. No excavations were carried out or soil or root samples taken. No aerial inspections or invasive probing or drilling had been undertaken.

Retention values were evaluated following guidance within Table 1 of BS5837 – 'Cascade Chart for Tree Quality Assessment.' This specifies four main categories.

1. *CAT A – Trees of high quality with an estimated remaining life expectancy of at least 40 years whereby they could make a substantial long term contribution to the area.*
2. *CAT B – Trees of moderate quality with an estimated remaining life expectancy of at least 20 years that are still of sufficient quality to make a substantial contribution to the area.*
3. *CAT C – Trees of low quality with an estimated remaining life expectancy of at least 10 years or young trees with a stem diameter below 150mm. All items within this category could be retained but would not be expected to impose a significant constraint on development.*
4. *CAT U – Trees in such a condition that they cannot be realistically retained as living trees in the context of the current land use for longer than 10 years. They may however have existing or potential conservation value which it might be desirable to preserve.*

Management recommendations have been indicated where considered appropriate and necessary to promote tree health and viability and maintain an acceptable level of safety in respect of existing site conditions and the knowledge that some development is proposed.

It should be noted that the BS5837 is the only nationally recognised document which provides guidance and recommendations on the relationship between trees and design, demolition and construction processes.

The Standard advises that it takes the form of guidance and recommendations and should not be quoted as if it were a specification.

It expects that appropriately qualified and experienced persons will be entrusted with the execution of its provisions.

The British Standard does not provide specific distances for any trees in relation to structures (other than for new plantings and potential damage from incremental growth) and whilst it may recommend that no construction should occur within the expected root protection areas of retained trees (the default position), the Standards provide detailed



guidance on how construction could occur if all appropriate factors and methodologies can be addressed.

They clearly expect that an informed, qualified and experienced person applies due consideration to all issues to achieve a satisfactory design appropriate for any particular site and the identified constraints.

General Description of Site and Surroundings

The site and surroundings have been described in detail within other submissions or are readily observable on site.

In respect of arboricultural issues, 3 trees exist to the approximate south of the proposed car port.

Management of the trees appears to have been relatively minimal in recent times but some historic crown lifting to the Horse Chestnut is evident.

Some historic soil stripping has been undertaken for the parking and turning area together with the footprint of the proposed car port. This has recently had a temporary edging formed along the southern boundary to avoid trespass into any root protection areas.

Spoil and old building materials exist around the identified trees together with brambles and ruderals thereby indicating long term presence. It is understood that this material will be carefully removed and the entire area re-landscaped to create a managed garden area.

A new Thuja hedge has already been inserted to the Sawley Road, boundary.

All material or higher canopies are evident from public areas outwith the site.

Soils within the site have not been analysed however, the general tree population of the area has reasonable vitality which indicates soils are probably within the neutral to acid range and not waterlogged. The size and growth rates of the general tree population also suggest that soils are relatively fertile and the local micro climate reasonably sheltered.

Description of Proposed Construction

All such issues have been fully addressed in other submissions.

The Proposed Site Plan with Tree details including Root Protection Areas is appended as the Tree Protection Plan.

Designation Relating to Trees / Hedgerows.

From advice received it is understood that the site falls within the local Conservation Area. Regardless, we would always advise checking with the Local Authority before proceeding with any works.

The potential effect of construction / development on trees whether statutorily protected or not is however a material consideration that is taken into account in dealing with planning applications.



Even should items be afforded statutory protection, such orders impose no duty on the owners of the trees and woodlands affected to carry out pruning or other maintenance, either to any particular standard or at all.

This must be a matter for the owners' decision, subject to the duties laid upon him or her by the common law. If a local authority wishes to encourage such works to be carried out, it must do so by permission, through the offer of grants or possibly by the imposition of conditions on consents.

Current Situation

At present, as described previously, the area beneath and around the trees has clearly been utilised historically for storage of old building materials and other debris.

Some historic soil stripping has been undertaken and as can be observed from the Tree Protection Plan, this may have extended marginally into the expected root protection area of two of the trees.

The extent of any such possible trespass plus the depth of the works is unlikely to have had any material impact upon the health or future viability of the trees especially when considering all other remaining soils contiguous to the root protection areas are open and undisturbed.

Clearance of the old building materials will also improve the situation and manual spreading of the stored soils to a level not exceeding 75mm so as to improve grades across the site will have no impacts on tree health.

