



IAIN TAVENDALE F.Arbor.A.

ARBORICULTURAL CONSULTANT

Arboricultural Impact Assessment

Site;

***Proposed Residential Development, Land
Adjacent to 962 Edenfield Road, Norden,
Rochdale.***

Client;

C J Partnership.

Tree Survey and Methodology

An inspection of the site under consideration was undertaken on 19th 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 & hedgerow 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.

In respect of arboricultural issues, all trees identified exist outwith the site where, due to existing conditions, root morphology is unlikely to have extended into the site.

Two hedges were also identified, one remnant possibly being outwith the site to the western boundary, the other within the site and to the frontage – Edenfield Road, boundary.

Management of the trees and hedges, appears to have been minimal in recent times but some random pruning has occurred, possibly to clear overhead Telecom cables.

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.

It is not known at this time whether any of the trees identified are covered by a Tree Preservation Order. We would however 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.

It is not normally considered appropriate to cover hedgerows within a Tree Preservation Order. They may warrant protection under the Hedgerow Regulations but normal management is usually accepted.

Current Situation

At present, as a result of existing surfacing, access requirements etc., plus site features, the probability of any tree roots accessing the site are considered minimal.

Hedge root material may have spread across certain areas but previous site management may have had an impact upon such morphologies.

The remaining site is covered in rank grasses plus ruderals with the remains of an existing structure evident.

As previously noted, management of the trees appear very limited although proximity to the adjacent existing dwellings and access road is likely to necessitate some minor cyclical pruning to maintain acceptable clearances.

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.

There is no requirement to undertake pruning to facilitate the provision of access for construction vehicles:

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 the local environment.

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 should development proceed.

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 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 development there are – as would be reasonably expected in respect of any development or remediation of the site, potential impacts on any retained items in proximity;

BS5837 CAT	TREE No's	TOTAL
Cat – A High Quality	None	0
Cat – B Moderate Quality	None	0
Cat – C Low Quality	H1 & H2	2 hedges.
Cat – U Poor Quality	None	0

Any potential harmful impacts can however be readily mitigated 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 hedges and their probable expected root protection area when considering existing hard surfacing and constraints to root morphology.
- The provision of basic tree protection to the retained hedgerows during construction.
- Manual excavations of the proposed surfacing in proximity of the retained hedges upon completion of the main build all to establish the existence or otherwise of root material and if necessary, amendments to layouts so as to avoid any unnecessary damage or losses.
- All services, drainage routes etc. can be readily installed outwith any root protection area.

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

Effectively therefore, any potential harmful impacts upon the retained tree 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 and promote the long term integrity of the retained features, 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. They may however require the submission of a Tree Works Application and consent from the LPA.

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 and hedgerows 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 may be conditioned to any approval for development within the site. However due to the lack of trees on site and hedges to site boundaries, an Arboricultural Method Statement is not considered necessary in this instance.

If required for whatever reason, such a document as detailed in BS5837:2012 Trees in relation to design, demolition and construction - Recommendations would be appropriate to the proposals and would be expected to typically address the following issues:

- Consideration of / protection to any retained trees / hedges before any removal of surfacing or excavation commences.
- Provision of protective fencing throughout the proposed construction.
- Discussions / agreement for tree / tree root protection where construction / surfacing may encroach within theoretical root protection areas.
- Provision of construction methodology to indicate locations for site cabins, welfare units and 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 can ensure that there are neutral / negligible impacts on the retained treescape.

Proximity of Trees to Construction.

The proposals for the dwelling 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.

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

In respect of the retained hedges, being in locations where acceptable clearances have been provided between structures and the hedgerow, no conflicts would be expected. The proposed building works have been designed to take account of the existing hedges, their managed form and the effect that they may have on light availability. Gardens and sitting areas would also be expected to achieve direct sunlight for major parts of the day.

The design creates acceptably spacious, open garden environments that can be appropriately landscaped to the householder's personal requirements and would be expected to support a range of plant material.

It is not expected that any shade would be cast across garden areas during the day as the sun rotates around it's natural arc.

From the foregoing assessments it is considered that there will be neutral / negligible impacts caused to retained hedges or trees within proximity of the proposed development.

Services

No services are currently indicated as being required within the expected root protection area of the retained hedgerows.

Should new services be required for whatever reason in the proximity of the hedgerows, 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 hedgerows would be expected to be managed to create acceptable levels of safety and accessibility. As indicated, any such

actions will also promote 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 / local visual amenity.

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 be required.

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

If considered necessary, all operations can be appropriately controlled by the implementation of a detailed Arboricultural Method Statement conditioned to an approval.

The proposals have considered all arboricultural issues and will permit the construction to proceed without conflict with any retained material on, or off the site. The juxtaposition of the dwelling to the retained material will also ensure that the need for regular pruning regimes will be avoided, attractive environments can be maintained and nuisances avoided.

