



UNIVERSAL DESTINATIONS & EXPERIENCES UK PROJECT

Former Kempston Hardwick Brickworks
and adjoining land, Bedford

Arboricultural Impact Assessment Report

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1 INTRODUCTION

1.1 PROJECT BACKGROUND

- 1.1.1 This Arboricultural Impact Assessment Report has been prepared on behalf Universal Destinations and Experiences (UDX), who is seeking consent for the construction and operation of a Universal Entertainment Resort Complex (ERC), and associated development, in Bedford. The proposal is sponsored by the Department for Culture Media and Sport (“DCMS”). The Department for Transport (“DfT”) and its associated arm’s-length bodies have assisted in the development of the highways and rail related elements of the proposal with Bedford Borough Council (“Bedford BC”). The proposal intends to provide sufficient information to enable the Secretary of State for Housing, Communities and Local Government (“MHCLG”) to engage with and consider making a planning decision.
- 1.1.2 The Site is located south-west of Bedford, Bedfordshire and is broadly to the east of the A421 and west of the Midland Main Line and is on the former Kempston Hardwick brickworks and agricultural land. The Site is divided into four main land areas referred to in the planning proposal as the Core Zone, Lake Zone, West Gateway Zone, and East Gateway Zone. The proposed ERC lying within these zones would allow a theme park and associated uses including retail, dining, entertainment; visitor accommodation; sport, recreation, leisure and spa facilities; venues with conference and convention spaces; associated services and uses for any operational or administrative functions; utilities generation, storage, collection, treatment, and processing facilities associated with the ERC; vehicle and cycle parking, maintenance and servicing, and transportation hubs; access routes and circulation spaces; landscaping; utility infrastructure; and use of land necessary to support construction.
- 1.1.3 The planning proposal also includes a series of infrastructure improvements including:
- A new A421 junction;
 - An expanded railway station on the Thameslink/Midland Main Line at Wixams;
 - Improvements to Manor Road; and
 - Improvements to certain other local roads.
- 1.1.4 It also safeguards land for a potential new railway station on the proposed EWR Bletchley to Bedford line, should this come forward in the future.
- 1.1.5 Capitalised terms that are not defined within this document shall have the same meaning as set out in **Appendix 0.1: Glossary and Acronyms (Volume 3)** of the Environmental Statement (ES) (**Document Reference 4.0.1.0**).

1.2 SCOPE OF REPORT

- 1.2.1 The purpose of this report is to identify and assess all trees which may be affected by the Proposed Development. Mitigation measures are set out in the **Appendix C: Tree Removal and Protection Plan** and the **Appendix D: Outline Arboricultural Method Statement (ArbMS)**. The information in this report will subsequently be used to prepare a detailed ArbMS to assess the impact of the Proposed Development upon those trees and to recommend necessary protection measures to ensure the health of retained trees. A detailed ArbMS is usually produced by the Principal Contractor once detailed design, site machinery and required distances to retained trees are known. It is likely that the ArbMS will be required for different phases of the Proposed Development and will be consistent with the measures in the **Appendix D: Outline Arboricultural Method Statement**.
- 1.2.2 The scope and level of detail included within this report is commensurate with that required for the adequate consideration of trees during the construction phase of the Proposed Development.
- 1.2.3 Information provided complies with the requirements of British Standard BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* (BS 5837), and includes reference to the following:
- A desk study search for the baseline information on arboricultural statutory designations;
 - Results of a BS 5837 field survey;
 - A Tree Removal and Protection Plan; and,
 - An Outline ArbMS.

1.3 LIMITATIONS

- 1.3.1 WSP has provided this report solely for the use of the recipient (UDX) and accepts no liability to any third parties or any other party using or reviewing the report or any part thereof. WSP makes no warranties or guarantees, actual or implied, in relation to this report, or the ultimate commercial, technical, economic, or financial effect on the project to which it relates, and bears no responsibility or liability related to its use other than as set out within the scope of the contract under which it was supplied.
- 1.3.2 Provisional Tree Preservation Orders (TPOs) may be made whenever a local planning authority deems it appropriate with only those persons interested in the land served with a copy of the Order. Because of this, any reference to the presence of TPOs is only valid on the date at which the desk study search was undertaken. In instances where works unspecified in this report are to be undertaken, and which may impact trees, a further search for the presence of TPOs should be carried out prior to commencement.
- 1.3.3 Trees are dynamic organisms which are influenced by a variety of environmental variables and whose health and condition can rapidly change. Because of this, any recommendations made within this report are valid for a period of 24 months from the date of survey (18 October 2024), when any site conditions change or pruning or other works unspecified in the report are carried out to, or affecting, the subject trees, whichever is the sooner.
- 1.3.4 This report does not constitute a health and safety survey. Where concerns for tree health and safety exist, then suitable and sufficient tree inspections should be carried out.

- 1.3.5 Assessment of statutory and non-statutory constraints have been carried out using third-party information and aerial imagery with a combination of Google Earth and Google Streetview. While this is deemed to be broadly accurate, in some instances no specific date is given for the information and images used.

1.4 RELEVANT LEGISLATION, POLICY AND GUIDANCE

- 1.4.1 This report has been compiled with reference to the following legislation, policy and guidance:

LEGISLATION

- The Town and Country Planning Act 1990¹;
- Town and Country Planning (Tree Preservation) (England) Regulations 2012;
- Town and Country Planning (Trees) Regulations 1999;
- Forestry Act 1967;
- The Hedgerows Regulations 1997; and
- The Natural Environment and Rural Communities (NERC) Act 2006.

POLICY

- National Planning Policy Framework (revised 12 December 2024)²; and
- Bedford Borough Council Local Plan 2030 (adopted January 2020)³.

GUIDANCE

- British Standards Institute. BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations. London: BSI;
- Forestry Commission and Natural England, Ancient woodland, ancient trees and veteran trees: protecting them from development (2022)⁴;
- Ancient Tree Forum, Ancient and other veteran trees: further guidance on management (2013)⁵;
- Recognition of Ancient, Veteran and Notable Trees – RAVEN 2 (2023)⁶; and
- Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government, Tree Preservation Orders and trees in conservation areas (2014)⁷.

¹ HM Government (1990) *Town and Country Planning Act 1990*. Available at:

<https://www.legislation.gov.uk/ukpga/1990/8/contents> [Accessed: 31 March 2025].

² Ministry of Housing, Communities and Local Government (2024) *National Planning Policy Framework*. Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2> [Accessed: 31 March 2025].

³ Bedford Borough Council (2020) *Bedford Borough Council Local Plan 2030*. Available at: <https://www.bedford.gov.uk/planning-and-building-control/planning-policy/local-plan-2030> [Accessed: 31 March 2025].

⁴ Forestry Commission and Natural England (2023) *Ancient woodland, ancient trees and veteran trees: advice for making planning decisions*. Available at <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions> [Accessed: 31 March 2025].

⁵ Lonsdale, D., 2013. *Ancient and other veteran trees: further guidance on management*. London: The Tree Council.

⁶ Forbes-Laird, J., 2023. *Recognition of Ancient, Veteran and Notable Trees – RAVEN 2*. Available at: <https://www.flac.uk.com/wp-content/uploads/2023/11/RAVEN-2.pdf> [Accessed: 31 March 2025].

⁷ Ministry of Housing, Communities & Local Government (2014) *Tree Preservation Orders and trees in conservation areas*. Available at <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas> [Accessed: 31 March 2025].

1.5 ABBREVIATIONS OF TERMS USED

Table 1-1 – List of abbreviations used within this report

Abbreviation	Definition
ACoW	Arboricultural Clerk of Works
ArbMS	Arboricultural Method Statement - A methodology for the implementation of any aspect of development which is within the root protection area, or has the capacity to adversely affect, any retained tree.
BS 5837	British Standard BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'. This standard <i>'gives recommendations and guidance on the relationship between trees and the design, demolition and construction process. It sets out the principles and procedures to be applied to achieve a harmonious and sustainable relationship between trees and structures'</i> .
CEZ	Construction Exclusion Zone - An area within which all site clearance and construction activities, access and storage of materials are prohibited.
NJUG	National Joint Utilities Group - An industry group providing best practice guidelines for utility apparatus installation by statutory undertakers. Specific to arboriculture and permitted development, the most relevant guidelines are 'Volume 4 NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees'.
RPA	Root Protection Area - Layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's vitality.
TRPP	Tree Removal and Protection Plan
TPO	Tree Preservation Orders - An order made by the Local Planning Authority to protect specific trees, groups of trees or woodlands in the interests of amenity.

2 METHODOLOGY

2.1 ARBORICULTURAL STUDY AREA

- 2.1.1 The arboricultural Study Area has been informed by the extents of the Proposed Development area (the Site) plus a buffer of up to 15m. The purpose of this 15m buffer is to ensure compliance with BS 5837 which recommends that all trees whose Root Protection Areas (RPAs) may be impacted are identified and surveyed. BS 5837 has a maximum RPA radius of 15m, hence the extent of the Study Area.
- 2.1.2 The Site is located southwest of Bedford, Bedfordshire and is broadly to the east of the A421 and west of the Midland Main Line and is on the former Kempston Hardwick brickworks and agricultural land as well as the site of the planned Wixams Rail Station.

2.2 BASELINE DATA COLLECTION

- 2.2.1 Baseline data collection has been undertaken with reference to BS 5837 and has been undertaken using the following data sources:
- An arboricultural desk study; and
 - A field survey of trees within the Study Area.

2.3 DESK STUDY

- 2.3.1 A desk study was undertaken in November 2024 to identify specific statutory and non-statutory arboricultural constraints which may apply to trees within the Study Area. The desk study review, as detailed in **Appendix A: Arboricultural Survey Method**, was undertaken to establish the following statutory and non-statutory arboricultural constraints:
- Tree preservation orders;
 - Conservation areas;
 - Traditional orchards;
 - Ancient woodland; and
 - Ancient or veteran trees.

2.4 FIELD SURVEY

- 2.4.1 A field survey of trees within the Study Area was undertaken between 27 September to 4 October, and 14 October to 18 October 2024. The survey was undertaken to comply with BS 5837 and details of the method used are presented in **Appendix A: Arboricultural Survey Method**.
- 2.4.2 Where access to vegetation was restricted, stem diameter dimensions have been estimated as indicated by the 'e' suffix attributed to the stem diameter value provided in the Arboricultural Survey Schedule of **Appendix B: Arboricultural Survey Schedule**.

2.5 DESIGN INFORMATION

- 2.5.1 The extent of anticipated tree removal was derived from combining the highway proposals and advanced work proposals required to level the Site in readiness for development alongside the drainage proposals, and ecological survey/constraints and mitigation information. This combined information represents the full extent to which tree removal is anticipated. Further information on the Proposed Development is provided in **Chapter 2: Description of the Proposed Development (Volume 1)** of the ES (**Document Reference 2.2.0**).

3 ARBORICULTURAL SURVEY FINDINGS

3.1 DESK STUDY FINDINGS

- 3.1.1 The desk study found no TPOs and no conservation areas within the Study Area. However, one TPO (No 4 1976) for Hardwick and Kempston is located immediately outside the Study Area east of Manor Road. A copy of the TPO is presented in **Appendix E: TPO Record**.
- 3.1.2 The desk study found no records of ancient or veteran trees, nor ancient woodland within the Study Area.

3.2 GENERAL SITE DESCRIPTION

- 3.2.1 The Site covers an area of 268 hectares within the Borough of Bedford. The Site is centred on Ordnance Survey Grid Reference TL029445. The Site is located on land near the village of Kempston Hardwick, approximately 3.8 km south-west of Bedford, 1km east of the settlement of Wootton and 1.6km west of the settlement of Wixams.
- 3.2.2 The Site is situated in a semi-rural area, split by Manor Road, which connects the village of Kempston Hardwick to Woburn Road on the west and Ampthill Road to the east. There are a small number of residential properties with direct frontage along Manor Road, and to the eastern end of the road properties include a concrete plant and a car auction site (near the location of TPO No 4 1976). To the north of Manor Road, the Site comprises an area of hard standing, currently unused, associated with the former Kempston Hardwick Brickworks, and areas of grass scrub and arable farmland currently used to grow crops. This area also includes land previously used for clay extraction: the pits are now either in-filled or flooded semi-permanent waterbodies with semi-mature tree planting. Land to the south of Manor Road comprised primarily arable fields, hedgerows and drainage ditches.