Management of the trees appears very limited although some minor pruning to achieve acceptable clearances for landscaping etc. may be required in due course.

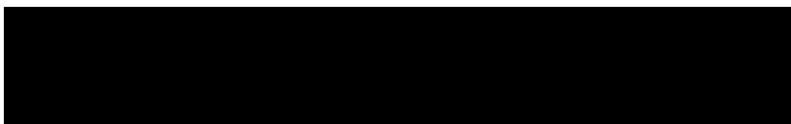
Such works may require the submission of a Tree Works Application.

Implications of Development

1. Direct Loss of Trees

To physically undertake the proposed construction and associated works, no trees will require removal:

BS5837 CAT	TREE No's	TOTAL
Cat – A High Quality	None	0
Cat – B Moderate Quality	None	0
Cat – C Low Quality	None	0
Cat – U Poor Quality	None	0



There will therefore be no impacts upon views from public areas outside the site.

2. Indirect Loss of Trees.

As a result of the proposed construction there will no indirect losses of trees:

BS5837 CAT	TREE No's	TOTAL
Cat – A High Quality	None	0
Cat – B Moderate Quality	None	0
Cat – C Low Quality	None	0.
Cat – U Poor Quality	None	0

There will therefore be no impacts upon views from public areas outside the site.

3. Major Pruning of Trees.

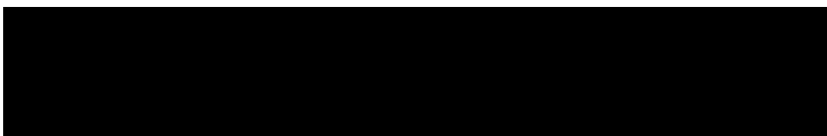
Some minor pruning to one tree to facilitate the construction of the car port may be required:

BS5837 CAT	TREE No's	TOTAL
Cat – A High Quality	None	0
Cat – B Moderate Quality	T3	1 tree.
Cat – C Low Quality	None	0
Cat – U Poor Quality	None	0

There will however be no impacts upon the visual amenity currently afforded from public areas outside the site due to such works being only to one side of the tree and only at a low level.

Should any additional works become necessary, removal of trees for arboricultural purposes would be to fell poor quality material of limited potential and promote quality of retained stock. Replanting would usually be recommended unless existing stock would effectively prevent establishment. Any such proposals would be considered as positive pro-active recommendations but, if for whatever reason retention was sought by other parties (e.g. Ecologists), consideration would always be given to alternative options.

Any recommendations for basic remedial pruning to improve form and balance, permit grounds maintenance, remove dead wood and generally promote health and viability, may be incorporated within the management of the site.



If necessary, any such proposed works will require the submission of a Tree Works Application.

Note. Formative pruning may be required in the future to maintain clearances to any adjacent structures, but all such actions can be readily implemented without harm and would not be materially different to normal management requirements.

Indirect Impacts on Trees.

As a result of the proposed construction – all such works being very low key, potential impacts on any retained items in proximity would not be expected. Advisory comments are however provided;

BS5837 CAT	TREE No's	TOTAL
Cat – A High Quality	None	0
Cat – B Moderate Quality	T1, T2 & T3	3 trees
Cat – C Low Quality	None	0
Cat – U Poor Quality	None	0

Should there be concerns from any parties however, any perceived potential impacts can be readily addressed by utilising appropriate methodologies all of which, if considered necessary, can be readily conditioned and enforced by the Local Authority and implemented by the contractors.

Discussion.

Any submitted Statement to identify the methodologies for the necessary site works would be expected to follow guidance within BS5837:2012 Trees in relation to design, demolition and construction – Recommendations Section 7.4.2. et al.

- Consideration of the retained trees and the probable expected root protection areas when assessing existing constraints to root morphology.
- Provision of tree protection fencing prior to construction commencing. This is not considered necessary in this instance but, it may be appropriate to provide a barrier tape or similar along the edge of the proposed car parking to indicate trespass should be avoided.
- Excavation of post hole within possible root protection area of T3 to be manually undertaken or, manual excavation for the first 600mm to establish the presence of any possible tree roots within the area. Roots below 25mm dia. can be simply cut back. Roots greater than 25mm to be considered and if necessary retained, the post hole shape / location to be marginally adjusted to avoid conflict.



