

**St Julie's Catholic High School**

**Arboricultural Report**

**November 2014**

ACS Consulting is a UK industry leader in arboriculture. We offer a range of services involving trees, woodlands and forestry in the built and rural environment:

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### Document Revision Record

Issue No	Date	Details of Revisions
1	November 2014	Original Issue

## 1.0 INTRODUCTION

**1.01** A. C. S. Consulting is instructed by Kier Group PLC to report on trees within woodland and the potential for development at St Julie's Catholic High School, Woolton. The assessment and report was undertaken by Ian Murat, Registered Consultant of the Arboricultural Association.

**1.02** The assessment identifies trees and discusses their suitability to be retained on the site.

The survey identifies:

- Trees that are undesirable to be retained because of structural or other defects.
- Trees that can be retained with an acceptable level of risk and the measures that are required to ensure their long term retention.

**1.03** The site was visited during November 2014 and a survey of the woodland was completed in accordance with BS 5837 – 2012 Section 4.4.2.3. Section 4.4.2.3 States:

*"Trees growing as groups or woodland should be identified and assessed as such where the arboriculturist determines that this is appropriate. However, an assessment of individuals within any group should still be undertaken if there is a need to differentiate between them, e.g. in order to highlight significant variation in attributes (including physiological or structural condition)." [sic]*

**1.04** Under the UK planning system, local authorities have a statutory duty to consider the protection and planting of trees when granting planning permission for proposed development. The potential effect of development on trees, whether statutorily protected or not, is a material consideration that is taken into account in dealing with planning applications. The report contains information regarding the trees and the protection requirements of those trees considered desirable or highly desirable to be retained.

- 1.05** The report is compliant with Table B.1 - Pre-application. It is an aid to developing the site with trees. It may not be considered suitable to be submitted as part of a full application for planning permission by some Local Planning Authorities.
- 1.06** All the trees have been summarised in the tables in Appendix 1 and are to be read in conjunction with the Arboricultural Constraints Plan No.3143\_101.

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## **2.0 BACKGROUND**

### **The Site**

- 2.01** The site comprises a rectangular shaped parcel of land located within the woodland that is part of the wider Woolton Woods but is within the ownership of St Julie's Catholic High School. The site is listed in the National Inventory of Woodland and is classified as a Deciduous Woodland BAP Priority Habitat<sup>1</sup>. In terms of age, The Lancashire Sheet CXIV Surveyed: 1845 to 1846 Published: 1849 shows woodland/trees on the site. This suggests the woodland or some of the trees at the site may be at least 170 years of age. Using the Forestry Commission's Estimating the age of Large and Veteran Trees in Britain document, the age of some of the larger trees in the survey sector is estimated at 282 to 240 years giving planting dates of c1732 and c1774.

### **Statutory Protection/Planning Policies**

- 2.02** The application is subject to the saved Planning Policies of Liverpool City Council. The site is located within the Woolton Village Conservation Area. The woodland is the subject of the Woolton Hall and Notre Dame Convent, Speke Road (25) Tree Preservation Order 1980. The TPO is an Area Order. In simple terms, this means that all those trees that were growing at the time the Order was made are protected by the Order. Anything that was planted or grew after is not. The Order was made in 1980.

Trees in a Conservation Area that are not protected by an Order are protected by the provisions in Section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the Local Planning Authority, using a 'section 211 notice', six weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the six week period if the Local Planning Authority gives consent. This notice period gives the Authority an opportunity to consider whether to make an Order on the trees.

The trees may be subject of the National Planning Policy Framework. This document is concerned with ancient woodland and Veteran Trees. These features may appear at this site.

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<sup>1</sup> <http://magic.defra.gov.uk/MagicMap.aspx>

### 3.0 TREE SURVEY

**3.01** I have identified a 28 m x 138 m section of woodland to the rear of the school site. An Arboricultural Plan (3143\_101) has been produced.

**3.02** The woodland was surveyed for *species type, age, height and condition*. Where appropriate, individuals of note have been individually surveyed and their details recorded on the Tree Tables at Appendix 1. The woodland, due to the small area of survey, was sampled as whole rather than as small plots due to the little variation in field and ground layers.

Each tree has been assessed using the BS 5837 2012 category ratings (a copy can be found in Appendix 1).

