

## CEMEX Response to Tree Officer

### Regulation 25 Response

October 2022

The Tree Officer's response of 28<sup>th</sup> January is set out in italics below, with CEMEX's response.

1. *The A category trees listed in the tree survey schedule (20-07/L1/HMBL/4 - T2, T3 oaks) are listed as A category trees (highlighted below) but shown in grey (Category C trees on the plans) this needs to be corrected to follow the BS5837 guidelines and the trees appropriately highlighted and protected. This contradicts the statement at Paragraph 4.1 Tree Constraints plan of the AIA reference December 2021 produced by CEMEX UK materials Ltd.*

**This error has now been corrected and the trees are shown as remaining on the plans, and protected during construction.**

2. *No positions for utilities, lighting, drainage, soakaways, attenuation tanks, CCTV lines, visibility splays etc have been identified and until this is done, it is impossible to fully determine the potential impact on trees. The AIA must be revised and resubmitted once these routes and services are known.*

**These are now shown on the plans and the AIA has been revised. The utilities have now been moved along the access road and within RPAs of trees T5-7.**

3. *Paragraph 9.7 uses non-imperative language indicating what should happen, and while the methodology that follows is acceptable the instruction to follow it must be more directive or it is impossible to enforce: e.g. "Where it is unavoidable, and utilities are proposed to be sited within RPAs, it will be necessary to consider the effects that the installation may have on their health. Utilities should only be installed where approved mitigation can be adopted by further consultation with the project Arboriculturist." Please replace 'should' with 'must' throughout the paragraph 9.7.*

**This has been amended as requested, with ambiguous language replaced.**

4. *The use of groups, which generally accepted, is extensive within this report and no idea of size (area in m<sup>2</sup>) or number of trees contained within them is given. It is hard to agree they have been correctly categorised or what is contained within them when this is the case.*

**We have now included a new plan which shows the area of the groups. The species within the groups are set out in the tree survey. Groups are used where size and condition are broadly the same; in areas of densely packed trees it is generally impossible to count every tree and not thought necessary. The use of groups are accepted in the BS5837 standard.**

5. *Paragraph 9.5 states: "Trees that fall within the influence of footpath construction It is proposed to provide a footpath around part of the western boundary and northern boundary. As the footpath is to not be hard surfaced in anyway, but be laid to grass, it will not 20 be a requirement to offer any mitigation where it is found to be in the RPAs of trees. However, there maybe some removal of minor understorey but where this is required, all work will be carried out on foot and any brash left in habitat piles. It is not envisaged that it will be a requirement to remove any established trees other than saplings." Where a new footpath is routed across existing unprotected RPA's there is a high potential for compaction*

of the soil. A more full assessment of the need for ground protection in these areas or rerouting of the path must be done.

The existing site at Hamble has many footpaths around the edge of the site, which already go through the RPAs of trees and are already compacted. Surfacing it through the RPAs may cause more damage than the foot traffic as well as having an urbanising effect on the landscape. It would also narrow the path as the idea was to have the whole area outside the bunds and fence available for walking, not restrict it to a narrow width path route at this stage. Re-routing it out of the RPAs would result in a less straight and more narrow route. This is also a permissive footpath at the request of the landowner.

The paths will not be “laid to grass” as they are already grass – they will be left as they are. This has been amended in paragraph 9.5. Therefore no supervision is required as there are no works to the path.

6. *I believe that at least one of the trees proposed for removal to create the new access is owned and managed by Hampshire County Council:*



*If this is the case, the Highway Tree policy (copy attached) will be triggered and CAVAT valuations will be required if it is agreed that trees can be removed to facilitate the proposal. HCC agreement must be gained prior to any works taking place.*

**CAVAT valuation attached. It will be amended again if planning permission is granted and the Highway Tree policy triggered.**

7. *The granting of planning consent DOES NOT confer rights to remove highway trees – this must be sought separately - usually through a S278 agreement. Loss of healthy, valuable trees will be resisted.*

**We have provided further information to justify the choice of access location to Hampshire County Council Highways, including taking into account the impact on trees and vegetation as part of the process. The access location has been accepted by County Highways as being the best location. We would of course submit a S278 application for the access, following any grant of planning permission.**

8. *It is not certain that other trees (ownership undetermined) may not need to be removed to achieve the visibility splays that will be necessary for this access. This must be investigated further as additional tree loss may result.*

**This has been investigated further by our Transport Consultant in justifying the proposed access location, and discussions on the appropriate visibility splays have been undertaken with County Highways. The visibility splays necessary have been agreed by County Highways, and no other trees will need to be removed to achieve the appropriate visibility splays.**

9. *There are some very large and valuable trees along this stretch of road and so careful consideration as to the location of the access must be given.*

**Please see answer to Q7 above.**

10. *A revised AIA is required for this application please.*

**Attached.**

11. *An AMS will be required prior to commencement for this site and must include a complete scope of service runs, routes and methodologies.*

**We have updated the AMS now but can provide a further version prior to commencement.**

12. *A detailed mitigation 'offer' will be required for this application please.*

**Please see CAVAT valuation which will be amended as set out above. Please see answer to Q14 below with regards mitigation.**

**CEMEX response to further comments from Tree Officer Oct 22:**

13. *RPA of T8 and access issues.*

**Further information has been gained from the Transport Consultants with regard to the depth of the access and as such the impact on the RPA of T8. Further detailed information has been set out in Section 9.1 of the AMS and Appendix C.**

14. *There are no detailed planting plans so we have no idea of the loss of trees can be adequately mitigated or not.*

**The planting is all shown on the restoration plan. Over 5,000 new trees and over 11,000 new shrubs are proposed. Specifically as mitigation for the loss of the 3 access trees, 6 pendunculate oak regular standard (8-10) will be planted within the north-eastern part of the site. The planting maintenance is in the Outline Landscape, Restoration and Aftercare Scheme.**

15. *Greater specificity of arboricultural supervision is required. Which operations will be supervised and/or at what intervals?*

**This is now set out in Section 10 of the AMS.**