- Post hole to be line with Visqueen or similar to avoid contamination of soils within the root protection area.
- Construction works within the proximity of T3 would be expected to be restricted to the proposed hard surfacing. If for whatever reason access is required across open soils towards T3, ground protection – plywood sheets or scaffold planks should be considered to avoid spillages or possible soil compaction.
- Provision of storage areas away from retained vegetation where any spillages or similar would have no detrimental consequences.

A Tree Protection Plan has been included to indicate location of root protection area and other relevant guidance.

Effectively therefore, any potential harmful impacts upon the retained trees and the visual amenity currently afforded to the local environment can be effectively avoided.

Indirect Construction Impacts in General.

As indicated previously, some future tree management works may be desirable to maximise health and safety, improve access and promote the long term integrity of the retained feature, retention simply being expected at present so as to continue to provide visual amenity and screening.

Possible future pruning works may be considered necessary regardless of construction to maximise integrity and safety / permit maintenance of access and boundaries.

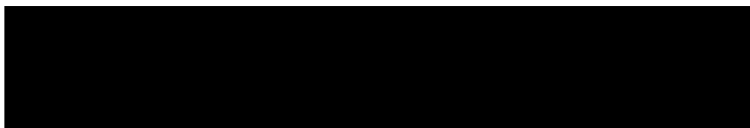
Such works may have some minor impact on the visual amenity of the area, but providing they are implemented in accordance with good arboricultural and silvicultural practices trees would continue to promote the long term viability of the landscape.

The implementation of such management should it become necessary will therefore have a moderate beneficial impact.

Construction Methodology / Arboricultural Method Statement.

The requirement for an Arboricultural Method Statement could be conditioned to any approval for development within the site but due to the scale of the works and the minimal excavations required, is not considered necessary in this instance. Such a document as detailed in BS5837:2012 Trees in relation to design, demolition and construction - Recommendations should be appropriate to the proposals and would, if required, be expected to typically address the following issues:

- Consideration of / protection to any retained trees before any excavations commences.
- Provision of an indication of tree protection zone and retention throughout the proposed construction.



- Discussions / agreement for tree / tree root protection where construction / re-surfacing may encroach within theoretical root protection areas.
- Provision of any necessary root protection during construction.
- Provision of construction methodology to indicate locations for storage areas.
- Auditable / audited system of arboricultural site monitoring, including a schedule of any specific site events requiring input or supervision.
- A nominated Project Arboriculturalist.
- Contact details for all relevant parties.

In respect of the provision of the Method Statement, in accordance with BS5837 Figure 1, once the feasibility and planning/design section is complete and Scheme Design Approvals are obtained from Clients and Regulatory bodies, the detailed/technical design stage should be implemented.

In arboricultural terms, if an Arboricultural Method Statement is deemed necessary, this will basically involve the preparation and submission of a detailed and comprehensive document to discharge the relevant conditions.

The provision of such a Method Statement may ensure that there are neutral / negligible impacts on the retained treescape.

Proximity of Trees to Construction.

The proposals for the car port has been designed to adhere to guidance within BS5837:2012 in that it is located outside the root protection areas of trees to be retained or, only minimal excavations are required within the root protection area for the provision of one post hole.

Space has also been permitted to allow future growth of the retained trees although they are of a size and species or, located where substantial increases in size / spread would not be expected.

In respect of the retained trees, with these being in a location where acceptable clearances have been provided between the structure and the trees, no conflicts would be expected.

The proposed structure has been designed to take account of the existing trees, their size and density and any possible impacts they may have upon such a simple structure.

In respect of seasonal nuisances: leaf fall, fruit, honeydew or similar, although not considered an issue, if conflicts are required to be addressed potential problem can be noted in the detail design stage and the use of non-slip paving, provisions of leaf guards or grills on gutters and gullies, provision of access and means of maintenance or similar can all be incorporated. All such issues are fully in accordance with the guidelines and advice contained within BS5837 Section 5.3.



From the foregoing assessments it is considered that there will be neutral / negligible impacts caused to retained trees by the proximity of the proposed construction.

Services

No services are currently indicated as being required within the expected root protection areas or general proximity of the retained trees.

Should new services be required for whatever reason in the proximity of the tree, these will be fully assessed and if necessary any excavations will be undertaken manually or alternative techniques such as drilling or thrust boring utilised all as per guidance in BS5837:2012 or the NJUG publication Volume 4 – Guidelines for the Planning, Installation and Maintenance of utility Apparatus in Proximity to Trees – 2007.