**3.03** Due to the time of year, classification with The National Vegetation Classification field guide to woodland suggests the woodland might be W12 *Fagus sylvatica* – *Mercurialis perennis* woodland. A woodland characterised by: *"Beech is dominant throughout the community. Ash and sycamore are often present, often readily colonizing gaps. Pedunculate oak may occur but does not persist under deep shade. Whitebeam and yew are characteristic of the community, either as relicts of an early successional stand or persisting in areas where beech is not too tall. Yew is shade tolerant and may persist as a shrub layer. Apart from this, the shrub layer is usually sparse, although a wide range of species may occur, including patches of hazel, hawthorn, field maple or holly. Small gaps in the beech canopy may be dominated by ash, oak or sycamore but are often best treated as part of the beech community"*<sup>2</sup>. However, many indicator species are not growing to give a definitive classification.

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<sup>2</sup> National Vegetation Classification: Field guide to woodland Joint Nature Conservation Committee  
ISBN 1 86107 554 5



**3.04** The woodland is primarily a beech (*Fagus sylvatica*) woodland with characteristic features of such – little understorey and a dense leaf litter ground layer. There are other specimens of note including good examples of mature horse-chestnut (*Aesculus Spp*), lime (*Tilia Spp*) and sycamore (*Acer pseudoplatanus*). There are small areas of self-set sycamore colonising a small northern section. There is some rhododendron (*Rhododendron Spp*), holly (*Ilex aquifolium*), pole stage development of sycamore and beech and occasional yew (*Taxus baccatta*). The ground layer is dense beech leaf litter beneath the beech canopy with no natural succession. Beech leaf litter is allopathic, combined with the dense canopy restricting light, little develops. In areas where the canopy is not as dense there is some blackberry (*Rubus spp*), Rhododendron, holly and, yew as the shrub layer. There are some dead wood piles as well as small fallen trees. There is some minor tipping and anthropogenic activity though no significant activity to the detriment of the wooded area. There is no evidence of den making, fires, rope swings and the like, typically associated with woods close to residential centres.



*General View in the woodland*



*General View in the woodland*



*General View in the woodland*





*General View in the woodland*

- 3.05** The beech is generally in the range of 30 metres in height with stem diameters of 645 – 1500 mm. and considered to be mature/fully mature in age. The majority of the trees are healthy with well-formed canopies exhibiting good bud and twig distribution. There is some dead wood due to natural branch suppression – an entirely natural feature in a wood. Upper canopies have some storm damage though the majority of the survey area is sheltered from the prevailing wind by the remainder of Woolton Woods. There is no significant numbers of tree failure, death or other indicators that suggest the woodland is in decline. One tree, 4710, has failed recently. The tree was twin stemmed with the union of the stem being included with bark being trapped. This is a common feature in beech. The collapsed limb now adds to the volume of fallen dead wood which is important in the woodland ecosystem and should be preserved.
- Tree 4714 has fruiting bodies of *Ganoderma* in various life stages. *Ganoderma* is a butt rot that, in time, leads to the death of the tree and makes it susceptible to wind throw. The tree could be managed as a monolith/wildlife feature increasing the availability of standing dead wood.



*Partly failed beech 4710*



*beech 4714 with Ganoderma*

- 3.06** Other specimens of note include a horse-chestnut. The tree suffers from a very minor infection of *Pseudomonas* and appears to suffer from Horse Chestnut Leaf Miner - *Cameraria ohridellale* and *Guignardia* leaf blotch. None of these diseases affect the structural integrity of the tree and justify its felling. There is no evidence to suggest the tree is at risk of falling.

Despite the poor appearance of horse-chestnut trees infested with *C. ohridella*, there is no evidence that damage by the moth leads to a decline in tree health, the development of dieback, or tree death. Trees survive repeated infestations and re-flush normally in the following year. With regards to *Pseudomonas*, unless there is an immediate concern about safety, trees with light to moderate bleeding and vigorous crowns can be left in place and monitored. Recovery may be possible and removal of trees which are still relatively vigorous (although diseased) may be premature. One of the most common diseases is *Guignardia* leaf blotch (caused by the fungus *Guignardia aesculi*). The disease is recognisable by the reddish or dull brown, irregular blotches that are often concentrated at the tips and margins of infected leaflets. The blotches are often outlined by a conspicuous yellow band. Occasionally, horse-chestnuts are seen with leaflets that are browned around the edges but without the yellow margin. The agent that causes this condition, known as marginal leaf browning, is unknown but it has been suggested that 'xylem limited' bacteria may be involved.