3.3 FIELD SURVEY FINDINGS

- 3.3.1 An arboricultural survey schedule detailing information about trees in the Study Area is presented at **Appendix B: Arboricultural Survey Schedule**. **Table 3-1** summarises the number of trees surveyed and their tree quality categories. The spatial locations of trees are shown on the Tree Removal and Protection Plan (TRPP) of **Appendix C**.

Table 3-1 - Summary of Trees by Category

BS5837 Quality	Category	Tree	Group	Hedge	Total	% of Total
High	A	7	0	0	7	3%
Moderate	B	58	21	2	81	40%
Low	C	39	68	5	112	56%
Very low	U	3	0	0	3	1%
	Total	107	89	7	203	100%

- 3.3.2 A total of 203 features were surveyed with 3% surveyed as high quality, 40% as moderate quality, 55% as low quality and 1% of features surveyed as very low quality.
- 3.3.3 A total of seven features were surveyed as high quality. These consist of poplar T73, ash T30, and five white willow trees (T52, T55, T56, T80 and T81) with numerous ecological features such as woodpecker holes, longitudinal cavities and delaminating bark.
- 3.3.4 T80 was assessed as a veteran white willow using Forbes-Laird's RAVEN 2 methodology. It does not, however, appear on the Ancient Tree Inventory (ATI) yet. The tree was located on the western bank of a tributary of the River Great Ouse.
- 3.3.5 T30 was a common ash with no signs of ash dieback disease, many woodpecker holes and longitudinal cavities.

4 ARBORICULTURAL IMPACT ASSESSMENT

4.1 SCOPE OF ASSESSMENT

- 4.1.1 The scope of this assessment has been established with reference to BS 5837. The scope of assessment is to evaluate the effects of the Proposed Development on trees and where necessary recommend mitigation.
- 4.1.2 203 individual trees, groups of trees or hedgerows have been assessed in this report.
- 4.1.3 The assessment includes specific reference to the effects of tree loss and other potentially damaging activities which could foreseeably occur in the vicinity of retained trees. Further reference is made concerning recommendations for mitigation, including those matters which require inclusion within an ArbMS.

4.2 ASSUMPTIONS AND LIMITATIONS

- 4.2.1 This AIA report has been compiled on the basis of the following assumptions:
 - All construction and demolition activities will be confined to the Site boundary of the Proposed Development; and
 - All construction and demolition activities will be excluded from Construction Exclusion Zones (CEZ) identified on the TRPP.
- 4.2.2 The following limitations apply to this AIA report:
 - Enabling works (such as the installation or diversion of services by relevant statutory undertakers beyond the Site boundary) have not been considered;
 - Detailed drainage proposals have not been considered; and
 - Where the location of trees are not recorded in topographic surveys, they have been indicatively plotted using GPS and aerial imagery relative to other site features. The accompanying TRPP therefore have features plotted with approximate locations only which could have an error of +/- 5m.

4.3 TREES, GROUPS AND HEDGEROWS TO BE REMOVED

- 4.3.1 Information referred to in Section 2.5 has been used to inform anticipated tree removals for the Proposed Development as shown in the TRPP at **Appendix C: Tree Removal and Protection Plan**.
- 4.3.2 **Table 4-1** provides a summary of trees that are assessed as either requiring full or part removal to facilitate the Proposed Development.
- 4.3.3 A total of 91 individual trees, groups of trees or hedgerows will be removed. 13 groups will require partial removal, and five groups are at risk of removal or partial removal to facilitate construction of the Proposed Development, as shown in the TRPP of **Appendix C: Tree Removal and Protection Plan**.

Table 4-1 – Summary of Trees for Removal

BS5837 Quality	Category	Tree removal	Group Full removal	Group Part removal	Groups at Risk of Removal/Part removal	Hedge removal	Total
High	A	3	0	0	0	0	3
Moderate	B	30	5	5	0	0	40
Low	C	23	22	8	5	5	63
Unsuitable	U	3	0	0	0	0	3
Total		59	27	13	5	5	109

4.4 TREES, GROUPS AND HEDGEROWS TO BE PRUNED

- 4.4.1 In the event tree pruning is required, all tree works undertaken must comply with British Standard 3998:2010 – *Tree Work Recommendations* and should therefore be carried out by competent tree surgery contractors.

4.5 IMPACTS ON RETAINED TREES, GROUPS AND HEDGEROWS

- 4.5.1 Other arboricultural impacts are activities which have the potential, if uncontrolled, to cause damage to trees which are retained. Implementation of the recommended mitigatory measures will be sufficient to ensure that trees can be retained without significant loss of value or a notable reduction in health or longevity.

ABOVE GROUND IMPACTS

- 4.5.2 During demolition and construction work there is potential for the stem and branches of retained trees to be damaged by a contractor making physical contact. Such damage can reduce vitality and cause decline in health.
- 4.5.3 To prevent above ground damage to trees a CEZ shall be established. An ArbMS should cover the duration of demolition and construction with appropriate levels of arboricultural supervision where work is near trees.

BELOW GROUND IMPACTS

- 4.5.4 During demolition and construction work there is potential for soil compaction and root damage caused by contractors. This could cause loss of vitality and decline in health with a reduction in quality of tree and potential instability or death of trees.
- 4.5.5 To prevent below ground damage to trees a CEZ should be established within an ArbMS for the duration of demolition and construction which is demarcated by a tree protection fence. Where access only is required, then temporary ground protection measures could be installed to prevent soil compaction and root damage.

4.5.6 The indicative RPAs are based on a symmetrical circle and are shown in the TRPP for individual trees. For groups of trees the RPA is based on a distance from the plotted group extent which represents tree stem locations. These RPAs are indicative, and the shape can be adjusted by an arboriculturist to ensure that sufficient area, and therefore soil volume, is protected.

4.6 OTHER ARBORICULTURAL IMPACTS

4.6.1 Other identified arboricultural impacts associated with the demolition and construction work for the Proposed Development are recorded in **Table 4-2**. These arboricultural impacts are activities which have the potential, if uncontrolled, to cause damage to trees and hedgerows which are retained.

4.6.2 **Table 4-2** also provides details of the trees which are at risk of damage, the likely cause of damage and the mitigation measures which are required and are secured in **Appendix 2.3: Outline Construction Environmental Management Plan (OCEMP) (Volume 3)** of the ES (**Document Reference 4.2.3.0**). Implementation of the recommended mitigation measures would be sufficient to ensure that trees can be retained without significant loss of value or a notable reduction in health or longevity.

Table 4-2 – Other Identified Arboricultural Impacts - Proposed Mitigation and Likely Effects

Features	Cause of Impact (construction of)	Potential Impact	Mitigation Measures
All retained trees, groups and hedgerows	Contractor spatial working requirements during demolition and construction (below ground impact).	Soil compaction and root damage due to contractor spatial working requirements. Loss of vitality and decline in health. Reduction in quality of trees/potential death of trees.	Establishment of CEZs around retained tree RPAs for duration of demolition and construction as outlined in an ArbMS. Mitigation to consider combined use of ground protection, tree protection fencing, 'no dig' construction methods within RPAs of retained trees and ACoW supervision. Permitted development activities should refer to constraints information provided in the TRPP and adopt precautionary working methods in line with NJUG Volume 4.
All retained trees, groups and hedgerows	General contractor spatial working requirements during demolition and construction (above ground impact).	Injurious contact with above ground elements of retained trees. Loss of vitality and decline in health.	As above and also pruning to be determined prior to commencing all activities.

Features	Cause of Impact (construction of)	Potential Impact	Mitigation Measures
		Reduction in quality of trees/potential death of trees.	

- 4.6.3 The indicative RPAs used for design are based on a symmetrical circle and are shown in the TRPP of **Appendix C: Tree Removal and Protection Plan**. The shape of RPAs can be adjusted to ensure that sufficient area, and therefore soil volume is protected.
- 4.6.4 Through implementing appropriate tree protection measures, all retained trees can be kept without detrimental impact on them.
- 4.6.5 Details of the mitigation measures set out in this report are identified on the TRPP and should be viewed in conjunction with the outline ArbMS.

4.7 COMPENSATION PLANTING

- 4.7.1 A sensitive design process has been undertaken that has sought to maximise the retention of trees, the protection and enhancement of biodiversity and the delivery of an enhanced landscape. This process will continue through detailed design.
- 4.7.2 Where the detailed design proposals cannot retain trees, then suitable mitigation planting shall be designed to promote the health and future growth potential of new tree stock, with reference to **Appendix 6.4: Outline Habitat Creation and Enhancement Plan (OHCEP) (Volume 3)** of the ES (Document Reference 4.6.4.0).

4.8 ARBORICULTURAL METHOD STATEMENT

- 4.8.1 An Outline ArbMS is included in **Appendix D: Outline Arboricultural Method Statement**. The Outline ArbMS adopts a precautionary approach to tree protection and addresses activities which have the potential to cause damage to retained trees. The Outline ArbMS supports the sensitive construction of the Proposed Development, as set out in **Appendix 2.3: Outline Construction Environmental Management Plan (OCEMP) (Volume 3)** of the ES (Document Reference 4.2.3.0).
- 4.8.2 The Outline ArbMS addresses, in principle, the following matters which are of relevance to the Proposed Development:
- Arboricultural site supervision;
 - Tree works;
 - Tree protection fencing;
 - Ground protection;
 - Additional precautions outside the CEZ; and
 - Installation of underground apparatus and service runs.
- 4.8.3 It is recommended that this Outline ArbMS will be viewed as a 'live document'. It should therefore be reviewed, and if necessary, updated from time to time during the design process and form the basis for a detailed ArbMS.
- 4.8.4 Any requirement for a pre-commencement site meeting would be agreed with the relevant Planning Authority's Tree Officer and relevant contractors to confirm tree protection measures.

5 SUMMARY AND RECOMMENDATIONS

- 5.1.1 A tree survey of the trees, groups of trees and hedgerows was undertaken between 27 September and 4 October 2024. The arboricultural survey was undertaken in accordance with BS 5837.
- 5.1.2 A desk study was conducted in November 2024 which established that there no TPOs and or conservation areas within the Study Area. However, one TPO (No 4 1976) for Hardwick and Kempston is located immediately outside the Study Area, east of Manor Road.
- 5.1.3 A total of 203 features were surveyed with 3% surveyed as high quality, 40% as moderate quality, 56% as low quality and 1% of features surveyed as very low quality.
- 5.1.4 The Proposed Development will result in the total loss of 91 individual trees, groups of trees or hedgerows, 13 groups will require partial removal, and five groups are at risk of removal or partial removal. Removals are shown in the TRPP of **Appendix C: Tree Removal and Protection Plan** of this report.
- 5.1.5 The outline ArbMS shown in **Appendix D: Outline Arboricultural Method Statement** of this report provides high level good design principles that relate to tree protection measures and associated tree works.
- 5.1.6 This AIA report has been produced to inform design development, which should encourage an iterative design process and will help to further understand impacts on trees and retention opportunities. Should the design be amended, this report should be updated with further input from the project arboriculturist.

Appendix A

ARBORICULTURAL SURVEY METHOD



SURVEY METHODOLOGY

METHOD OF BASELINE DATA COLLECTION

Baseline data collection has been undertaken with reference to BS 5837 and has been undertaken using the following data sources:

- An arboricultural desk study, and;
- A field survey of trees, tree groups and hedgerows within the Study Area.

