Town and Country Planning Act 1990
Statement of Common Ground: Arboriculture

Appeal Reference:	APP/E3715/W/25/3373251
Local Planning Authority Reference:	R24/0111
Appellant:	St. Modwen Homes
Document Reference:	12078_SOCG.FINAL (09.01.25)
Local Planning Authority:	Rugby Borough Council
Site Address:	Land North of Rounds Gardens, Rugby
Proposal:	Redevelopment of the former football pitch and tennis courts associated with the adjacent employment use, including demolition of the existing pavilion and all other remaining structures and enclosures relating to the previous use of the site; and the erection of 115 dwellings, accesses, landscaping, parking, drainage features and associated works

Signed .....L.Davison..... **Signed** .....

Ms Lucy Davison
Rugby Borough Council
(on behalf of the LPA)

Dr Richard Curtis
Aspect Arboriculture
(on behalf of the Appellant)

1. Introduction:

1.1. Aspect Arboriculture (for the Appellant) and Rugby Borough Council (the LPA/ 'the council') have jointly prepared the following Statement of Common Ground (SOCG) with regards to arboricultural matters.

1.2. It expressly relates to the decision by the Local Planning Authority to refuse outline planning permission for the proposal and is intended to assist with the Appeal lodged by Cerda Planning on behalf of the Appellant. The purpose of this document is to provide a factual list of trees that are proposed to be removed to facilitate the development. It also confirms the number of new trees proposed to be planted.

1.3. This SOCG is drafted in the context of reason for refusal number 5 (RR5) and is supplementary to the main SOCG, also prepared by Cerda Planning. RR5 is reproduced in full overleaf.

2. Reason for refusal 5:

2.1. With emphasis added: 'The proposals include the removal of T149-164 (high quality London Plane) which is a significant group and a prominent feature within the street scene which contributes positively. This would be detrimental to the character of the area alongside the loss of a further category A tree and 12 category B trees. The proposal is therefore considered to be contrary to Policy SDC2 of the Local Plan (2019) and paragraph 136 of the National Planning Policy Framework (2024).'

3. Submitted Arboricultural Documents

3.1. The arboricultural effect of the proposals has been quantified and reported in the Arboricultural Impact Assessment (AIA) prepared by Aspect Arboriculture (12078_AIA.01). (CD2.54).

3.2. Key supporting details appended to the AIA are:

- Minutes of a Site Meeting dated Wednesday 19th June 2024, between Rugby Borough Council's Arboriculture Officer and Aspect Arboriculture (Appendix A).
- The BS5837 Tree Constraints Plan (12078 TCP 01) at Appendix B.
- The corresponding BS5837 Tree Survey Schedule (12078 TS 01) at Appendix C.
- The Tree Protection Plan (12078 TPP 01) at Appendix E.

4. Matters of Agreement:

4.1. Citing the details provided in the submitted AIA, RR5 to relates to:

- 16no. Category A Plane trees proposed to be removed. These are identified as T149-T164 inclusive on aspect drawings and listed at Table 1, Page 7 of the AIA. The plane trees are scheduled as G1 within TPO TR4.311.
- T11 Category A Lime. This is the only category A tree of another species scheduled for removal in the submitted arboricultural details, including Table 1, page 7 of the AIA. T11 is included in G3 of TPO TR4.311.

4.2. RR5 also cites 12no individual category B trees. In fact, only 10no individual category B trees are proposed for removal in the submitted arboricultural details. These are listed below:

- Category B tree removals comprise: two Cherry (T1, T132), three Himalayan Birch T4, T5 and T96), T71 Hawthorn, T114 Silver Birch, T128 Norway Maple, T140 Sycamore and T168 Ash). Only T96 is scheduled within TPO TR4.311 (part of G4).
- With emphasis added, RR5 should have instead referred to 10no. Category B trees and two category B groups of trees (citing G3 and G18 of mixed species).

4.3. All 17no. category A tree removals are protected by a TPO. T96 is the only TPO tree of another species and category proposed for removal (Cherry, Category B). A total of 18no. protected trees are proposed for removal; RR5 relates to a total of 28no. trees.

4.4. The proposals necessitate the overall removal of 78no trees of individual distinction, 14no groups of trees and the partial removal of three hedges. RR5 only cites relate to the 28no. category A and B trees; the balance of category C trees and trees groups are not material to RR5.

4.5. Both parties agree that the loss of the 28no trees that are material to RR5 are being lost for reasons of layout efficiency, including levels and drainage considerations. The parties agree that their loss has been resisted by the council's arboricultural officer during the iterative process. The parties agree that their loss would be perceived to be an arboricultural harm, whose acceptability must be determined as part of the overall planning balance.

4.6. Both parties acknowledge that the detailed landscape proposals prepared by Roberts Limbrick (for the Appellant) would allow for the introduction of 159no new trees of immediate visual impact i.e. 18-20cm girth and 4.5-5.0m height (advanced nursery stock) situated both on plot and within POS (refer to drawing 10689 RL XX ZZ DR L - P8003 C03) (CD2.42).

4.7. A technical Note has been prepared by Aspect Arboriculture to supplement the submitted AIA (document reference 12078_TN.01 dated October 2024). The note was prepared in response to consultation comments regarding the arboricultural impact of the scheme, received via email on 09.10.24 from Ella Casey (Principal Planning Office for the Council). The purpose of the Note was to confirm that all opportunities to retain the 28no trees now cited at RR5 had been fully explored and exhausted. It concluded that their loss is unavoidable and the acceptability of this loss would have to be considered as part of the overall planning judgment, taking account of the quality of replacement planting put forward with the submission.

END