- 3.07** Tree 4724 (lime) is located outside the woodland adjacent to the car park. The tree has a significant cavity. The residual cavity walls are within the parameters currently considered suitable for trees to be retained with significant crown reduction. Thus, the tree is to be felled under a separate TPO application to the council. A replacement has been suggested.

## **4.0 DEVELOPMENT ASPECTS**

- 4.01** The Arboricultural Plan (3143\_101) identifies tree quality and corresponding gross Root Protection Areas (RPA).
- 4.02** Development should be located outside the RPA. Development should seek to retain and integrate trees identified as category A or B. Category C and U may be retained where they pose no constraint on development. Off-site trees should also be considered. Where trees cannot be retained, often appropriate mitigation measures can off-set the loss of the tree(s).
- 4.03** There are no opportunities to develop the site. The woodland is a significant feature and currently in good health with well-developed field layers and trees exhibiting natural woodland features. The woodland has a well-defined structure. Removal of trees to facilitate development would be harmful to the treed appearance of the Conservation Area, conflict with the aims of the well-established TPO and conflict with the tree planning policies of Liverpool City Council. Tree felling would conflict with the council's statutory duty to retain and protect trees. There are no opportunities to allow re-planting in mitigation. Any proposed planting would not mitigate the loss of established mature broadleaved woodland identified in the National Inventory of Woodland and which is classified as a Deciduous Woodland BAP Priority Habitat. The loss of trees within the identified survey area has implications for trees just beyond the boundary making them susceptible to premature collapse through the loss of companion specimens as well as loss through root severance as a result of level changes needed to facilitate the development.



## **5.0 CONCLUSIONS**

- 5.01** The site comprises a rectangular shaped parcel of woodland. The site is part of the wider Woolton Woods site. The woodland contains a high number of significant specimen trees that are considered highly desirable to retain which add to and enhance the treed character of the locale. The woodland is the subject of a Tree Preservation Order and located in a Conservation Area. The trees may be subject of the National Planning Policy Framework. The site is identified as a Deciduous Woodland BAP Priority Habitat and the site is listed in the National Inventory of Woodland.
- 5.02** An assessment of age suggests some of the trees may have been planted in the 1700s. The Lancashire Sheet CXIV Surveyed: 1845 to 1846 Published: 1849 shows woodland/trees on the site.
- 5.03** There are no opportunities to develop the site. The woodland is a significant feature and currently in good health with well-developed field layers and trees exhibiting natural woodland features. The woodland has a well-defined structure. Removal of trees to facilitate development would be harmful to the integrity of the overall woodland, the treed character of the conservation area, conflict with the aims of the well-established TPO and conflict with the tree planning policies and statutory duties of Liverpool City Council.

**I Murat M.Sc., F.Arbor.A, CEnv, MCIEEM**  
**ACS Consulting**  
**November 2014**

# Appendix 1

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**Key**

**BS5837: 2012**

**Tree Tables**



## KEY

Age	<p>Y – Young: Out-planted trees that have not yet established</p> <p>SM – Semi-mature: Established trees up to 1/3 of expected height and crown</p> <p>EM – Early mature: Between 1/3 and 2/3 of expected height and crown</p> <p>M – Mature: Between 2/3 and full expected height and crown</p> <p>FM – Fully mature: Full expected height and crown</p> <p>OM – Over mature: Crown beginning to break-up and decrease in size</p> <p>S – Senescent: Crown in advanced stage of break-up</p>
Physiological Condition	<p>Good – Very few defects a reasonable long life expectancy depending on age class</p> <p>Adequate – Some defects giving the tree a shortened life expectancy</p> <p>Poor – Limited life with major problems</p>
Structural Condition	<p>Good – Very few defects</p> <p>Adequate – Some defects rectifiable with minor tree surgery</p> <p>Poor – Significant defects only rectifiable with major tree surgery or felling</p>