DESK STUDY

The desk study for the Proposed Development was completed in November 2024.

The desk study reviewed existing arboricultural information available in the public domain. The desk-study has considered the following sources:

TPOs

Bedford Borough Council (Bedford BC) is responsible for implementing any legal controls imposed through TPOs within the Study Area. Information on the location of TPOs is accessible on their website⁸.

Conservation Areas

Bedford Borough Council is responsible for implementing any legal controls imposed through conservation areas within the Study Area. The location of conservation areas is information publicly accessible on Bedford BC website⁸ which was accessed in November 2024.

Ancient woodland

The potential presence of ancient woodland within the Study Area was checked using the web based Multi-Agency Geographic Information for the Countryside (MAGIC) map database which was accessed on November 2024⁹.

Ancient and Veteran Trees

The potential presence of ancient and veteran trees within the Study Area was checked using the Woodland Trust's Ancient Tree Inventory¹⁰.

FIELD SURVEY

A field survey of trees within the Study Area was undertaken from 27 September to 4 October, and 14 October to 18 October 2024. The field survey was conducted with aerial imagery and Bluesky Tree Map data used as base mapping.

⁸ Bedford Borough Council, Tree Preservation Orders. Available at: <https://bedford-borough.maps.arcgis.com/apps/webappviewer/index.html?id=c2fea2c07bfb4aefa1ee8500961c62ea> [Accessed November 2024].

⁹ Magic (DEFRA), *Multi Agency Geographic Information for the Countryside* [online] Available at: <https://magic.defra.gov.uk/MagicMap.aspx> [Accessed November 2024].

¹⁰ Ancient Tree Inventory (2023) *Ancient Tree Inventory*. Available at: <https://ati.woodlandtrust.org.uk/tree-search/?v=2507060&ml=map&z=13&nwLat=52.118472383982365&nwLng=-0.6888881744775355&seLat=52.0421991428089&seLng=-0.3592983307275355> [Accessed November 2024].

The field survey was undertaken in accordance with the following criteria:

- Trees have been recorded as tree groups or linear areas where this has been deemed appropriate. Tree groups have been recorded on the basis that they form distinct arboricultural features either aerodynamically, visually or because they contain trees of similar cultural and biodiversity value. Wooded areas are recorded where larger expanses of trees exist and included features which may otherwise be referred to as copses, spinneys or shelterbelts. Linear groups are specifically tree groups which are formed of a single line of trees;
- Hedges have been recorded where they form substantial internal or boundary features or where they contribute meaningfully to the landscape character of the local area;
- The trees have been visually inspected from ground level only;
- No tissue samples were taken nor was any internal investigation of the subject trees undertaken;
- Tree heights and crown spreads have been estimated to the nearest 1m;
- Notes have been recorded where they relate to the quality of the arboricultural feature;
- Stem diameters have been measured in accordance with Annex C of BS 5837;
- Diameters of single stem trees on level ground have been measured at 1.5m above ground level. The diameters of other commonly encountered stems have been measured as per the guidance. The combined stem diameters for multi-stemmed trees have been calculated in accordance with BS 5837 paragraph 4.6.1.¹¹; and
- By default, Root Protection Areas (RPAs) are calculated as an area equivalent to a circle with a radius 12 times the stem diameter and are capped at a distance of 15 metres.

QUALITY ASSESSMENT

The quality of trees has been determined in accordance with BS 5837 Table 1 a copy of which is provided in **Image A-1**. The purpose of the quality assessment is to enable informed decisions to be made regarding the removal and retention of trees in the context of development. For an arboricultural feature to be included within a particular quality category it should accord with the description provided.

¹¹ British Standards Institute. *BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations*. London: BSI, page 10-11 available at: <https://beta.bathnes.gov.uk/sites/default/files/2020-01/BS5837%202012%20Trees.pdf> [Accessed November 2024].

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	- 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 <i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</i>	See Table 2		
	1 Mainly arboricultural qualities	2 Mainly landscape qualities	3 Mainly cultural values, including conservation	
Trees to be considered for retention				
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)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	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	Trees present in numbers, 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 with material conservation or other cultural value	See Table 2
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	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 with no material conservation or other cultural value	See Table 2

Image A-1 - BS 5837 Table 1 - Cascade Chart for Tree Quality Assessment

The quality of each arboricultural feature is defined based on its sub-category. Sub-categories carry equal weight, do not influence retention priority and are simply included to indicate the primary value associated with each surveyed item. Sub-categories 1, 2 and 3 are intended to reflect arboricultural, landscape and cultural values, respectively.

The quality and sub-category assigned to each arboricultural feature are identified within the Arboricultural Survey Schedule included in **Appendix B: Arboricultural Survey Schedule** of this report.

NOTES AND LIMITATIONS

- Arboricultural survey data reflects the size and condition of the trees identified during the field survey.
- Only defects visible from the ground have been noted and each individual feature may not have been inspected closely due to access difficulties, the presence of dense ivy, other vegetation or safety constraints. Safety related features have not been recorded on the basis that the trees will be subject to a programme of tree hazard assessment by the tree owner, and only those features which materially affect the quality of the feature or pose a real and immediate safety concern have been recorded as discussed in section 1.3.4 above.

- Arboricultural survey data is typically valid for a period of two years unless otherwise stated. Significant environmental events (such as extreme weather conditions) or changes to the Site may render it invalid within a shorter timescale.
- Records held on the Ancient Tree Inventory are collected on a voluntary basis, therefore the absence of records does not demonstrate the absence of ancient or veteran trees but may simply indicate a gap in recording coverage.
- Whilst arboricultural surveys are not seasonally limited it is the case that certain pests and diseases may be more or less evident at different times of the year. This is especially true of certain wood decaying fungi such as the Giant Polypore (*Meripilus giganteus*) where fruiting bodies are short-lived, and the early stages of root decay may not result in other identifiable symptoms. Field survey data is therefore based upon observations made at the time of the site visit and may be subject to change as discussed in Section 3.3 above.
- The survey has only been undertaken from land within UDX's ownership, from public land or from areas where formal access has been arranged.
- The position of trees not recorded on the topographical survey undertaken for the Proposed Development has been estimated using aerial photography. The position and extent of these features should be regarded as approximate only.

Appendix B

ARBORICULTURAL SURVEY SCHEDULE



SURVEY SCHEDULE EXPLANATORY NOTES

REFERENCE ABBREVIATIONS

- T – Tree
- G – Group
- H – Hedge

MEASUREMENTS

- Height is estimated to provide a relative indication of tree size.
- Stem Diameter are in accordance with BS 5837 paragraph 4.6.1, Annex C.
- Crown spread for individual trees was estimated in the four cardinal points.
- Crown spread for groups is recorded as an average for the group.
- LCH – lowest canopy height. It is an estimate of the lowest point of foliage above ground level of the tree indicating the clearance below the tree.
- LBH – lowest branch height. It is the height above ground level of the first branch union with the main stem of the tree.

ASSESSMENTS

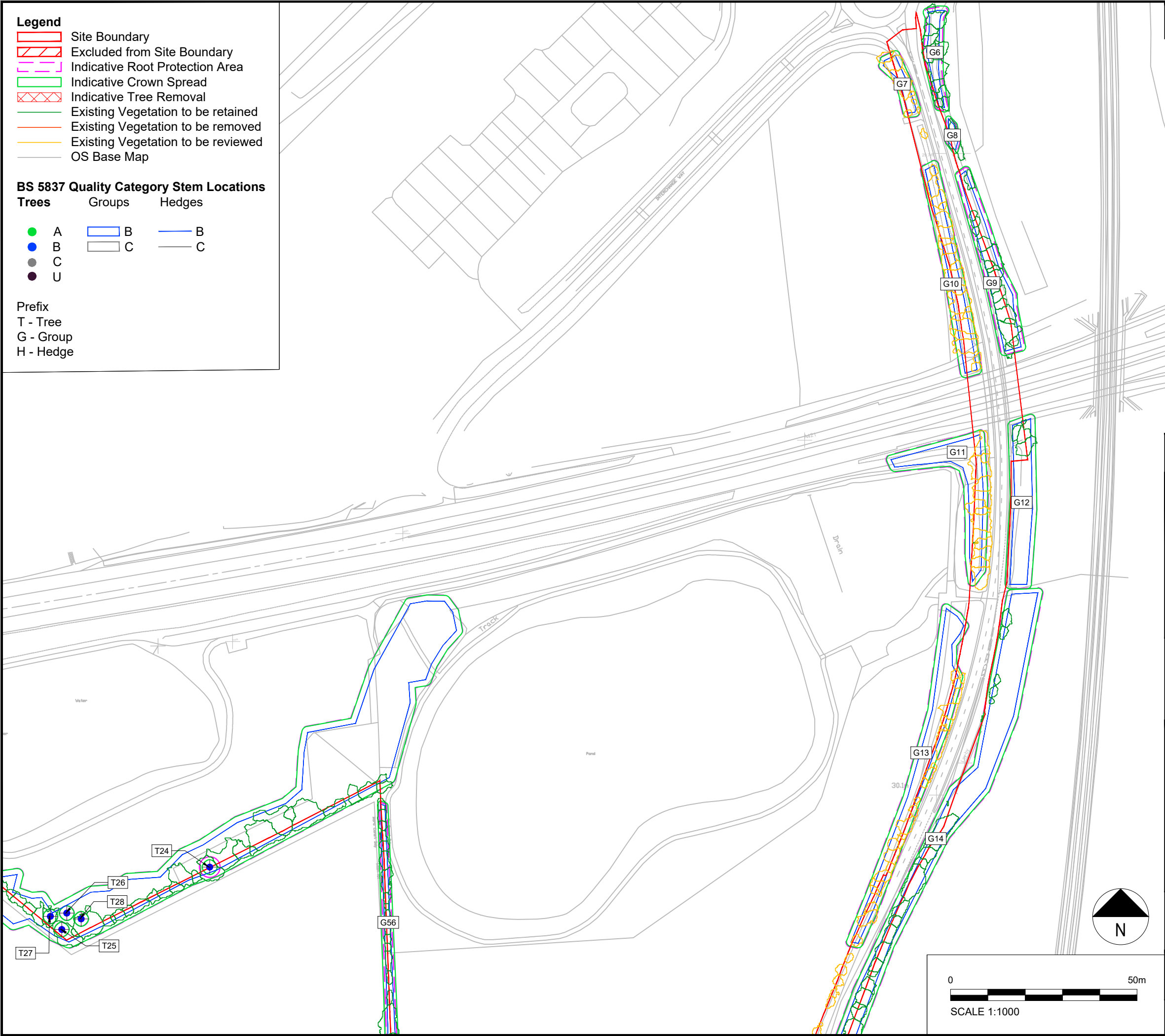
- Life stage: Y – Young, SM – Semi-mature, EM – Early Mature, M – Mature, V – Veteran.
- Physiological condition: G – Good, F – Fair, P – Poor, D – Dead
- Structural condition: G – Good, F – Fair, P – Poor, U – Unstable
- ERC - Estimated remaining contribution: <10 years, 10+ years, 20+ years or 40+ years.
- BS 5837 Category: A, B, C or U with sub-category recorded as 1, 2 or 3.
- RPA Radius is the radius of a circular Root Protection Area associated with the tree as measured from the centre of the stem. For trees, where more than one stem diameter is recorded the RPA radius is calculated using the largest dimension. Unless otherwise noted the RPA for groups is based on the equivalent RPA for the largest tree in that group.