There will therefore be no impact upon retained material to the detriment of the local environment.

Post Construction

Should the proposed works proceed, the retained trees would be expected to be continued to be managed to create acceptable levels of safety and accessibility. As indicated, any such actions will also promote tree health and viability and will maximise the potential of the landscape.

By the site becoming changed, it may be expected that a more detailed management regime will be established than that which currently exists which again, would be of overall benefit to the treescape.

Any items may be lost in the future due for example to age, infection, suppression or proposed management as would be expected in any environment but, it would be expected that all such operations would be supported by or consented to by the Local Planning Authority and replanting encouraged or conditioned.

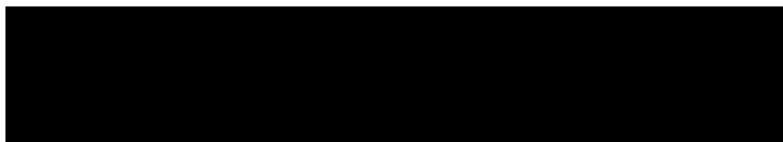
It is reasonable to conclude therefore that as a result of the proposals there would be no appreciable post development pressure to undertake either inappropriate or undesirable tree works to the detriment of the visual amenity currently afforded.

It is therefore considered that any post development pressures would have a negligible impact.

Conclusions

From the foregoing information it is evident that no tree losses will occur.

As would be expected, the retained trees have been correctly identified as being at possible risk from indirect impacts but, it has been comprehensively indicated that with appropriate site management all such risks can be avoided and no harm will be caused.



It is not considered necessary in this instance but should an Arboricultural Method Statement be required, all operations can be appropriately controlled under a planning condition.

The proposals have considered all arboricultural issues and will permit the construction to proceed without conflict with the retained trees. The juxtaposition of the car port to the trees will also ensure that the need for regular pruning regimes will be avoided, attractive environments can be maintained and nuisances avoided.

No services are required to be connected and / or installed that would impact upon the retained trees. Should it be necessary for any reason, services could be installed using accepted techniques that avoid damage or disturbance to rooting environments.

It is evident from the submissions that the development seeks to create safe, attractive and useable environments, thereby ensuring that trees are positively / pro-actively managed.

It is reasonable to conclude therefore that in respect of arboricultural issues should the proposed works proceed there is likely to be a minor beneficial impact to the retained treescape and its future viability.

Iain Tavendale F.Arbor.A

January 2024.



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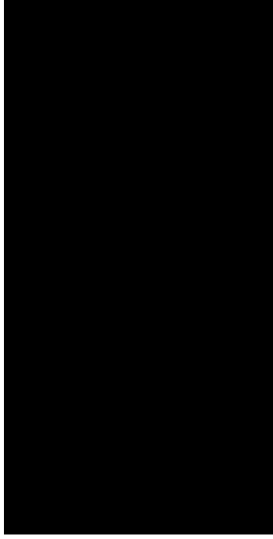
ARBORICULTURAL CONSULTANT

SURVEY DETAILS FOR TREES AT NORTH BARN, BACK LANE, GRINDLETON.

Issued to S J Bialecki.

Survey undertaken: 3rd January 2024

Prepared by: *Iain Tavendale F.Arbor.A*



Note:

All tree surgery and felling works detailed should be carried out to a standard, the minimum of which is specified in BS3998:2010 Tree Work - Recommendations.

Contractors should be suitably qualified and experienced to an acceptable standard. They should also be aware that if during operations any defects become apparent that would not have been immediately obvious to the Consultant, that such defects should be notified immediately and confirmed in writing within a reasonable period.

All observations and recommendations only relate to the site and the trees as they were at the time of inspection. Should severe climatic or environmental events or changes take place, it may be necessary to reassess the situation so as to ensure an acceptable and continuing level of safety.

The report does not provide a full health and safety inspection of the trees surveyed. It is not a Tree Hazard Assessment that is specific to minimising the risks and liabilities associated with trees.

Should the inspection have taken place during the dormant season, this will have simplified the inspection of the high crowns and canopies. It will not have been possible however to ascertain either leaf size, colour or density which, can be classic indicators of stress or root associated disorders.