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)				
<b>Category U</b>  Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.	<ul style="list-style-type: none"><li>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 U category trees (i.e. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning).</li><li>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline.</li><li>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.</li></ul> <p><i>NOTE Category U trees can have existing or potential conservation value which might be desirable to preserve; see 4.5.7</i></p>			RED
	1 Mainly arboricultural qualities	2 Mainly landscape qualities	3 Mainly cultural values, including conservation.	
Trees to be considered for retention				
<b>Category A</b>  <b>Trees of high quality</b> 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 essential components of groups, or of formal or semi-formal arboricultural features (e.g. the dormant 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)	GREEN
<b>Category B</b>  <b>Tress of moderate quality</b> 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.	BLUE
<b>Category C</b>  <b>Tress of low quality</b> 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 benefits	GREY

Tree Ref No.	Species	Height M	Stem Diameter MM	Branch Spread M	Height of Crown Clearance M	Clear Branch Height M	Age Class	Physiological Condition	Structural Condition	Preliminary Management Recommendations/ Comments	Estimated Remaining Contribution Years	Category Grading
	Woodland	<30	-	N - E - S - W -	-	-	SM/FM	Good	Good/adequate	Broadleaved woodland. Mature upper canopy of beech and sycamore. Mid canopy of sycamore. Occasional birch. Lower shrub layer of holly with occasional yew, pole stage beech. Distinctive clump to western boundary of early mature sycamore. Tall, drawn specimens with some ivy. Moving towards the centre of the site there are more mature beech, individual specimens with vase-shaped canopies, influencing each other in development.	40+	A1/2
4710	Beech	30	1200	N - E - S - W -	-	-	FM	Good	Adequate /poor	Formally twin stemmed at approximately 5m, the northern stem has failed recently and collapsed into a clump of sycamores – natural event within a woodland.	20+	C1/2
4711	Oak	30	500	N 3 E 3 S 3 W 3	-	-	M	Good	Good	Tall, vase shaped canopy with ivy. Slight lean to north. Influenced in development by surrounding sycamore specimens. Good specimen.	40+	A1/2

Tree Ref No.	Species	Height M	Stem Diameter MM	Branch Spread M	Height of Crown Clearance M	Clear Branch Height M	Age Class	Physiological Condition	Structural Condition	Preliminary Management Recommendations/ Comments	Estimated Remaining Contribution Years	Category Grading
4712	Sycamore	30	800	N - E - S - W -	-	-	FM	Good	Adequate	Twin stemmed. Partly defective stem union. Leans west.	20+	B1/2
4713	Beech	30+	880	N - E - S - W -	-	-		Good	Good	Located on edge of woodland. Canopy bias to edge of woodland. Significant specimen.	40+	A1/2
4714	Beech	30+	1,025	N - E - S - W -	-	-		Adequate/ Poor	Good	Old fruiting body of Ganoderma at soil/bole interface to the south with a fresh bracket above and another bracket to the north. Retainable in long term as a wildlife feature.	10+	A3
4715	Beech	30+	1,180	N - E - S - W -	-	-		Good	Good	Significant specimen within the woodland.	40+	A1/2
4716	Beech	30	790	N - E - S - W -	-	-		Good	Good	Significant specimen within the woodland.	40+	A1/2
4717	Beech	30+	860	N - E - S - W -	-	-		Good	Good	Natural lean. A tree of high quality and value.	40+	A1/2

Tree Ref No.	Species	Height M	Stem Diameter MM	Branch Spread M	Height of Crown Clearance M	Clear Branch Height M	Age Class	Physiological Condition	Structural Condition	Preliminary Management Recommendations/ Comments	Estimated Remaining Contribution Years	Category Grading
4718	Beech	30	860	N - E - S - W -	-	-		Good	Good	Slightly twisted – entirely natural. A tree of high quality and value.	40+	A1/2
4719	Beech	30	900	N - E - S - W -	-	-	FM	Good	Good	Animal digging to the north east. Significant specimen within the woodland.	40+	A1/2
4720	Beech	30	900	N - E - S - W -	-	-	M	Good	Good	Significant specimen within the woodland. Slight lean – natural.	40+	A1/2
4721	Horse-chestnut	30+	700	N - E - S - W -	-	-		Good	Good	Very minor pseudomonas on maturing epicormic growth and at ground level. Storm damage in upper canopy. Spot on the leaves.	20+	B1/2
4722	Beech	30+	645	N - E - S - W -	-	-		Good	Good	Slight lean – natural. Tall, drawn specimen.	40+	A1/2
4723	Beech	30+	975	N - E - S - W -	-	-	FM	Good	Good	A tree of high quality and value.	40+	A1/2