Appendix C

TREE REMOVAL AND PROTECTION PLAN



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 - Indicative Root Protection Area
 - Indicative Crown Spread
 - Indicative Tree Removal
 - Existing Vegetation to be retained
 - Existing Vegetation to be removed
 - Existing Vegetation to be reviewed
 - OS Base Map

BS 5837 Quality Category Stem Locations

- | Trees | Groups | Hedges |
|-------|--------|--------|
| ● A | □ B | — B |
| ● B | □ C | — C |
| ● C | | |
| ● U | | |

Prefix
T - Tree
G - Group
H - Hedge

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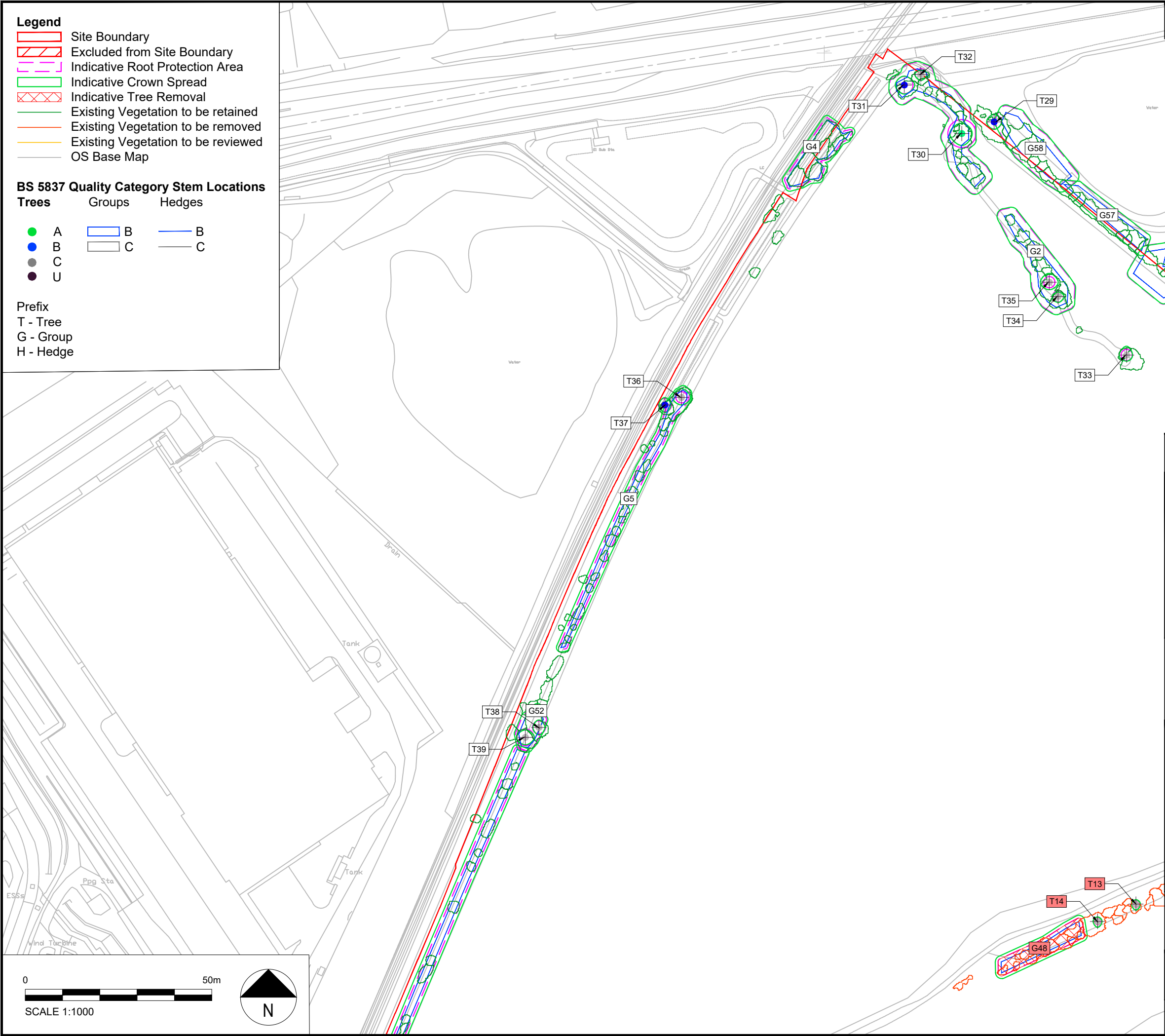
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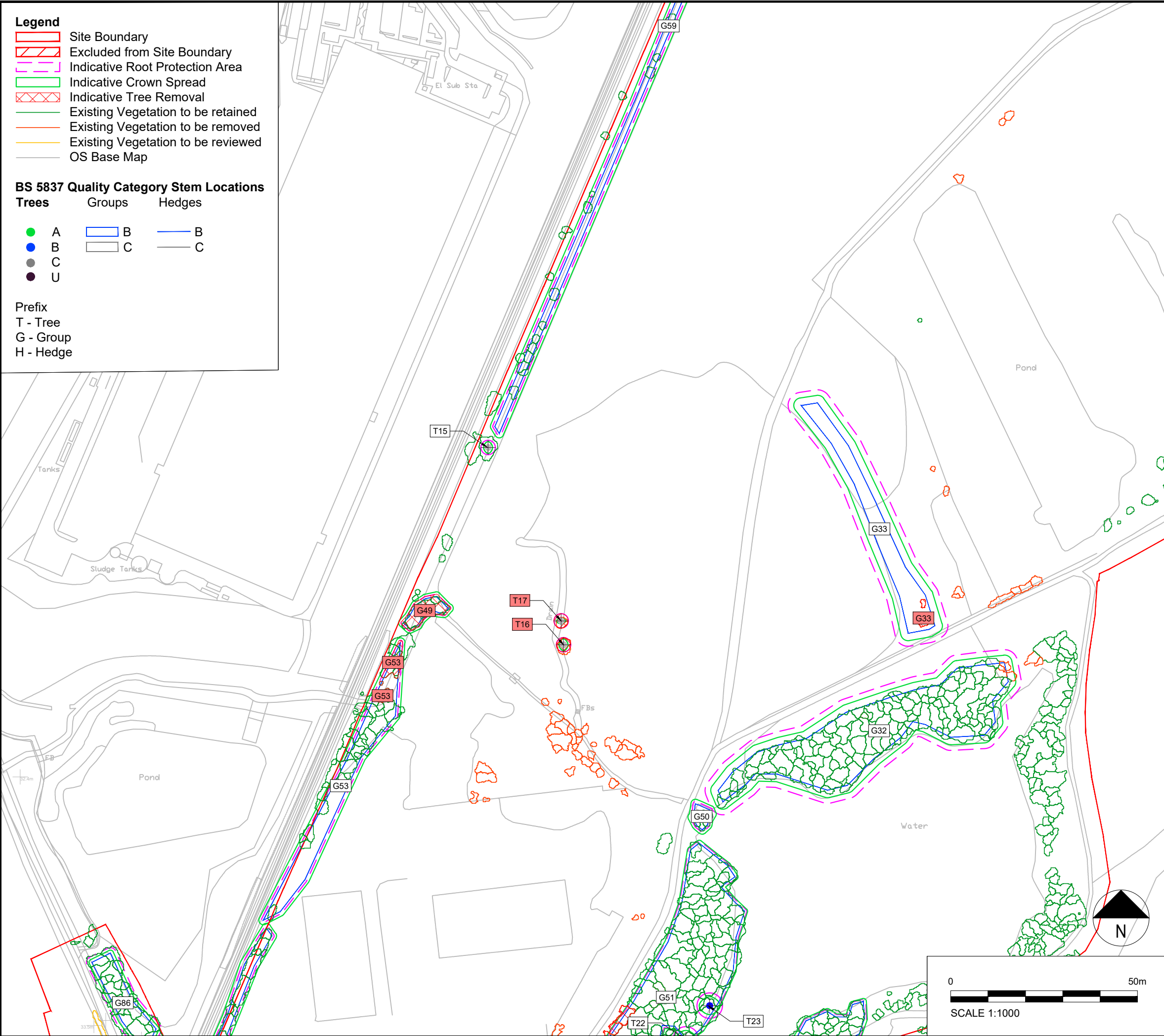
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 - Existing Vegetation to be removed
 - Existing Vegetation to be reviewed
 - OS Base Map

BS 5837 Quality Category Stem Locations

Trees Groups Hedges

- | | | |
|-----|-----|-----|
| ● A | □ B | — B |
| ● B | □ C | — C |
| ● C | | |
| ● U | | |

Prefix
T - Tree
G - Group
H - Hedge

DO NOT SCALE



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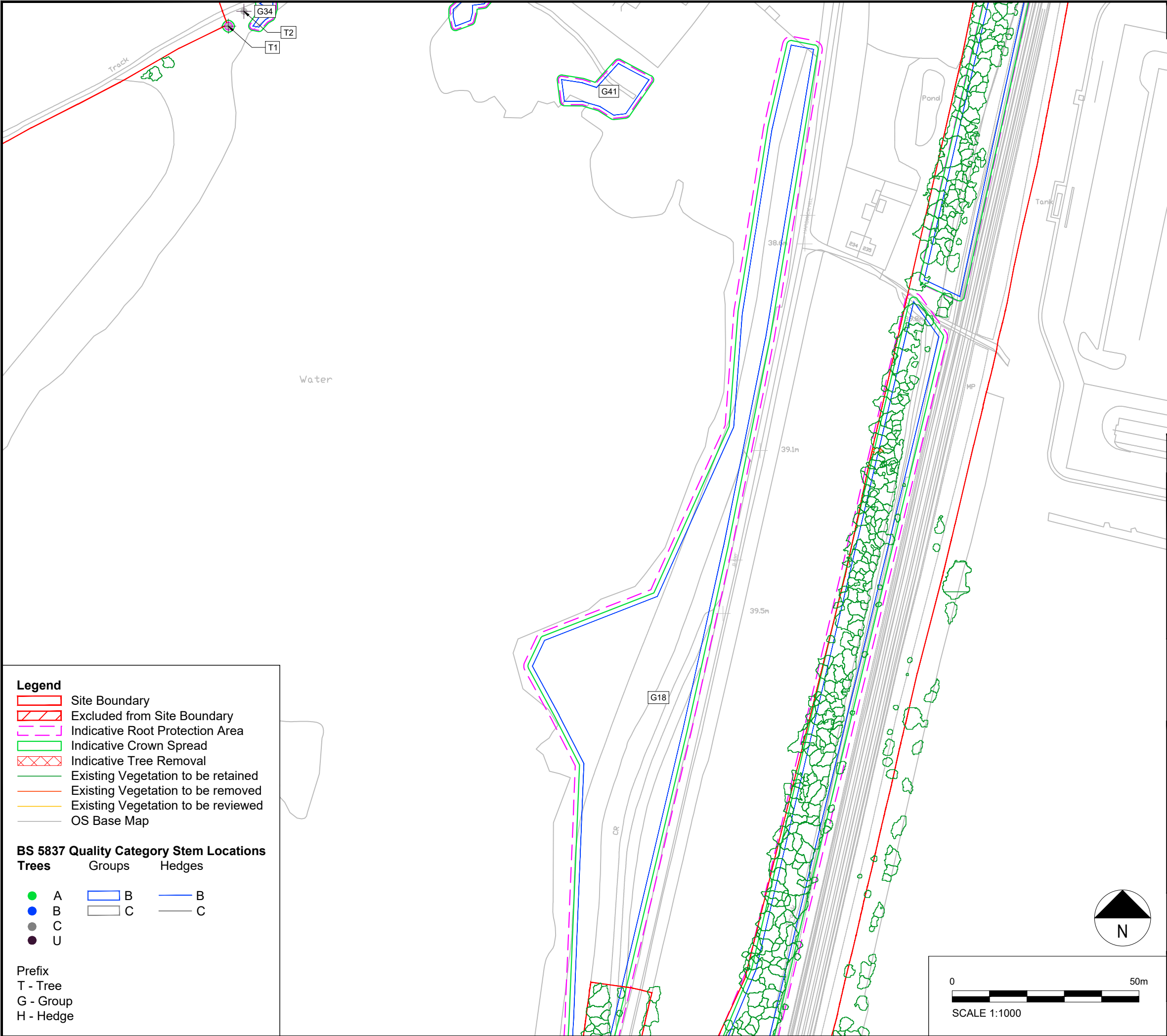
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- Indicative Tree Removal
- Existing Vegetation to be retained
- Existing Vegetation to be removed
- Existing Vegetation to be reviewed
- OS Base Map