The survey has also been prepared in the knowledge that some form of development may occur on the site. As such, some of the recommendations put forward could be considered unnecessary were the site simply left as it presently exists.

Furthermore, should development be approved, it may be necessary to reassess and amend this document upon completion of all construction operations to ensure that trees, properties and people can all safely co-exist.

All tree numbers refer to those indicated on the attached site drawing. Dimensions of any trees off site may have been estimated if access was not possible.

The report unless stated otherwise, is of a preliminary nature in that the trees were not climbed but inspected from ground level, and no soil or timber samples have been taken for analysis.

A copy of the Consultant's General Conditions of Contract are attached. These form the basis upon which all services and information are provided.

KEY:

Tree No. - Tree Number – to be recorded on tree survey plan where necessary

Species – common and scientific names, where possible.

Height – overall height of the tree in metres

Stem Dia - Stem diameter – in millimetres at 1.5m above adjacent ground level (on sloping ground to be taken on the upslope side of the tree base) or immediately above the root flare for multi stemmed trees.

Branch spread – in metres taken at the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan where necessary).

Height of cc - Height of crown clearance – in metres above adjacent ground level to inform on ground clearance, crown stem ratio and shading). Where considered desirable, first significant branch and direction of growth e.g. 2.4-N

Age class – young (Y), Middle aged (MA), mature (M), over mature (OM) & veteran (V).

Physiological condition – e.g. good (g), fair (f), poor (p) & dead (d).

Structural condition – e.g. collapsing, the presence of decay and any physical defect.

Preliminary management recommendations – including further investigations of suspected defects that require more detailed assessment and potential for wildlife habitat.

ERC - Estimated remaining contribution – in years, <10, 10+, 20+, 40+.

Cat grade - Category grade – U or A to C (see Table 1) to be recorded in plan on the tree survey plan where appropriate.

RPA – Root protection area calculated from BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations in sq/m's. Where indicated, dimensions of radius of circle or sides of square based around centre point of trunk calculated for design purposes.

RP – Remedially prune: remove significant dead wood, basal & epicormic shoots, broken, crossing and rubbing branches etc and undertake light reshaping if necessary to improve form and balance/ abate actual or potential nuisance. Ensure adequate clearances over highway (5.2m) and footpath (2.4m)

- estimated dimensions (e.g. for off-site or otherwise inaccessible trees where accurate data cannot be recovered).

Table 1 Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)	Identification on plan
Trees unsuitable for retention (see Note)		
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	<ul style="list-style-type: none"> 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 <p><i>NOTE</i> Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</p>	See Table 2
Trees to be considered for retention		
1 Mainly arboricultural qualities		
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	See Table 2
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	
Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	See Table 2
2 Mainly landscape qualities		
3 Mainly cultural values, including conservation		
Trees with no material conservation or other cultural value		
Trees with material conservation or other cultural value		
Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits		
Trees present in groups or woodlands, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality		
Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)		

Tree No.	Species	H'gt.	Stem Dia.	Branch Spread	H'gt of C.C.	1st Branch @	Age Class	PC	Structural Condition	Preliminary Management Recommendations	ERC	Cat Grade	RPA Sq.m's	RPA Circle of Radii / m's
T1	Silver Birch	16	N	5.5	4	4.5E	M	F	Stem trifurcates at ground level with included bark unions. Minor ivy cover. Reasonable vitality. Minor dead wood, old branch stumps and similar all typical of species.	No action at present.. Monitor	20	B2	95.74	5.52
			E	5										
			S	4.8										
			W	3.8										
T2	Horse Chestnut	13	N	5.3	3	2S	M	F	Has been historically crown lifted. Evidence of branch tear out at 2.5m to south with incipient decay. Reasonable vitality. Minor dead wood, old branch stumps and similar all typical of species.	No action at present.. Monitor.	20	B2	68.82	4.68
			E	5.2										
			S	7.4										
			W	5.8										
T3	Spruce	16.5	N	4.9	2	4N	M	F	Ivy clad inspection restricted. Reasonable vitality. Minor dead wood, old branch stumps and similar all typical of species.	No action at present.. Monitor.	20	B2	91.62	5.4
			E	3.9										
			S	3.6										
			W	4										

IAIN TAVENDALE F.Arbor.A
ARBORICULTURAL CONSULTANT
General Conditions of Contract

1. DEFINITIONS

In these Conditions:

"Consultant" means Iain Tavendale F.Arbor.A.