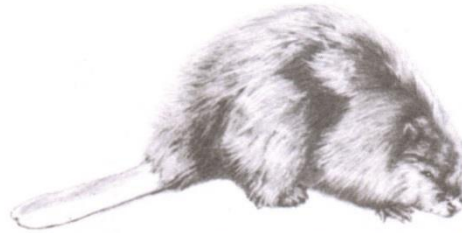
No services are required to be connected and / or installed that would impact upon the retained material. Should it be necessary for any reason, services could be installed using accepted techniques that avoid damage or disturbance to rooting environments.

It is evident from the submissions that the development seeks to create safe, attractive and useable environments, thereby ensuring that retained material is positively / pro-actively managed thereby providing a positive contribution to the environment and assisting in controlling air pollution. The new garden environments will also be managed to provide a wide range of plants and habitat to improve biodiversity including habitat for wildlife.

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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SURVEY DETAILS FOR TREES ON LAND ADJACENT TO 962 EDENFIELD ROAD, NORDEN.

Issued to; C J Partnership

Survey undertaken 19th January 2024.

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

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	Ash	14	590	N E S W	9.1 8.5 8.8 9.1	9		M	F	Off site to far side of compacted access drive. Stem trifurcates at ground level. Reasonable vitality Minor dead wood, old branch stumps and crossing / rubbing branches all typical of species. No evidence of Ash dieback (<i>Hymenoscyphus fraxineus</i>) at this time.	No action at present.. Monitor.	20	B2	157.50	7.08
T2	Ash	6.5	300	N E S W	2 1.8 4.2 3	2.5		EM	P	Off site. Poor stunted specimen heavily and badly topped to avoid conflict with Telecom cables. Has been topped in past generating tight forks with included bark unions and decay. Very close to boundary retaining wall and early displacement evident. Tree situated on retained land approx. 1m higher than site. Minimal value and potential.	Lightly crown lift over site to facilitate access and grounds maintenance.	0-10	U	40.72	3.6
T3	Hawthorn	6	175	N E S W	2.8 3 3.2 3.1	1.8	1S	M	F	Reasonable vitality Minor dead wood, old branch stumps and crossing / rubbing branches all typical of species. Tangled canopy as normal with species. Situated off site on retained ground above site level as per T2.	Lightly crown lift over site to facilitate access and grounds maintenance.	10+	C2	13.86	2.1
T4	Goat Willow	3.5	350	N E S W	0 0 0 0			M	F	Off site to rear of brick boundary wall. 3.5m high stump with no branch work. Relatively recently cut, presumably to avoid conflict with Telecom cable and adjacent driveway.	No action at present.. Monitor.	0-10	U	55.42	4.2

H1	Hawthorn + small Holly	7	350	N E S W	4.2 over site.	1.5		M	F	Remnant hedgerow feature. Reasonable vitality Minor dead wood, old branch stumps and crossing / rubbing branches all typical of species. Unmanaged, readily reclaimable and would be expected to be managed on boundary of any property to permit access, secure boundary and enable regular management.	Reduce back to manageable dimensions to create formal boundary feature and permit construction of new fencing. Maintain in clipped form.	10+	C2	55.42	4.2
H2	Hawthorn	4.5	200	N E S W	3	0		M	F	Unmanaged boundary feature. Reasonable vitality Minor dead wood, old branch stumps and crossing / rubbing branches all typical of species. Readily reclaimable to create secure and attractive feature.	Reduce back to manageable dimensions to create formal boundary feature. Replant where necessary to create continuous feature for amenity.	10+	C2	18.10	2.4
G1	Amelanchier(?) + Cypress	3.5	100	N E S W	1.5	1.5		Y	F	Off site. Small shrub group to side of access road.	No action at present.. Monitor.	10	C2	4.52	1.2

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 Consultants 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.