BS 5837 Quality Category Stem Locations

Trees Groups Hedges

- A
- B
- C
- U
- B
- C
- B
- C

Prefix
T - Tree
G - Group
H - Hedge

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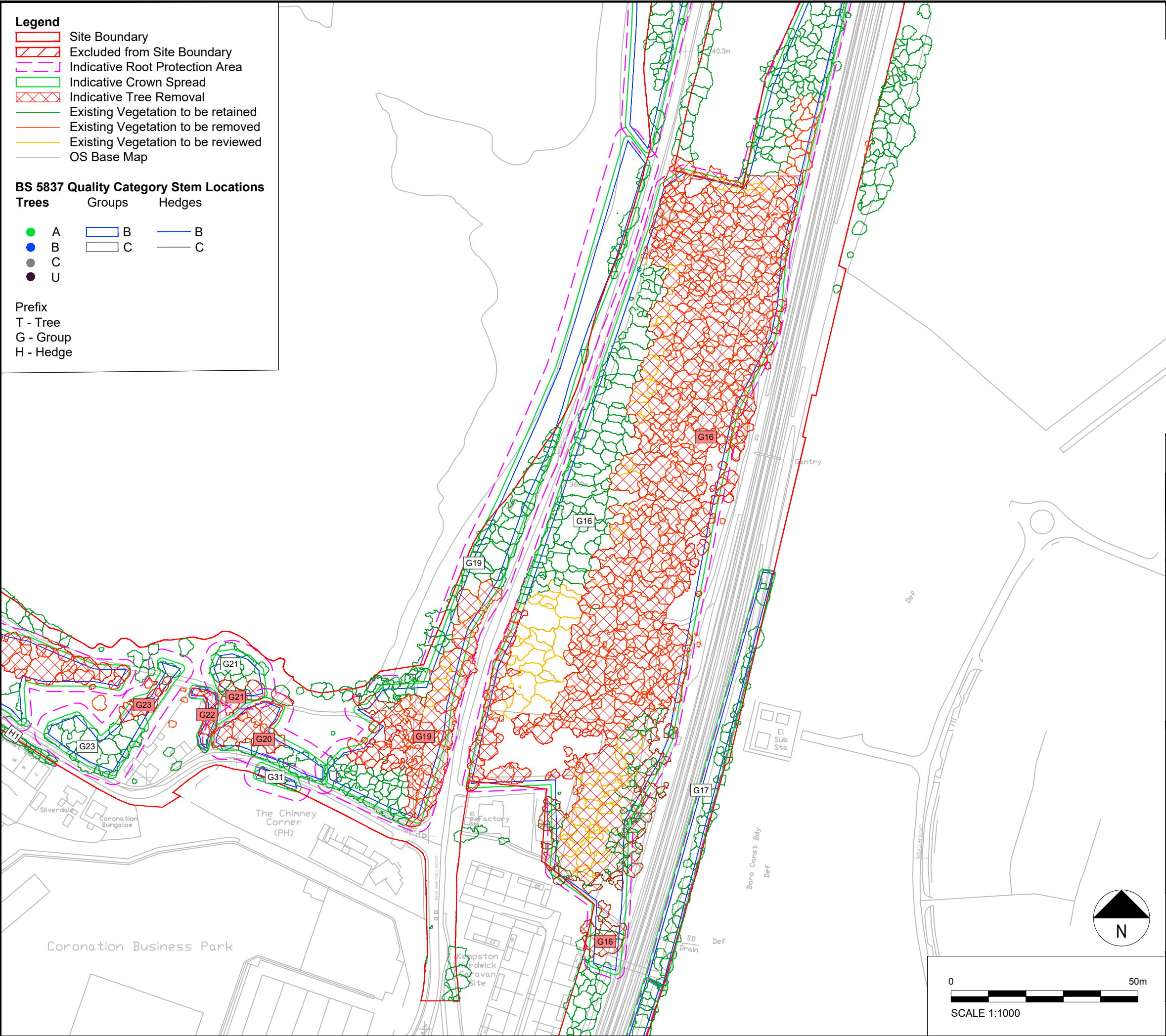
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 - Existing Vegetation to be removed
 - Existing Vegetation to be reviewed
 - OS Base Map

BS 5837 Quality Category Stem Locations

- Trees** **Groups** **Hedges**
- A
 - B
 - C
 - U
 - B
 - C
 - B
 - C

Prefix
T - Tree
G - Group
H - Hedge

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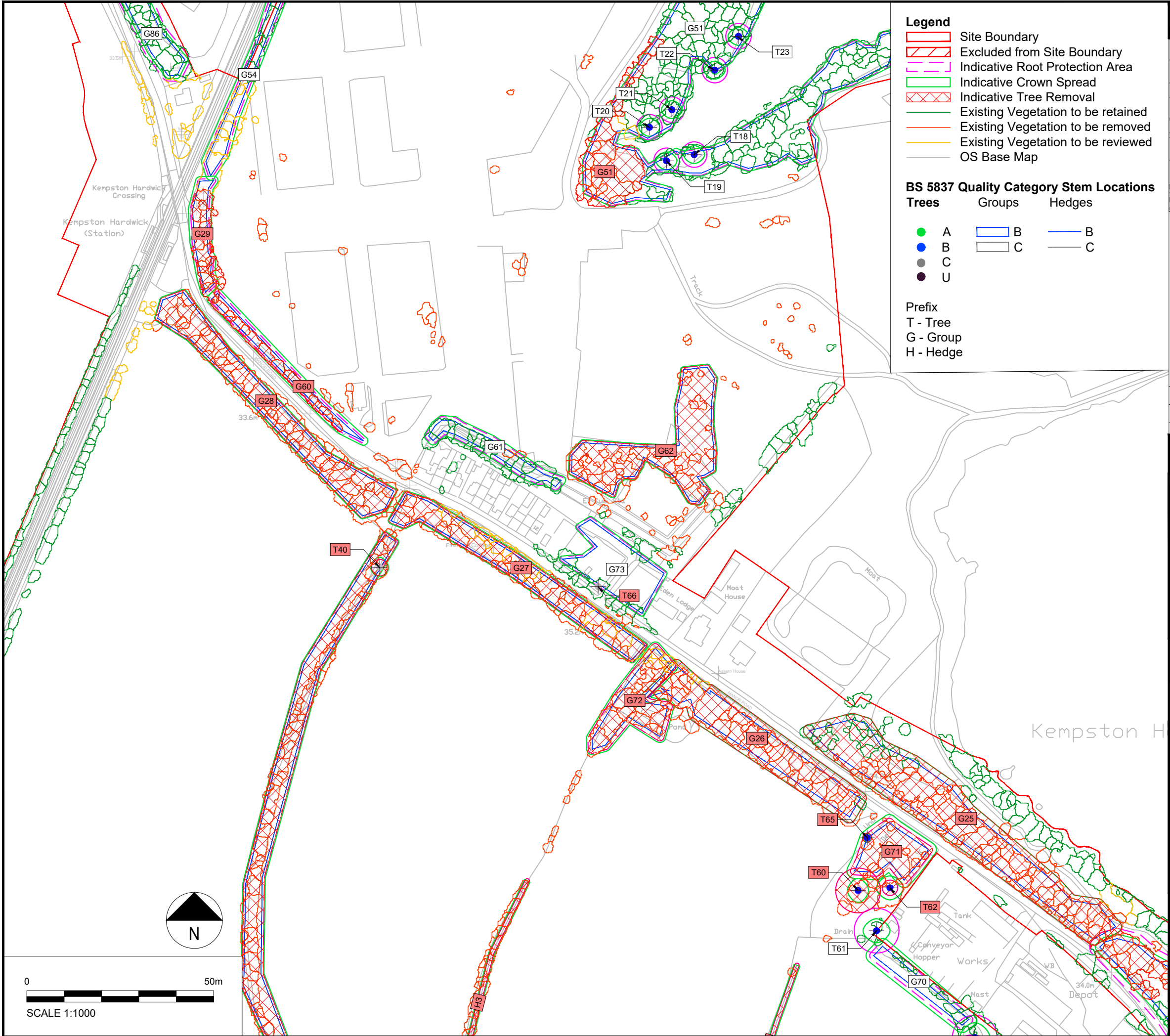
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 - Existing Vegetation to be removed
 - Existing Vegetation to be reviewed
 - OS Base Map

BS 5837 Quality Category Stem Locations

- Trees** **Groups** **Hedges**
- A
 - B
 - C
 - U

Prefix
T - Tree
G - Group
H - Hedge

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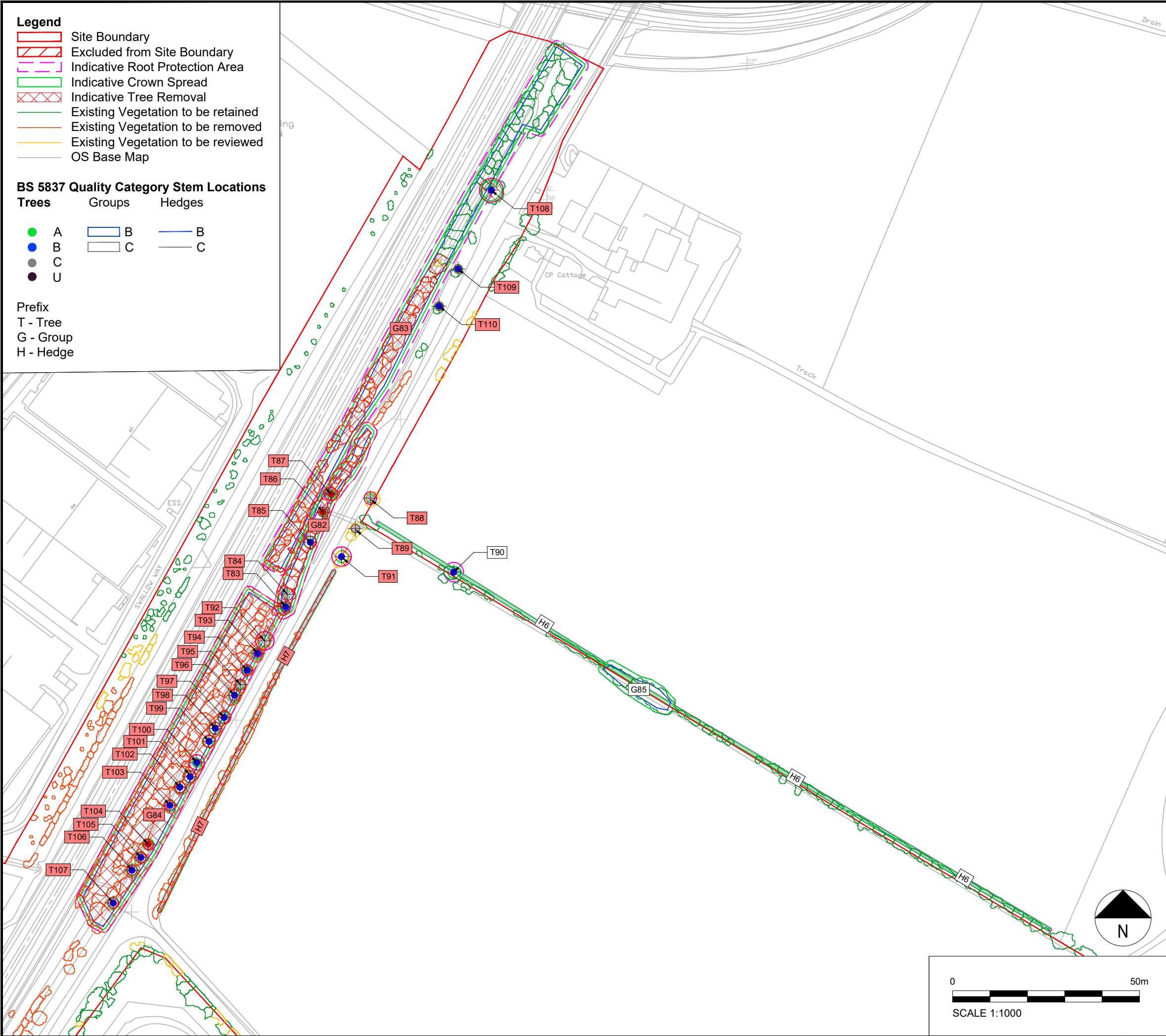
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 - OS Base Map