"Contract" means the contract for the provision of Services.

"Employer" means the person whose request for the provision of the Services is accepted by the Consultant or who accepts a written quotation of the Consultant.

"Site" means the area in which the Services are to be carried out as specified in writing to the Consultant prior to his commencing the provision of the Services.

"Services" means the services of arboricultural consultant to be supplied to the Employer by the Consultant in accordance with these Conditions.

2. BASIS OF THE CONTRACT

The consultant shall provide to the Employer and the Employer shall accept the Services in accordance with any written quotation of the Consultant which is accepted by the Employer or any request to provide services of the Employer which is accepted by the Consultant to appropriate British Standards and within a reasonable time. Time shall not be of the essence of the Contract. These conditions shall govern the Contract to the exclusion of any other terms and conditions and no variation to these Conditions shall be binding unless agreed between the Employer and the Consultant. No variation of the Services will be made without prior agreement in writing between the Employer and the Consultant. (The Consultant's employees or agents are not authorised to make any representations concerning the Services unless confirmed by the Consultant in writing.)

3. THE CONSULTANT SHALL:

- a) be entitled to subcontract assign or transfer any or all of the Contract without informing the Employer. The Consultant shall be responsible for its obligations under the Contract where sub-contracting takes place.
- b) be responsible for making good at his own cost any damage caused as a result solely of his own work.
- c) on completion of the Contract leave the site reasonably clean and tidy from his own work.

4. THE EMPLOYER SHALL:

- a) be responsible for ensuring that the Consultant is notified of all Tree Preservation or Conservation Area Orders, Private Covenants, the need for Felling Licences, or Planning Legislation that is applicable to the Contract.
- b) be responsible for ensuring that the Consultant is notified of all springs, wells, service pipes and cables, sewage or land drains, or any other hazards or obstructions which are not discoverable upon immediate visual inspection of the surface of the site. Any breach of this responsibility shall entitle the Consultant to make a reasonable charge for any additional work caused by such hazards or obstructions.

5. CONTRACT PRICES

The price for the Services shall not include Value Added Tax which the Employer shall be additionally liable to pay to the Consultant. The price which the Employer shall be liable to pay shall be determined by reference to the Consultant's hourly charge rate current at the date of completion of the Services. In addition the Employer shall be liable to reimburse the Consultant for such expenses as may reasonably and properly be incurred by him in the performance of the services as Consultant. Written details of the Consultant's hourly charge rate will be provided to the Employer on written request by the Employer.

6. METHOD OF PAYMENT

- a) Subject to any special terms agreed in writing between the Employer and the Consultant the Consultant shall be entitled to invoice the Employer for the price of the Services on or at any time after the Services have been completed.
- b) The Employer undertakes to pay the Consultant within 28 days of the date of the Consultant's invoice. The time of payment of the price shall be of the essence of the Contract.
- c) Failure by the Employer to make payment on the due date, will entitle the Consultant to interest on the amount unpaid at 3% per annum above the base rate of Barclays Bank plc from time to time until payment in full is made and will further enable the Consultant to cancel the contract or suspend any further provision of Services to the Employer.
- d) If the Consultant fails to perform the Services for any reason other than any cause beyond the Consultant's reasonable control or the Employer's fault and the Consultant is accordingly liable to the Employer, the Consultant's liability shall be limited to the excess (if any) of the cost to the Employer (in the cheapest available market) of services to replace those not completed over the price of the Services.

7. DISPUTES

- a) Where disputes arising from the Contract cannot be resolved by the Employer and the Consultant, then an independent single arbitrator agreeable to both parties (or in default of agreement nominated on the application of either party by the Chairman of the Professional Committee of the Arboricultural Association for the time being) shall be employed.
- b) The losing party will pay the resulting costs, unless otherwise decided by the arbitrator.
- c) The Contract shall be governed by the laws of England.

8. THE SITE

Access

- i) The Consultant will have free and reasonable access within the Site. Any areas that are to be excluded from this should be notified in writing to the Consultant prior to the date on which the Services are commenced.
- ii) The Employer shall ensure that the Consultant has access to private areas outside the site reasonably necessary in order that the Services can be carried out.
- iii) The Employer shall indemnify the Consultant against any liability incurred by the Consultant (of whatsoever nature) due to his having entered on private areas without permission of the owner when the Employer has stated free access has been negotiated.