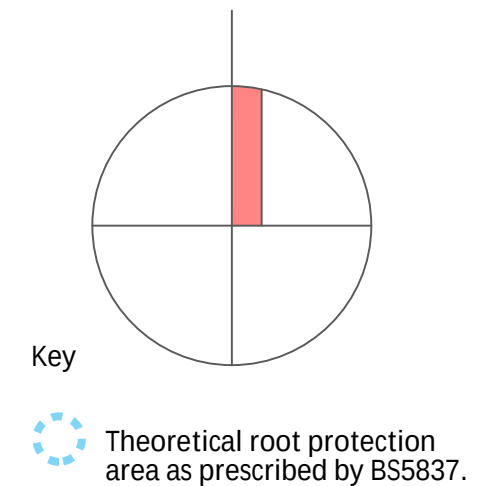
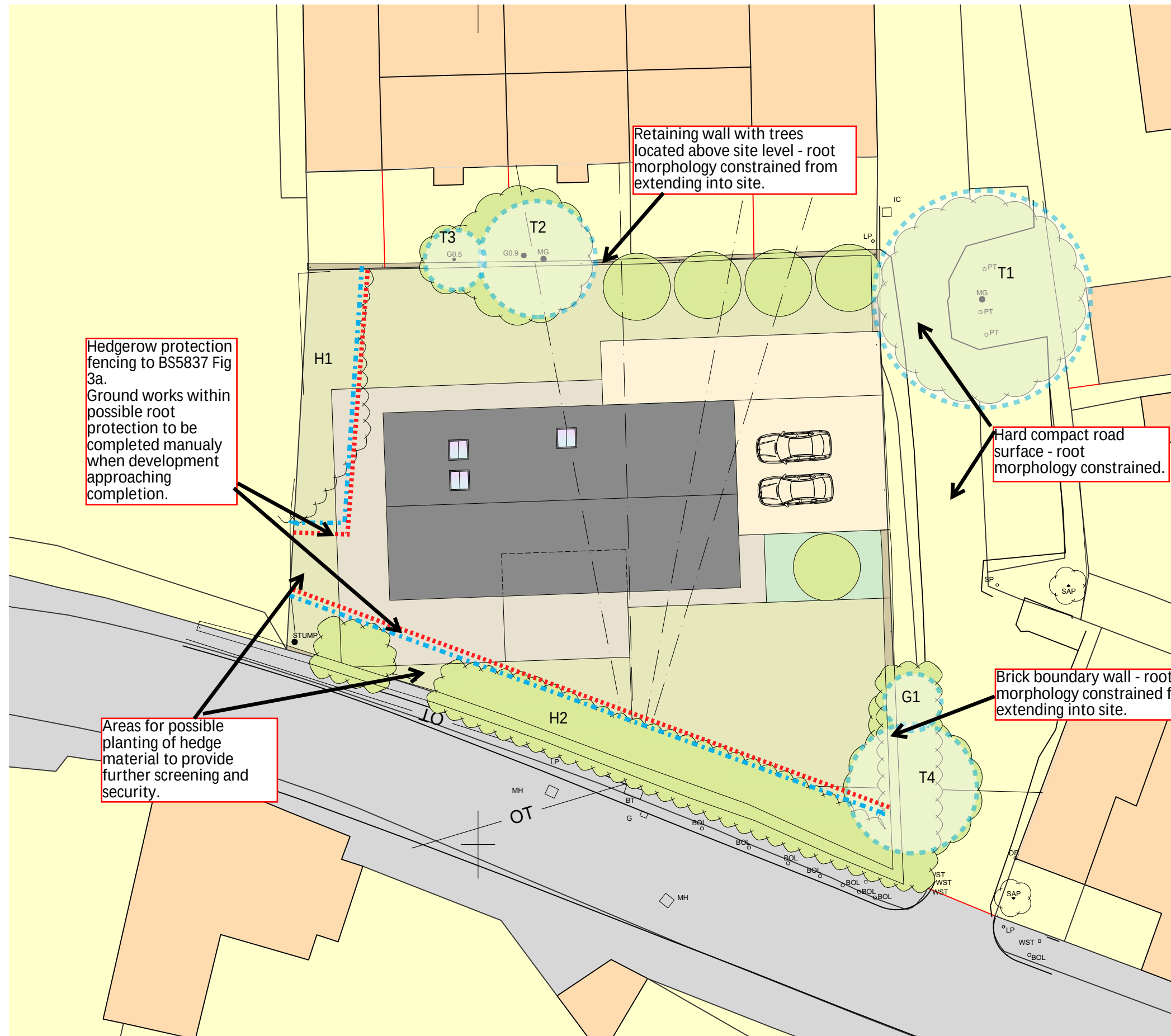
If this clause applies then without prejudice to any other right or remedy available to the Consultant, the Consultant shall be entitled to cancel the Contract or suspend any further provision of Services under the Contract without any liability to the Employer, and if the services have been completed 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.

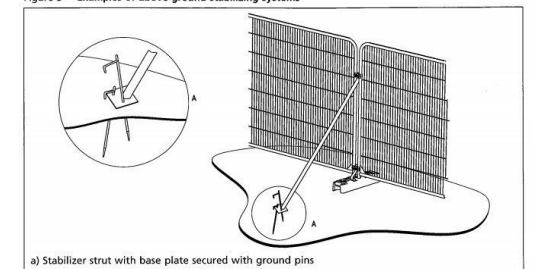
13. GENERAL

- 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.



BS5837

Figure 3 Examples of above-ground stabilizing systems



Fencing Signage.



Tree Protection Plan

to be read in conjunction with
Arboricultural Impact Assessment.

January 2024.

Iain Tavendale F.Arbor.A.

Helen Jackson
Land adjacent to 962
Edenfield Road
Norden
Rochdale

Site Plan as Proposed

work to figured dimensions

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drawing no

12

date

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Planning

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A.

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