BS 5837 Quality Category Stem Locations

- | Trees | Groups | Hedges |
|-------|--------|--------|
| A | B | B |
| B | C | C |
| C | | |
| U | | |

Prefix
T - Tree
G - Group
H - Hedge

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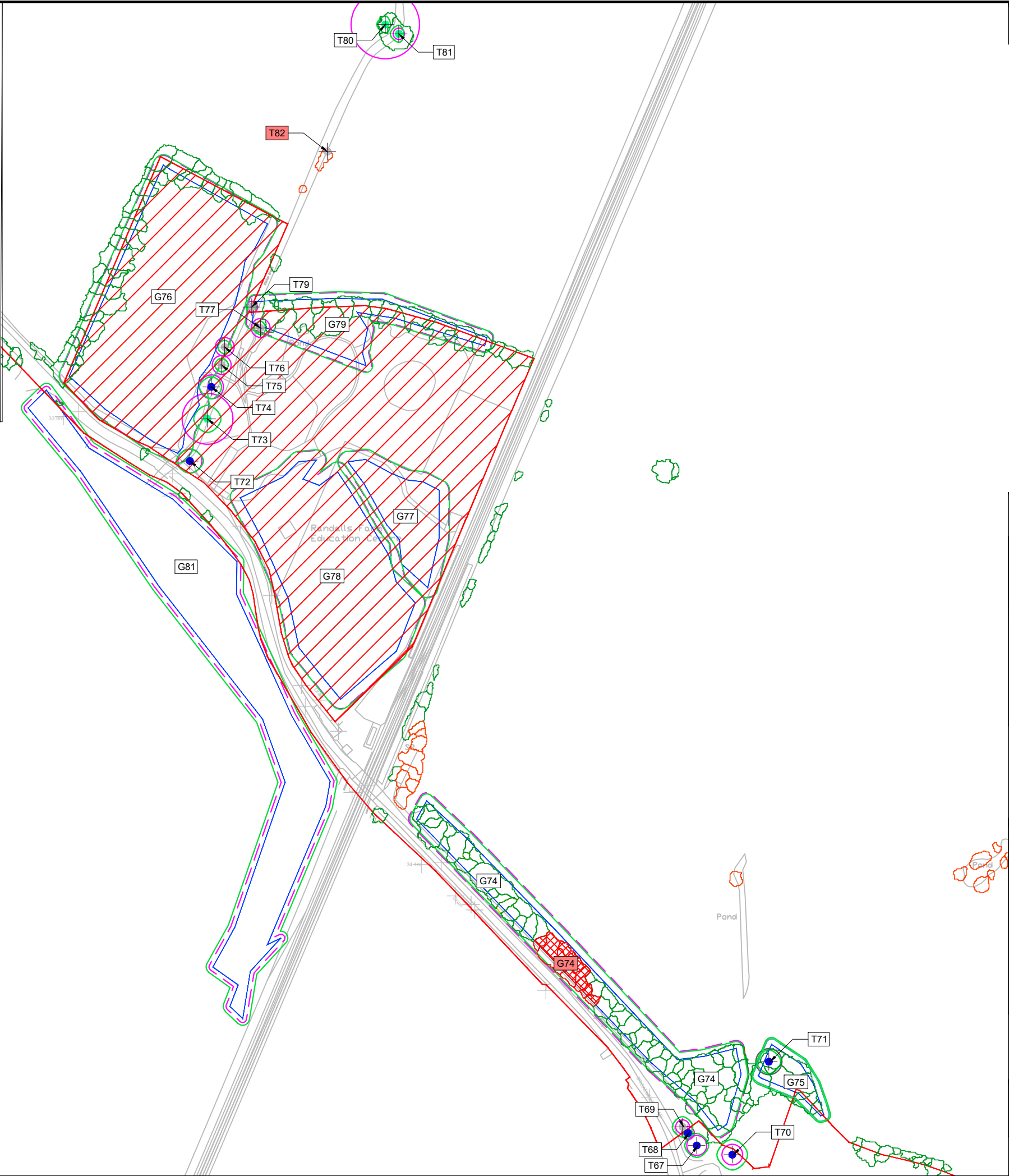
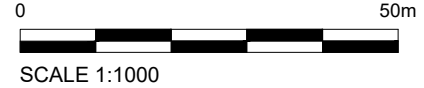
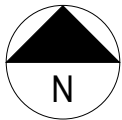
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 - OS Base Map

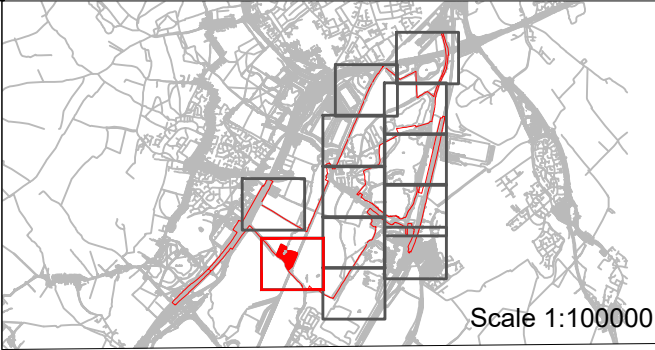
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- Trees**
- | Groups | Hedges |
|---|---------------------------------------|
| ● A | □ B |
| ● B | □ C |
| ● C | □ C |
| ● U | |

Prefix
T - Tree
G - Group
H - Hedge



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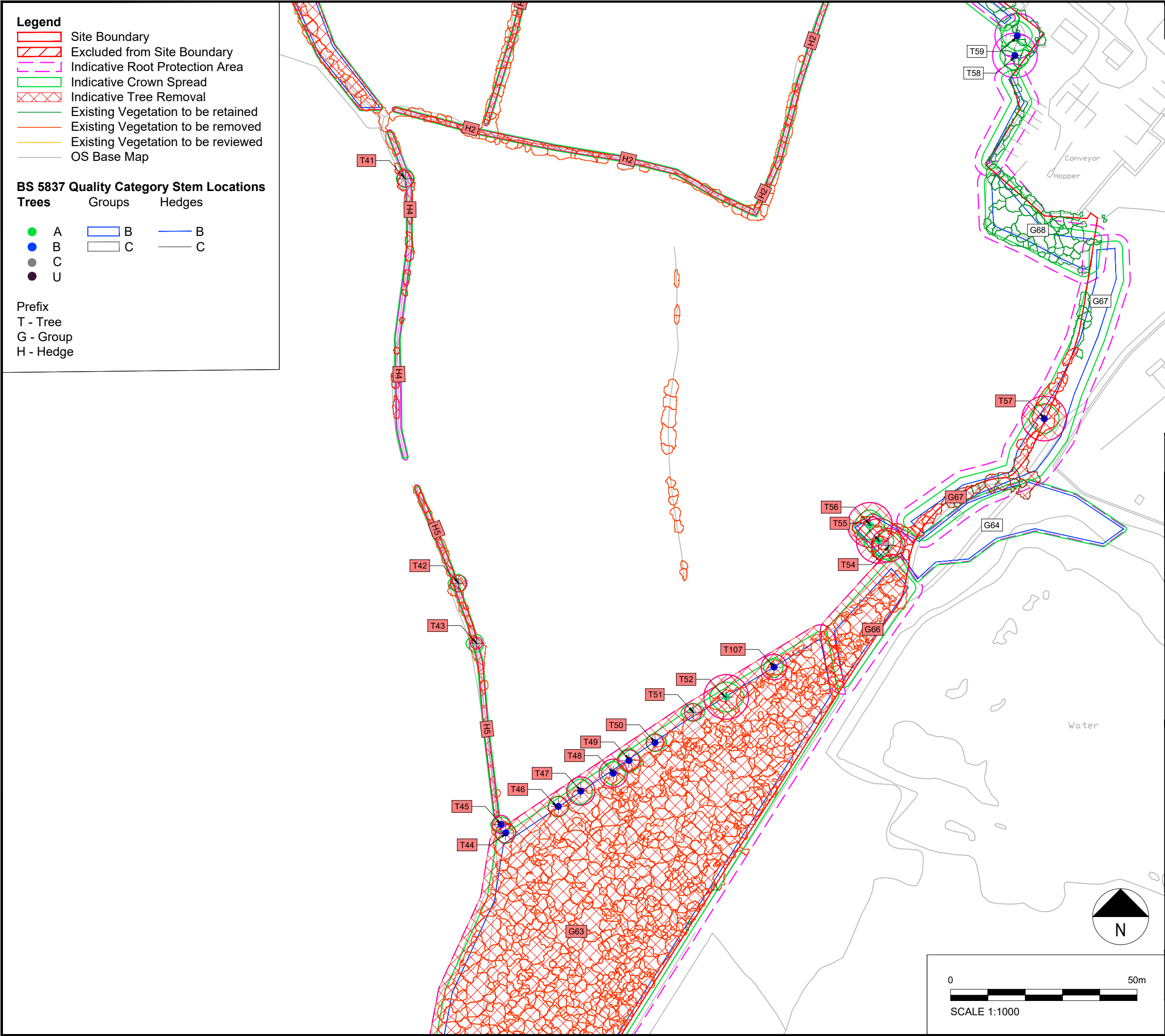
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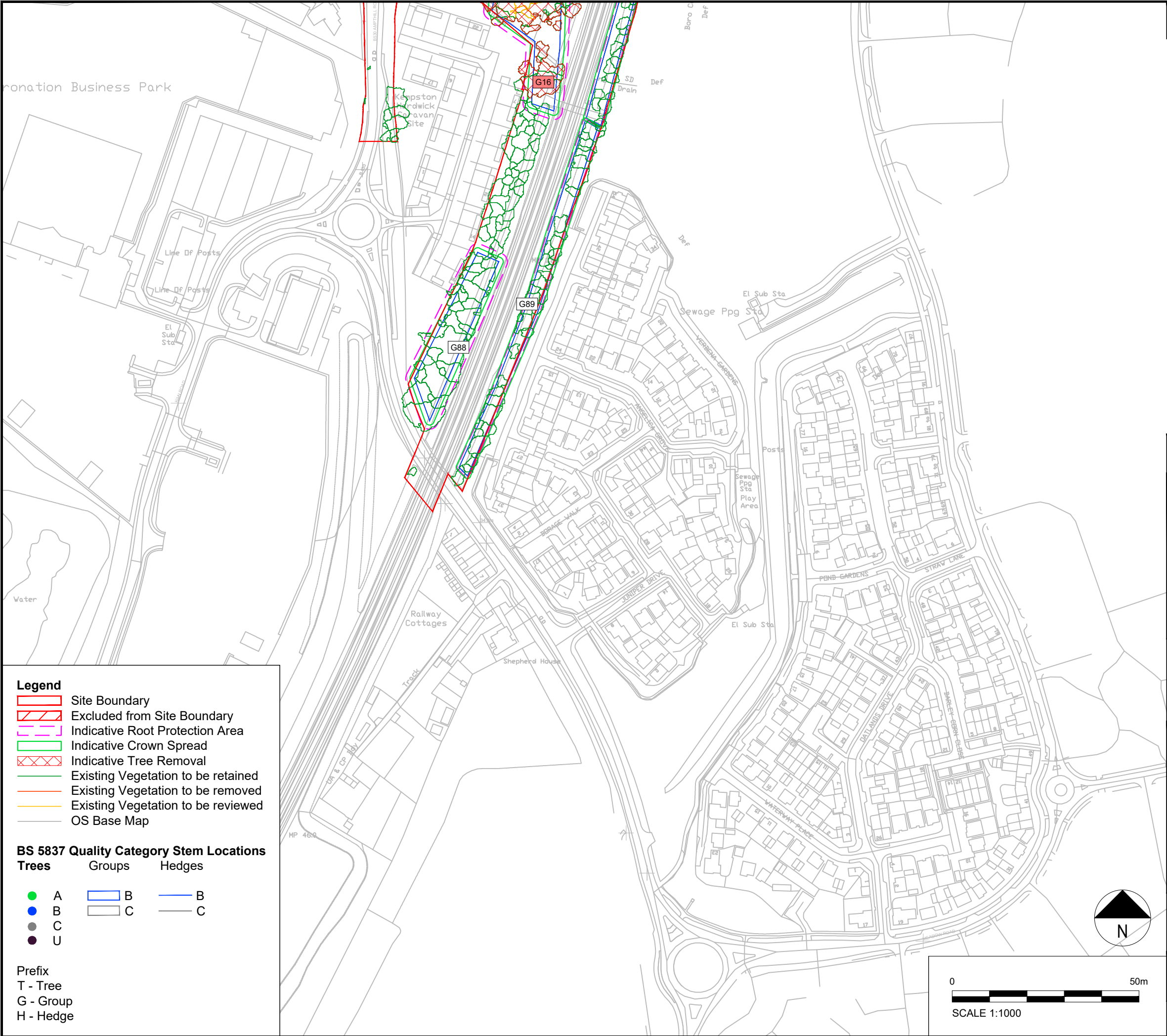
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 - Existing Vegetation to be reviewed
 - OS Base Map