9. LIABILITY

- a) The Consultant shall not be liable to the Employer or be deemed to be in breach of the Contract by reason of any delay in performing the Services, if the delay or failure was due to any cause beyond the Consultant's reasonable control. Without prejudice to the generality of the foregoing, the following shall be regarded as causes beyond the Consultant's reasonable control:
 - i) Act of God, explosion, flood, tempest, fire or accident.
 - ii) acts, restrictions, regulations, bye-laws, prohibitions or measures of any kind on the part of any governmental, parliamentary or local authority.
 - iii) strikes, lock-outs or other industrial actions or trade disputes.
- b) The Consultant shall not be responsible or liable for any work undertaken as a result of recommendations by the Consultant unless, or until, such work is carried out and both supervised and approved by the Consultant.

10. QUOTATION

- a) Any quotation given by the Consultant to the Employer shall remain open for acceptance for 30 days from the date of such quotation and thereafter lapses automatically.
- b) Acceptance of such quotation involves acceptance of these conditions. It should be noted that any attempted or actual cancellation thereof by the Employer may involve the Employer in a claim for recovery by the Consultant of any loss or expense incurred as a result.
- c) The Consultant is the owner of the copyright existing in any such quotation and it shall not be copied without the prior written consent of the Consultant. Any reproduction before obtaining the Consultant's consent constitutes an infringement of copyright and a breach of the Contract entitling the Consultant *inter alia* to rescind the Contract and rendering the Employer liable for payment of damages.

11. INSOLVENCY OF EMPLOYER

This clause applies if:

- a) the employer makes any voluntary arrangement with its creditors or becomes subject to an administration order or (being an individual or firm) becomes bankrupt or (being a company) goes into liquidation (otherwise than for the purposes of amalgamation or reconstruction); or
- b) an encumbrancer takes possession, or a receiver is appointed, of any of the property or assets of the Employer; or
- c) the Employer ceases, or threatens to cease, to carry on business; or
- d) the Consultant reasonably apprehends that any of the events mentioned above is about to occur in relation to the Employer and notifies the Employer accordingly.

If this clause applies then without prejudice to any other right or remedy available to the Consultant, the Consultant shall be entitled to cancel the Contract or suspend any further provision of Services under the Contract without any liability to the Employer, and if the services have been completed but not paid for the price shall become immediately due and payable notwithstanding any previous agreement or arrangement to the contrary.

12. OWNERSHIP/COPYRIGHT

The Consultant is the owner of the copyright in any report tender documentation and/or recommendations and all associated information submitted to the Employer by the Consultant. The report recommendations tender documentation and all associated information submitted to the Employer shall not be copied without prior written consent of the Consultant. Any reproduction before obtaining the Consultant's consent constitutes an infringement of copyright and a breach of the Contract entitling the Consultant, *inter alia*, to rescind the Contract and rendering the Employer liable for payment of damages.