Tree Ref No.	Species	Height M	Stem Diameter MM	Branch Spread M	Height of Crown Clearance M	Clear Branch Height M	Age Class	Physiological Condition	Structural Condition	Preliminary Management Recommendations/ Comments	Estimated Remaining Contribution Years	Category Grading
4724	Lime	30	785	N - E - S - W -	-	-	FM	Adequate	Adequate	Located on edge of car park. Toadstools on bark and around tree. Large cavity. Fell due to location next to cars.	<10	U

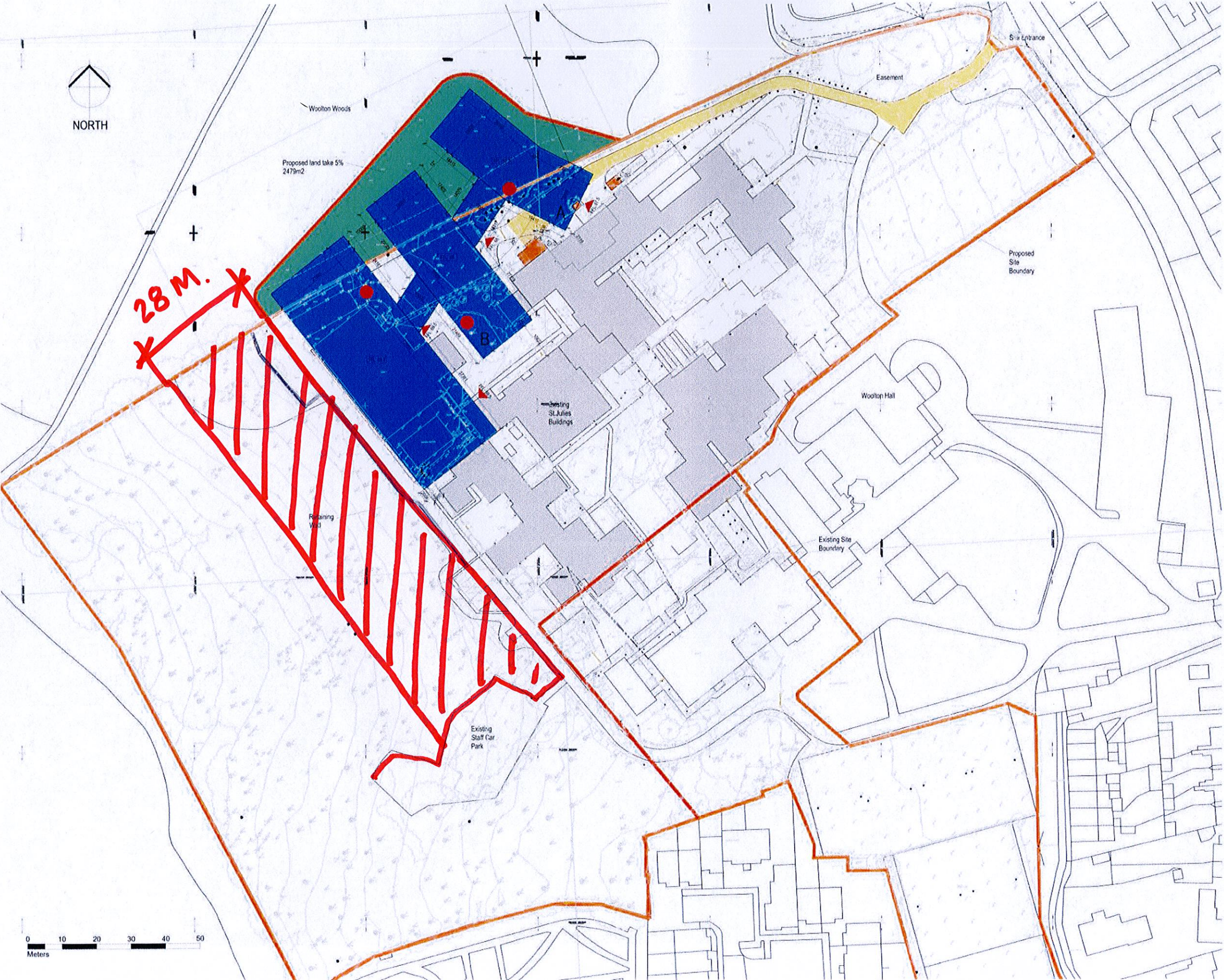
# Appendix 2

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### Literature





**Constraints key:**

- Existing buildings
- Existing services & housings
- Existing site boundary
- Proposed site boundary
- Retaining wall
- Existing easement
- Proposed Woolton Woods green space land take
- Proposed Building