BS 5837 Quality Category Stem Locations

- | Trees | Groups | Hedges |
|---|--|--|
| ● A | B | B |
| ● B | C | C |
| ● C | | |
| ● U | | |

- Prefix
- T - Tree
 - G - Group
 - H - Hedge

DO NOT SCALE

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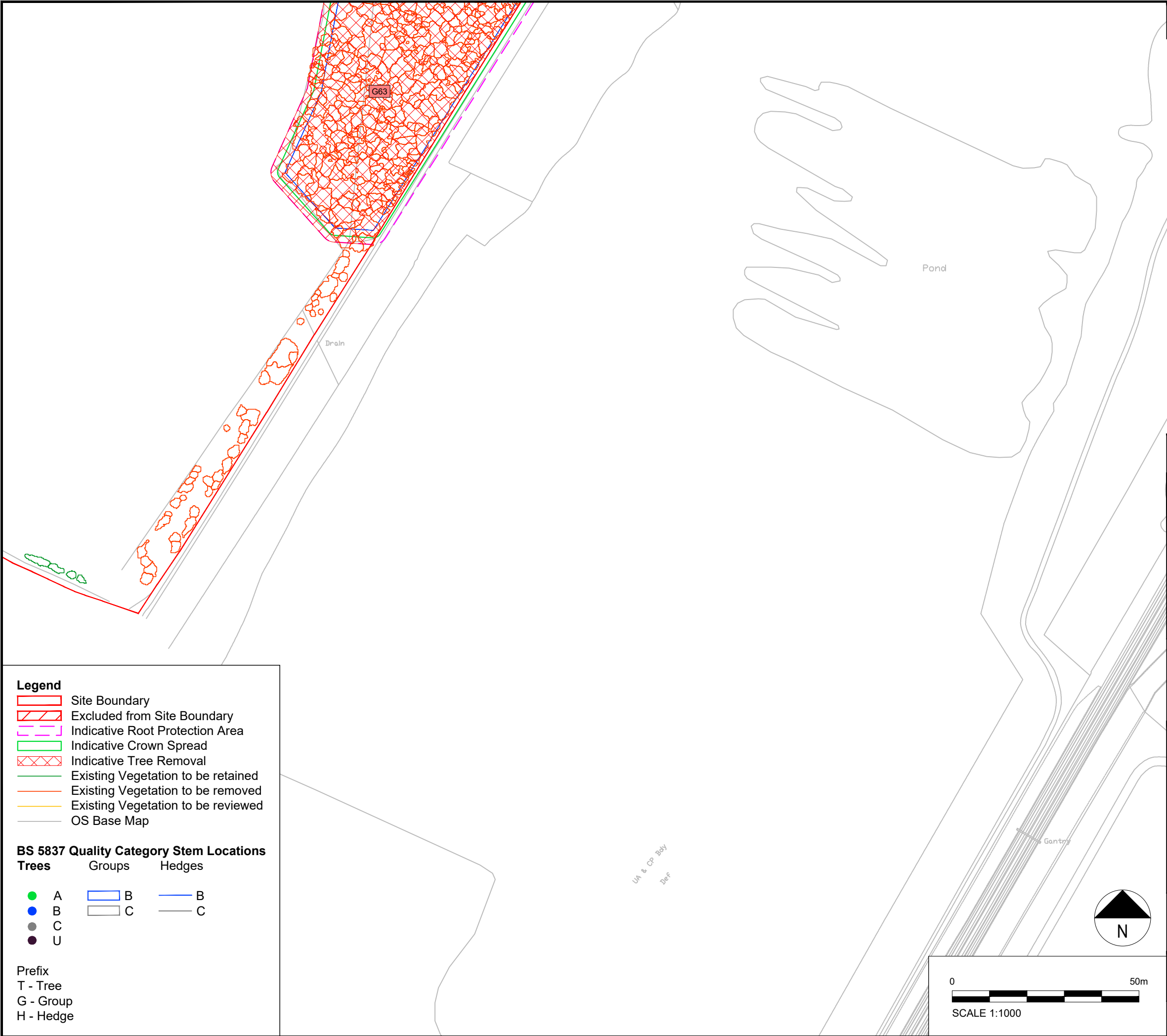
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- OS Base Map

BS 5837 Quality Category Stem Locations

Trees	Groups	Hedges
● A	 B	 B
● B	 C	 C
● C		
● U		

Prefix

- T - Tree
- G - Group
- H - Hedge

DO NOT SCALE

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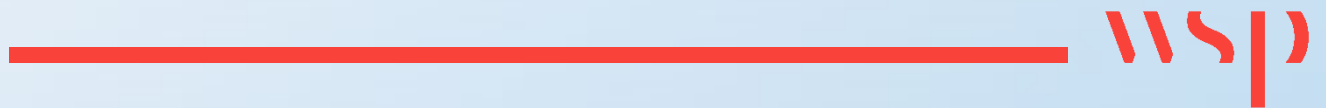
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Appendix D

OUTLINE ARBORICULTURAL METHOD STATEMENT



OUTLINE ARBORICULTURAL METHOD STATEMENT

INTRODUCTION

This outline ArbMS describes arboricultural protection measures to protect retained trees as part of the Proposed Development. An ArbMS is a dynamic document that shall be reviewed prior to the issuing of any tender documentation. It is recommended that this ArbMS will be viewed as a 'live document'. It should therefore be reviewed, and if necessary, updated to accommodate any design amendments or known construction methodologies and must be read in conjunction with the Tree Removal Protection Plan included within **Appendix C: Tree Removal and Protection Plan** of this report.

The implementation of the measures set out in this Outline ArbMS need to be mindful of the construction programme and phasing, with the Primary Phase Build Out until 2031 and Full Buildout not due to be completed until 2051. As such, the Arboricultural Clerk of Works (ACoW) should advise on the timing of installation and removal of tree and ground protection to ensure it is in place at the appropriate time.

ARBORICULTURAL SITE SUPERVISION

Effective tree protection can only be achieved by adherence to a logical sequence of works combined with effective arboricultural supervision. The purpose of arboricultural monitoring is to ensure that all tree protection measures are fit for purpose, are implemented in accordance with any approved details and as a means of enabling any previously unforeseen arboricultural issues to be promptly identified and suitably addressed.

An ACoW shall be appointed to oversee the tree protection during the demolition and construction phases.

The role of the ACoW is to:

- Advise UDX and Principal Contractor(s) on tree protection issues;
- Attend site as required to advise on variations;
- Supervise works undertaken within CEZ; and
- Inspect and report on the status of tree protection measures in place during the construction phases.

The ACoW shall attend Site:

- Prior to commencement of works to ensure tree protection fencing is in place; and
- Periodically, with dependency of what tasks are being undertaken, during the construction phases.

TREE WORKS

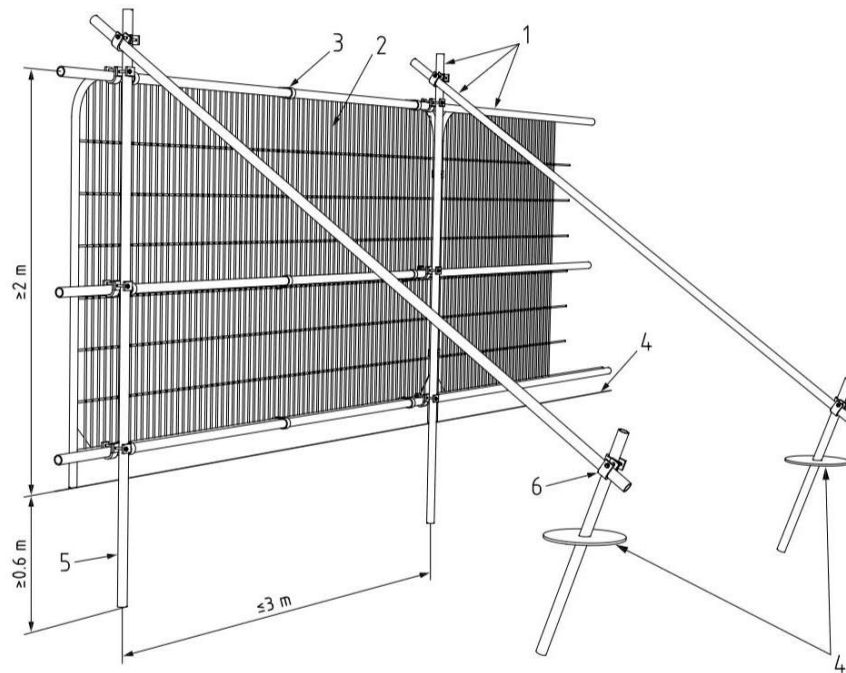
- All tree works shall adhere to British Standard BS 3998:2010 *Tree work – Recommendations*;
- All operations shall be carefully carried out to avoid damage to the trees being retained; and
- No trees to be retained shall be used for anchorage or winching purposes.

Should the requirement for a tree felling or pruning arise which is additional to that identified above then the following process shall be applied:

- Any specification shall be technically approved by the ACoW; and
- Written approval shall be obtained from the relevant Planning Authority prior to implementation of the work.

TREE PROTECTION FENCING

Tree protection fencing shall be fit for the purpose of excluding construction activity and appropriate for the degree and proximity of work taking place. An example of the type of tree protection fencing which may be required is included in **Image D-1**.



Key:

1. Standard scaffold poles
2. Heavy gauge 2m tall, galvanised tube and welded mesh infill panels
3. Panels secured to uprights and cross-members with wire ties
4. Ground level
5. Uprights driven into the ground until secure (minimum depth 0.6m)
6. Standard scaffold clamps

Image D-1 - Example of appropriate tree protection fencing

Tree protection fencing will be used to prevent access to the root protection areas (RPAs) of retained trees and this will form the CEZ. In all instances the following shall be adhered to:

- Tree protection fencing shall be erected prior to any works in the vicinity of that area of the Site including site clearance, groundwork or the importation of plant and materials;
- Tree protection fencing to protect retained trees during the phases of demolition and construction;
- All weather notices will be attached (at eye level) to the tree protection fencing at suitable intervals and shall include suitably sized informative text stating “Tree Protection Fencing, Construction Exclusion Zone – No Access”;
- Once erected tree protection fencing shall remain in-situ until construction activities in the vicinity of that area of the Site are complete;

- No construction activities, storage of materials or pedestrian or vehicular access shall take place within the CEZ; and
- Regular daily checks will be carried out by an appointed person to ensure that all tree protection fencing is still in place and functioning; any damage will be rectified without delay.