13. GENERAL

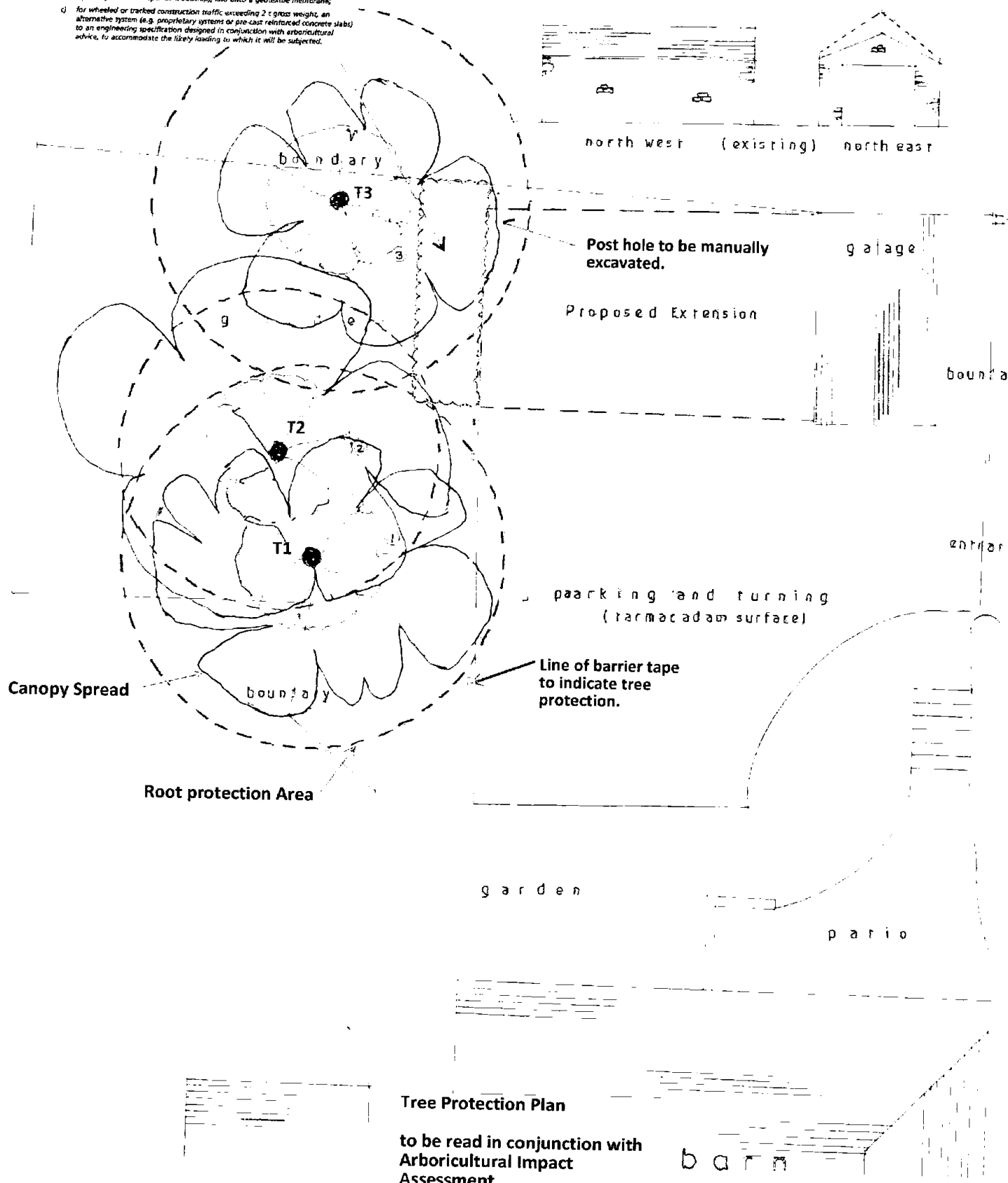
- a) Any notice required or permitted to be given by either party to the other under these Conditions shall be in writing addressed to that other party at its registered office or principal place of business or such other address as may at the relevant time have been notified pursuant to this provision to the party giving notice.
- b) No waiver by the Consultant of any breach of the Contract by the Employer shall be considered as a waiver of any subsequent breach of the same or any other provision.
- c) If any provision of these conditions is held by any competent authority to be invalid or unenforceable in whole or in part the validity of the other provisions of these Conditions and the remainder of the provision in question shall not be affected thereby.
- d) The headings in these Conditions are for convenience only and shall not affect their interpretation.

Possible area of ground protection.

6.2.3.3 New temporary ground protection should be capable of supporting any traffic entering or using the site without being distorted or causing compaction of underlying soil.

NOTE The ground protection might comprise one of the following:

- for pedestrian movements only, a single thickness of scaffold boards placed either on top of a driven scaffold frame, so as to form a suspended walkway, or on top of a compression-resistant layer (e.g. 100 mm depth of woodchips), laid onto a geotextile membrane;
- for pedestrian operated plant up to a gross weight of 2 t, proprietary inter-linked ground protection boards placed on top of a compression-resistant layer (e.g. 150 mm depth of woodchips), laid onto a geotextile membrane;
- for wheeled or tracked construction traffic, exceeding 2 t gross weight, an alternative system (e.g. proprietary systems or pre-cast reinforced concrete slabs) to an engineering specification designed in conjunction with arboricultural advice, to accommodate the likely loading to which it will be subjected.



Tree Protection Plan

to be read in conjunction with
Arboricultural Impact
Assessment.

Iain Tavendale F.Arbor.A.
January 2024.

Scale 1:150
Do not scale from drawing -
refer to Architects Plans.

**North Barn,
Back Lane,
Grindleton.**