TOWN AND COUNTRY PLANNING ACT 1971

THE CITY COUNCIL OF LIVERPOOL  
(WOOLTON HALL AND NOTRE DAME CONVENT, SPEKE ROAD (25))  
TREE PRESERVATION ORDER 1980

The Council of the City of Liverpool, 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 Amenities Act 1974, (as amended by Section 10(1) of the Town and Country Planning 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 and 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 must be made not to the authority for consent under this Order but to the Forestry Commissioners for a licence under that Act (see Forestry Act 1967, section 15(5)).

4. - (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 provisions 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 acre (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 or the drainage board, 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 preceding 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 (Interim Development) Act 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act 1932, and
- (b) any injurious affection to any land of the Owner which would result from the felling of the trees the subject of the claim.

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 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 20th June, 1980.

(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 £1,000 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 as 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 City Council of Liverpool (Woolton Hall and Notre Dame Convent, Speke Road (25)) Tree Preservation Order 19 80.

Town and Country Planning Act, 1971.  
City of Liverpool.  
Woolton Hall and Notre Dame Convent,  
Speke Road, (25).  
Tree Preservation Order, 1980.

First Schedule

Trees Specified Individually

<u>No. on map</u>	<u>Description</u>	<u>Situation</u>
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None.

Trees specified by reference to an area (within a dotted black line on the map)

<u>No. on map</u>	<u>Description</u>	<u>Situation</u>
-------------------	--------------------	------------------

A1

The several trees of  
whatever species standing  
on the land marked A1 on the  
map.

Within the grounds of  
Woolton Hall and Notre  
Dame Convent.

Groups of trees

<u>No. on map</u>	<u>Description</u>	<u>Situation</u>
-------------------	--------------------	------------------

None.

Woodlands

None.

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 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, uprooting, 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 is operational land as defined by the Post Office Operational Land Regulations (S.I. 1973/310) 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 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 Electricity Lighting Act 1882 or interferes or would interfere with the maintenance or working of any such line;

- (iii) a water 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 water authority, drainage board or council, in relation to the maintenance improvement or construction of watercourses or drainage works; or
  - (iv) the Secretary of State for Defence, the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Minister or Department the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;
- (c) where immediately required for the purpose 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 purpose 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 Town and Country Planning Act 1971 requires unless on the application of the owner the local authority dispense with the requirement, that any tree removed, uprooted, or destroyed in contravention of this Order or under an authorisation under Section 60 (6) of the Town and Country Planning Act 1971 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 a 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 insofar as the consent otherwise provides) ensure for the benefit of the land and of all persons for the time being interested therein.

## REFERENCE OF APPLICATIONS TO THE SECRETARY OF STATE

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 period 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 reverse or vary any part of the decision of the authority, whether the appeal relates to that 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 instant.

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 of modification of consent shall not affect so much of those operations as has been previously carried out.

#### UNOPPOSED REVOCATION OR MODIFICATION

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 an Order to the Secretary of State for confirmation by him and the owner and 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.

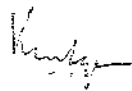
46. - (3) The authority shall also serve notices to the same effect on the persons mentioned in sub-section (1) above.

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

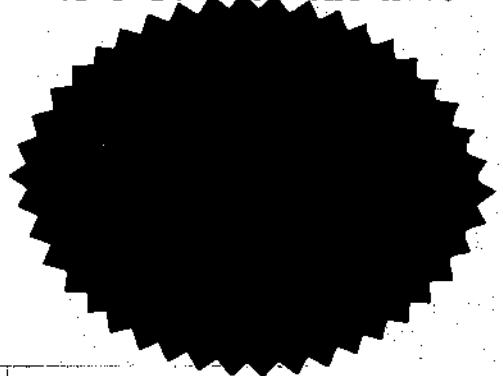
46. - (5) If within the period referred to in sub-section (2) (a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in sub-section (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.