GROUND PROTECTION

Ground protection shall be used within any area where construction access is required within the RPAs of any retained tree. Its suitability shall be reviewed by the ACoW prior to implementation onsite and shall adhere to:

- Ground protection shall be sufficiently robust to prevent damage or disturbance of the underlying soil and adhere to section 6.2.3 of British Standard BS5837:2012;
- It shall be in-situ prior to any works in the vicinity of that area of the Site including site clearance, groundwork or the importation of plant and materials;
- Ground protection shall remain in-situ until all construction activities in the vicinity of that area of the Site are complete; and
- Regular daily checks will be carried out by an appointed person to ensure that ground protection is still in place and functioning; any damage will be rectified without delay.

ADDITIONAL PRECAUTIONS OUTSIDE THE CEZ

A precautionary approach to working near retained trees shall be adopted with site huts, welfare facilities, parking, material/spoil storage, mixing and vehicle cleaning facilities being located outside of RPAs.

Care should be taken when planning site operations to ensure that wide or tall loads or plant with booms, jibs and counterweights can operate without coming into contact with retained trees. Any transit or traverse of plant in close proximity to trees should be conducted under the supervision of a banksman to ensure that adequate clearance from trees is maintained at all times.

Notice boards, telephone cables or any other services shall not be attached to any part of a retained tree.

INSTALLATION OF UNDERGROUND APPARATUS AND SERVICE RUNS

Wherever possible any underground services (cabling and pipes) shall be located outside the RPA of any retained tree. Soakaways must not be located within RPA.

Wherever possible services shall be grouped together utilising common ducts and have all inspection chambers located outside of the RPA.

In situations where services must pass through the RPAs of a retained tree then trenchless techniques shall be used wherever possible with launch and receptor pits being located outside the RPAs.

Guidance within Volume 4: NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2:16 November 2007) shall be followed.

Appendix E

TPO RECORD



7/190/2/40

TOWN AND COUNTRY PLANNING ACT 1971 - 4

THE NORTH BEDFORDSHIRE BOROUGH COUNCIL of Town Hall, Bedford (in this order called "the Authority") in pursuance of the powers conferred in that behalf by Sections 60 and 61 of the Town and Country Planning Act 1971 (as amended by Section 10(1) of the Town and Country Amenities Act 1974) and subject to the provisions of the Forestry Act 1967, hereby makes the following order:-

1. In this Order -

"the Act" means the Town and Country Planning Act 1971;

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

"the Secretary of State" means the Secretary of State for the Environment

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the Authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

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

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

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

NOTE: If it is desired to fell any of the trees included in this Order, whether included as trees, groups of trees or woodlands, and the trees are trees for the felling of which a licence is required under the Forestry Act 1967, application should be made not to the authority for consent under this Order but to the Conservator of Forests for a licence under that Act (Section 15(5)).

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

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

- (a) that the refusal or condition is in the interests of good forestry; or
- (b) in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

6. (1) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless -

- (a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or
- (b) the authority with the approval of the Secretary of State dispense with replanting,

the authority shall give to the owner of the land on which that part of the woodland is situated a Direction in writing specifying the manner in which and the time within which he shall replant such land and where such a Direction is given and the part is felled the owner shall, subject to the provision of this Order and Section 175 of the Act, replant the said land in accordance with the direction.

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

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

7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by a water authority since 31 March 1974, by any other authority (whose functions are now exercised by a water authority) who at any time prior to 1 April 1974 exercised the functions in respect of which the byelaw was made, by a drainage board, or by the Greater London Council in the exercise of any of its functions in relation to the maintenance, improvement or construction of watercourses or of drainage works restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any such condition or direction has effect subject to the requirements of the water authority, the drainage board, or the Greater London Council under those byelaws and the condition or direction shall have effect accordingly.

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

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

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

10. In assessing compensation payable under the last preceeding Article account shall be taken of:

- (a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 60 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodland contained in an operative scheme under the Town and Country Planning Act 1932, and
- (b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

11. (1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority, such service to be effected by addressing the claim to the authority and leaving it at or by sending it by post to the principal office of the authority.

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

12. Any question of disputed compensation shall be determined in accordance with the provisions of Section 179 of the Act.

13. (1) The provisions of Section 61 of the Act shall apply to this Order and the Order shall take effect on the 16th day of December 1976

(2) This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein, as from the time when that tree is planted.

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £400 or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding £200 on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree other than one to which an Order applies as part of a woodland is removed, uprooted or destroyed in contravention of an Order or is removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by section 60(6) of the Town and Country Planning Act 1971 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days previous notice of the removal, etc., should be given to the authority to enable the latter to decide whether or not to dispense with the requirement.

14. This Order may be cited as the Manor Road Kempston Hardwick (North Bedfordshire Borough) Tree Preservation Order No.4 - 1976

THE COMMON SEAL OF THE NORTH)
BEDFORDSHIRE BOROUGH COUNCIL)
was hereunto affixed this 16th)
day of December 1976 in the)
presence of:)

(LS)

Mayor

Thos R Donnelly

Director of Administration

J F Hayward

SECOND SCHEDULE

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

- 1) the cutting down of any tree on land which is subject to a forestry dedication covenant where
 - (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
 - (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.
- 2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme or any other grant scheme under Section 4 of the Forestry Act 1967 except a scheme which applies to a forestry dedication covenant;
- 3) the cutting down, topping or lopping of a tree
 - (a) in pursuance of the power conferred on the Post Office by virtue of Section 5 of the Telegraph (Construction) Act 1908; and Section 21 of the Post Office Act 1969, or by or at the request of the Post Office where the land on which the tree is situated in operational land as defined by the Post Office Operational Land Regulations and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (b) by or at the request of
 - (i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;

- (ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance of working of any such line;
- (iii) a river authority established under the Water Act 1973, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, where the tree interferes or would interfere with the exercise of any of the functions of such river authority, or drainage board, in relation to the maintenance, improvement or construction of water courses or of drainage works: or
- (iv) the Secretary of State for defence or the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of of aviation or defence technical installations;
- (c) where immediately required for the purposes of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;
- (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden.

NOTE:

Section 62(1) of the Act requires, unless on the application of the owner the local authority dispense with the requirement, that a tree removed or destroyed under Section 60(6) of the Act, shall be replaced by another tree of appropriate size and species. In order to enable the local planning authority to come to a decision, on whether or not to dispense with the requirement, notice of the proposed action should be given to the local planning authority which except in case of emergency shall be of not less than five days.

THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1971 as adapted and modified to apply to this Order.

33. (1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.

Reference of
applications
to the
Minister

35. (1) The Secretary of State may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.

35. (2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

35. (3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

35. (4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

35. (5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

35. (6) The decision of the Secretary of State on any application referred to him under this section shall be final.

Appeals
against
decisions

36. (1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Secretary of State.

36. (2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer periods as the Secretary of State may allow.

36. (3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reserve or vary any part of the decision of the authority, whether the appeal relates to the part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

36. (4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

36. (6) The decision of the Secretary of State on any appeal under this section shall be final.

Appeal in
default of
decision

37. Where an application for consent under the order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either -

- (a) give notice to the applicant of their decision on the application; or
- (b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under Section 35 above;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

Power to
revoke or
modify the
consent
under the
order.

45. (1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as they consider expedient.

45. (2) Subject to the provisions of Sections 46 and 61 of the Act an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

45. (3) Where an authority submit an Order to the Secretary of State for his confirmation under this section, the authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

45 (5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under subsection (2) of this section.

Unopposed
revocation
of modifi-
cation of
consent

46. (1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such order") under Section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

46. (2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

46. (3) The authority shall also serve notices to the same effect on the persons mentioned in subsection (1) above.

46. (4) The authority shall send a copy of any advertisement published under subsection (2) above to the Secretary of State, not more than three days after the publication.

46. (5) If within the period referred to in subsection (2)(a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in subsection (2) (b) of this section take effect by virtue of this section and without being confirmed by the Secretary of State as required by Section 45 of the Act.

46. (6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part IV or Part V of the Act.

Compensation
where
planning
permission
revoked or
modified

164. (1) Where a consent is revoked or modified by an Order under Section 45 of this Act, (other than an order which takes effect by virtue of Section 46 of the Act and without being confirmed by the Secretary of State), then if, on a claim made to the local planning authority within the time and in the manner prescribed, it is shown that a person interested in the land (a) has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification; or (b) has otherwise sustained loss or damage which is directly attributable to the renovation or modification, the authority shall pay to that person compensation in respect of that expenditure, loss or damage.

164. (2) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory thereto, shall be taken to be included in the expenditure incurred in carrying out that work.

164. (3) Subject to subsection (2) above, no compensation shall be paid in respect of any work carried out before the grant of the consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the grant of that permission.

THE MANOR ROAD KEMPSTON HARDWICK (NORTH BEDFORDSHIRE BOROUGH) TREE
PRESERVATION ORDER NO. 4 - 1976

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY
(Trees encircled in black)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Willow)	To the south of Manor Road and west of the pond in the grounds of "Silverdale"
T2	Willow)	
T3	Birch)	
T4	Weeping Ash)	
T5	Willow)	
T6	Cherry)	
T7	Willow)	
T8	Willow)	To the south of Manor Road and south of the pond in the grounds of "Silverdale"
T9	Willow)	

TREES SPECIFIED BY REFERENCE TO AN AREA
(Area defined by black dotted line)

A1	Mainly Poplar - some thorn	To the south of Manor Road adjacent to the access road from Manor Road to the Brickworks.
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GROUPS OF TREES
(Groups defined by broken black line)

G1	27 Poplars)	To the south of Manor Road immediately to the south of the pond in the grounds of "Silverdale"
G2	9 Poplars)	
G3	4 Black Poplar)	To the south of Manor Road adjacent to the access road from Manor Road to the Brickworks
G4	4 Black Poplar)	
G5	3 Robinia)	

Kempston Hardwick

107, 507
Thos R Donnelly (LS)
Mayor
J F Hayward
Director of Administration

Boobis - C.C. file no
507/541

BEDFORD DISTRICT COUNCIL DEPT. OF PLANNING & DEV'T. 37-45 GILDINGTON ROAD, BEDFORD	
17 SEP 1975	
NOTED	PLEASE FILE
CASE	FOR ACTION
DATE REPLY	
FILE REF	

BEDFORD DISTRICT COUNCIL

DEPARTMENT OF PLANNING & DEVELOPMENT

D.P.S. EDGLEY D. 1003

CHIEF PLANNING

DWG. NO. 7787/1

DATE 18.9.75

DRAWN

1/2500

A 418

6400
2.96

7/190/2/40

FILE NO. 307/54/1

Proposed Haulage Depot, MANOR ROAD, KEMPSTON HARDWICK

TREE SCHEDULE

T.1.	=	WILLOW
T.2.	=	WILLOW
T.3.	=	BIRCH
T.4.	=	WEeping ASH
T.5.	=	WILLOW
T.6.	=	CHERRY
T.7.	=	WILLOW
T.8.	=	WILLOW
T.9.	=	WILLOW

G.1.	=	27 POPLARS
G.2.	=	9 POPLARS
G.3.	=	4 BLACK POPLAR
G.4.	=	4 BLACK POPLAR
G.5.	=	3 ROBINIA

A.1.	=	MAINLY POPLAR - SOME THORN
------	---	----------------------------



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PUBLIC