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19th August 2022

Dear Helen

Proposed improvement of Rearsby Road / Syston Road (Barkby Road) Junction

Following a review of comments provided by Leicestershire County Council, dated 4th August 2022 please find within this letter my comments to address critical points raised. Below are the points raised by LCC (in italics) along with a comment to address each one (in bold).

The LHA have reviewed drawing no. ADC1659-DR-002 Rev P3 and have the following comments.

The proposed widening scheme would require the removal of two Leicestershire County Council (LCC) managed sycamore trees. These trees are noted as T1 and T2 on the FPCR tree report provided in support of P/20/2380/2. Removal of the two trees would be to the benefit of the Applicant but to the detriment of local amenity and ecological values as well as Leicestershire County Council's (LCC) asset portfolio. It would therefore be reasonable for the Applicant to provide suitable remuneration for the loss of the two sycamore trees.

The Applicant has categorised the trees as being of low quality in accordance with BS 5837. However, attached is an assessment of the two trees using Capital Asset Value for Amenity Trees (CAVAT), the two sycamore have a combined amenity value in excess of £27,000.00. LCC do not fully agree with the, 'tree of low quality', category attributed by the Applicant (BS 5937), however would agree that the trees are not 'prime quality' specimens. As such LCC may choose to defer recovery of CAVAT for the two sycamore in favour of a contribution by the Applicant to the planting of new trees in the highway, as follows:

- **A replacement rate of three for one will be accepted.**
- **New trees will be located within LCC's existing highway network in the local area.**
- **New trees will be purchased, planted and maintained by LCC through the contribution by the Applicant.**
- **A new tree will cost £450.00 to purchase and plant, including a 3 year maintenance program (watering, weeding etc.).**
- **If the two sycamore are removed, LCC would therefore require six new trees, with a total contribution of £2,700.00 from the Applicant.**

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Despite the low quality classification, the calculated CAVAT value is not disputed and it is agreed that the loss of the trees would be a loss to the LCC asset portfolio. The proposal of replacement planting of a rate of three for one is welcomed through the monetary contribution of £2,700.00.

The proposed widening scheme would encompass the existing footpath and encroach into the highway verge. The AIA clearly shows that construction activity will be required within tree root protection zones. The protection zones cover both the soft verge (where a majority of roots are likely located) and the footpath of Rearsby Road. The Applicant has reasonably assumed that the hardstanding/footpath has created a physical barrier to tree roots.

Notwithstanding this, experience of highway trees would suggest that whilst roots may not be in the footpath construction (top 300mm soil) it is probable that roots from trees of this size will be found below footpath construction depths. The proposed carriageway widening looks to utilise the path. Excavation to a depth suitable for carriageway construction will therefore be required and this is likely to cause damage to tree roots below existing footpath construction depths. Further encroachment into the verge will cause more damage to tree roots.

Therefore, LCC welcomes the statement from the Applicant to provide an arboricultural clerk of works. LCC would also recommend that a member of LCC's Forestry & Arboriculture Group be present during construction activity.

The presence of a member from LCC is acceptable and has been included within the Arboricultural Method Statement.

It is recommended that excavation within the root protection zones be carried out using an air-spade and not hand digging or machinery. This will allow opportunity to uncover existing roots and prune using hand tools.

Should the work be carried out without the presence or knowledge of LCC's Forestry & Arboriculture Group then formal investigation into potential damage will be carried out. LCC will reserve the right to seek full compensation based on CAVAT for loss of trees through construction damage.

The Arboricultural Method Statement has been amended to reflect this comment. The use of an air spade and or vacuum excavation will be used to expose rooting material within the existing grass verge. This will then be treated accordingly by the Arboricultural Clerk of Works under the presence of a member of LCC.

Recommendation has been made in the AIA to remove a common lime (T12 in the report). This is based on the tree's apparent declining health and proximity to the proposed construction. However, removal of the tree is not required to facilitate construction. The tree is part of an avenue feature and is clearly evident as a mature tree in aerial images from 1969/70 (see attached). LCC would disagree with the tree's removal as it will break up the continuity of the avenue and is not required to facilitate construction.

Attached is the CAVAT assessment for T12, which has a value in excess of £14,000.00. Providing that construction activity is carried out in accordance with the AIA and AMS, LCC can see no reasonable need to remove T12, although some judicious pruning after construction is completed would be warranted.

LCC strongly request that plans submitted be changed to show that T12 is to be retained and not removed. Alternatively, the Applicant must provide suitable remuneration in the form of the tree's full CAVAT (£14,000.00).

It is still recommended that T12 is removed however it is agreed that the loss would break up the avenue. The retention of T12 is possible with future monitoring and pruning works post development. The plans which accompany the report have been amended to reflect this.

Proposals have been made to install a footpath between the LCC managed trees (T5 & T6 on the AIA report). The proposed design utilises a 'no-dig' technology for creation of the path, which LCC forestry would fully support the use of. Whilst a no-dig construction is not considered ideal on the grounds of future maintenance/longevity in highway terms, in this case the LHA would not rule it out subject to the submission and agreement of suitable construction details at the planning stage. The LHA would also expect for a commuted sum to be charged to the developer if the no-dig constructed footpath was to be adopted, to cover any potential replacements/maintenance over the 60 year period.

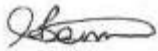
It is clear that a standard footpath construction at the above location would be highly detrimental to trees and tree roots, so if it is not possible to adopt the proposed path, it would be necessary to have either no path or create a link path elsewhere on Rearsby Road.

The construction of this small section of footpath using a 'no dig' technique is considered acceptable from an Arboricultural perspective. The requirement of the footpath link is to be confirmed by the relevant parties and whether an alternative link is possible. If a commuted sum is to be provided then this will be agreed between the developer and the LHA.

The AIA clearly states the purpose and need for tree protective fencing before and during construction. The Applicant has clearly identified the location of protective fencing, specification and method of installation.

- *If the scheme is approved then it is imperative that adequate protective fencing is installed, as set out in the AIA, AMS and Protection Requirements (section 7.0 of the AIA report).*
- *Fencing MUST remain in place for the duration of construction.*
- *In the event that protective fencing is not installed, is removed during construction or found not fit for purpose at any time then LCC will reserve the right to immediately cease all construction activity on the highway until any highlighted tree protection issue is investigated and rectified.*
- *LCC will seek recompense for loss of CAVAT if trees are damaged during construction of the road or footpath.*

Yours sincerely



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FPCR is a corporate member of the Arboricultural Association.