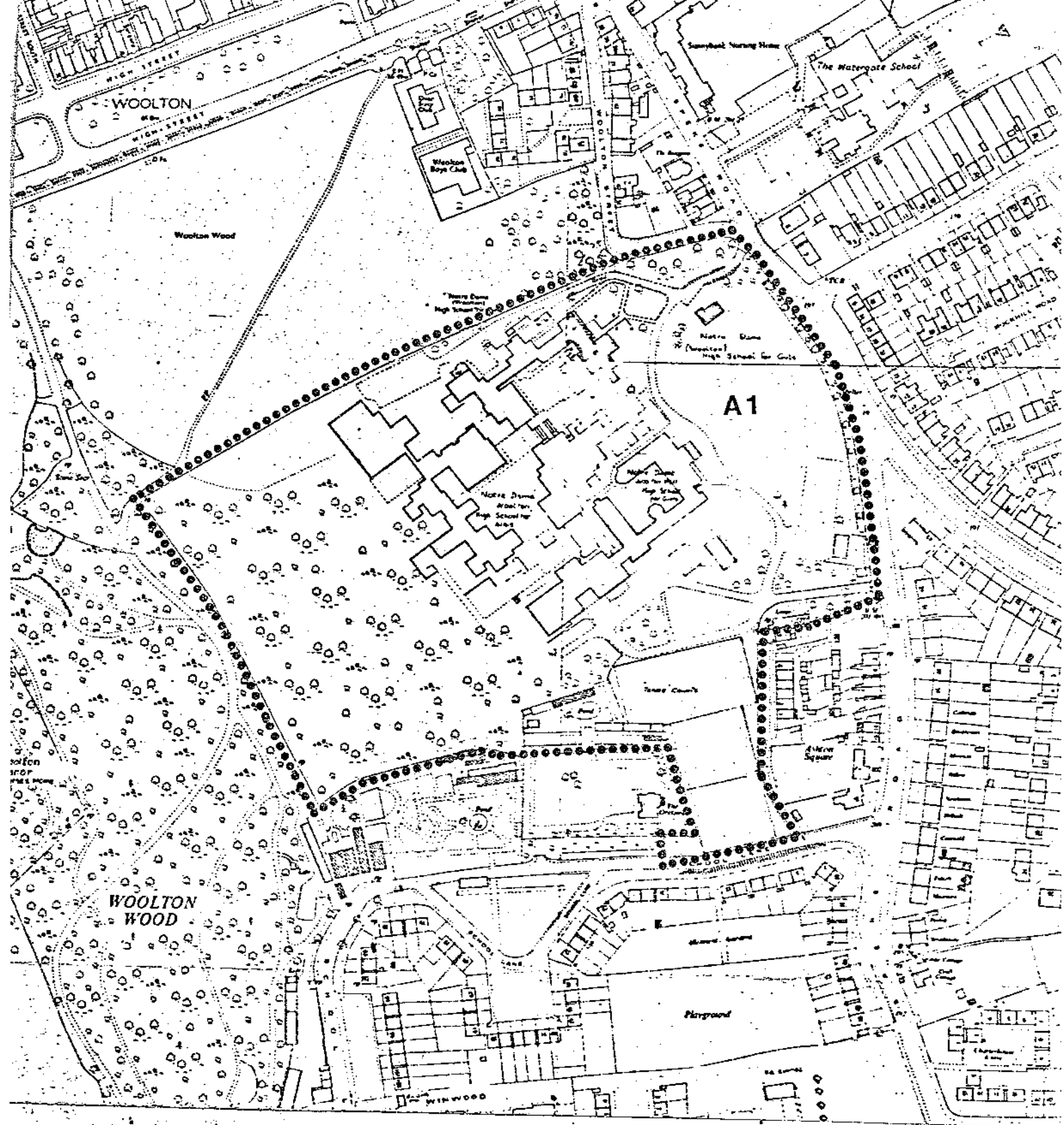
46. - (6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part IV or Part V of the Act.

GIVEN under the COMMON SEAL of  
the COUNCIL OF THE CITY OF  
LIVERPOOL this 20th day  
of June 1980.



K. M. EGAN  
CITY SOLICITOR, SECRETARY TO THE COUNCIL





**Town & Country Planning Act 1971  
City of Liverpool**

Woolton Hall & Notre Dame Convent,  
Speke Road (25)

**Tree Preservation Order 1980**

Author BHU  
Division Admin

Drawing No. 182

Date May 1980

Map Reference No. 425863

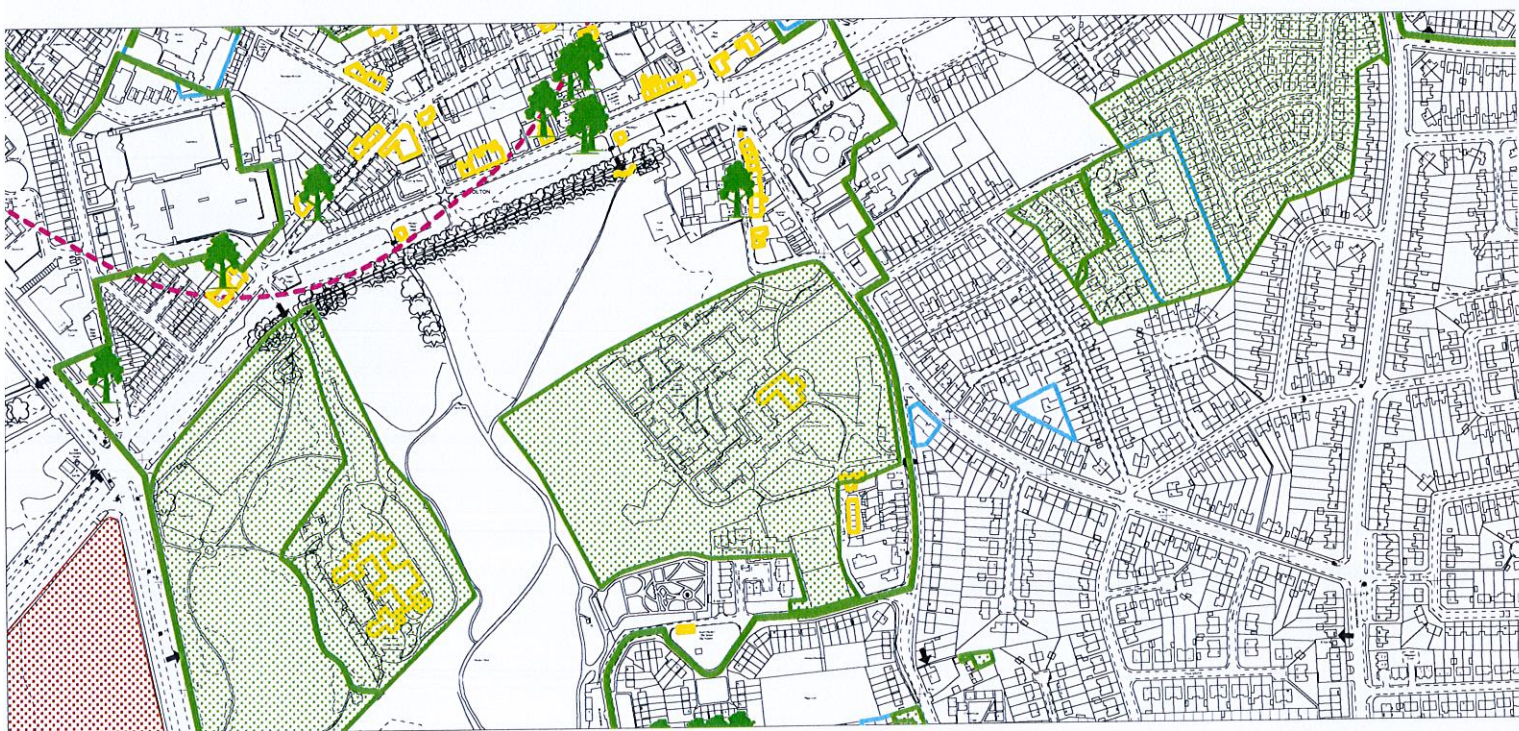
Scale 1:2500

ESP EVANS DipTP FRTP City Planning Officer

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