



Aran Kimberlee
BSc (Hons) MSc AA Tech Cert PTI
Little Kerries Bungalow
Kerries Road
South Brent
Devon
TQ10 9DD
Mobile: 07986 122074

Arboricultural Impact Assessment & Method Statement Report:

Bolham Weir Fish Passage
Bolham Weir
Lower Washfield
Tiverton
EX16 7RP

REPORT PREPARED FOR:

Westcountry Rivers Trust
Rain Charm House
Kyl Cober Parc
Stoke Climsland
Callington
PL17 8PH

REPORT PREPARED BY

James Bell
MSc (Env) Arbor A Tech Cert PTI

Ref: jwmb/rpt1/bolhamweir/AIAAMS

Date: 18th June 2024

The content and format of this report are for the exclusive use of the client. It may not be sold, lent, hired out or divulged to any third party not directly involved in the subject matter without the written consent of Dartforest Ltd.

CONTENTS

1.0	Introduction	3
1.1	Purpose & Use of the Report	3
1.2	Terms of Reference	3
1.3	Tree Survey	3
1.4	Development Proposals & Impact Assessment	4
1.5	Sequence of Works	4
1.6	Site Supervision	5
1.7	Site Monitoring & Contact Information	5
1.8	Statement Adoption	6
2.0	Pre Development Site Preparation	6
2.1	Arboricultural Works	6
2.2	Preparation of Surfaces	6
2.3	Installation of Tree Protection Barrier	6
2.4	Pre-development Site Inspection	7
3.0	Development Phase	7
3.1	General Precautions	7
3.2	Root Protection Areas	7
3.3	Site Access Accommodation & Storage	7
3.4	Routing & Installation of Services	7
3.5	Demolition Measures	8
3.6	Changes in Grade	8
3.7	Construction Measures	8
3.8	Removal of Tree Protection Barrier	8
3.9	Post-Construction Landscaping	9
4.0	Summary of Proposed Methods	9
4.1	Table of Impacts & Mitigation	9
5.0	Completion	9
5.1	Completion Meeting	9
Appendix A	Tree Protection Plan	
Appendix B	Tree Survey Schedule & Recommended Tree Works	
Appendix C	Glossary & General Guidelines	
Appendix D	Decision Notice	

1.0 Introduction

1.1 Purpose & Use of the Report

- 1.1.1 This arboricultural impact assessment & method statement report has been prepared for submission to Mid Devon District Council (MDDC) to discharge condition 6 related to planning approval ref: 24/00492/FULL for the construction of a fish pass and the installation of a smolt chute and accompanying seasonal leat screening infrastructure at Land at NGR 294858 115310, Bolham Weir, Lower Washfield, Tiverton, EX16 7RP. This statement is intended to demonstrate the feasibility of construction without harm to the site's retained tree resource. See the accompanying material for full details of the proposals.
- 1.1.2 This document lays down the methodology for any proposed works that may have an effect upon the trees in the vicinity of the proposals. It is essential within the scope of any contracts related to the development proposals that this report is observed and adhered to. It is recommended that this document form part of the work schedule and specification issued to the building contractors and can be used to form part of the contract.
- 1.1.3 Copies of this document should be available for inspection on site. The developer will inform the local planning authority within twenty-four hours if the designated arboriculturist is replaced.

1.2 Terms of Reference

- 1.2.1 Dartforest Ltd is instructed by Mr Tom Watts at Westcountry Rivers Trust to prepare an impact assessment & method statement report to discharge condition 6 of planning approval ref: 24/00492/FULL for a proposed fish pass at Bolham Weir, Lower Washfield, Tiverton, EX16 7RP with reference to British Standards publication: Trees in relation to design, demolition & construction - Recommendations (BS5837:2012).
- 1.2.2 This report relies on a topographic survey drawing reference APLS-1077-001 from AP Land Surveys, 21, Grandisson Drive, Ottery St Mary, Devon, EX11 1JD and site plan drawing reference 201-02925-C01 from Fishtek Consulting, Unit 1A Webbers Way, Dartington, Devon, TQ9 6JY.

1.3 Tree Survey

- 1.3.1 A BS5837:2012 survey of the trees near the proposals was conducted on 24th May 2024 by James Bell of Dartforest Ltd. Full tree survey data is provided at Appendix B.
- 1.3.2 Data from the iGeology app from the British Geological Survey suggests that it is likely that the site has a bedrock geology of Bude Formation - Mudstone with a superficial geology of Alluvium - Clay, silt and sand. The prevailing soil conditions evidently provide a reasonable medium for tree growth. Any potential for soil compaction (highly deleterious to root function) during development will depend on the proportion of clay present in the upper profile. The presence of clay in this location would appear to be possible but cannot be confirmed. Further to confirmation of the precise soil type present, a structural engineer may be able to advise further on the local geology and its implications, if any, for development.
- 1.3.3 No Ancient Semi-Natural Woodland (ASNW) is present near the site: see the Department for Environment Fisheries & Rural Affairs (DEFRA) MAGIC website for details at <http://magic.defra.gov.uk/MagicMap.aspx>.
- 1.3.4 The status of surveyed trees has not been established with MDDC.

1.4 Development Proposals & Impact Assessment

- 1.4.1 The approved proposals are for the construction of a fish pass and the installation of a smolt chute and accompanying seasonal leaf screening infrastructure at Bolham Weir. See proposals at Appendix A and accompanying material for full details.
- 1.4.2 The proposals do not require the removal of any trees, but the proposed western access track to the western compound runs close to tree 1, an important mature English oak (*Quercus robur*). The root protection area (RPA) of this tree should be protected throughout the course of development by ground protection – see section 2.2.1 and Appendix A for details. The proposals also stand close to some bank side alders, trees 2 and 3, which are both retained as they have a role in bank stabilisation.
- 1.4.3 An existing entrance to the eastern side of the river is accessed from the A396 via a bridge over a side arm of the river Exe. No vegetation needs to be removed to allow access to this eastern compound, but minor cutting back may be required.
- 1.4.4 Dartforest assume that large stones will be laid on top of the existing levels of the watercourse to form the ‘rip rap’ zones indicated in the proposals. Care must be taken to avoid damaging the nearby trees 2 & 3 during this exercise. Dartforest’s assumption is that the functional roots of trees 2 & 3 are unlikely to be unduly affected by the deposition of this ‘rip rap’. Although notional circular RPAs have been employed for trees 2 & 3, it is likely that the majority of the functional root mass of both trees is restricted to the riverbanks rather than within the course of the river itself, i.e. not in the proposed ‘rip rap’ location.
- 1.4.5 The majority of site works will take place beyond the RPA of retained trees and canopies. Retained trees will be protected throughout the course of development by ground protection (T1) or plastic mesh fencing supported by road pins (trees 2-5) - see section 2.3.1 for details.

1.5 Sequence of Works

- 1.5.1 The sequence of works should be as follows:
- tree works required to allow or facilitate development – n/a
 - erection of tree protection barrier (TPB) on advised line(s) and laying of ground protection as indicated – see Appendix A
 - construction of access route
 - main construction phase
 - removal of TPB & ground protection & temporary section of access route

1.6 Site Supervision

1.6.1 An individual, e.g. the Site Agent, must be nominated to be responsible for all arboricultural matters on site. This person must:

- be present on-site for the majority of the time
- be aware of the arboricultural responsibilities
- have the authority to stop any work that is causing, or has the potential to cause, harm to any retained tree
- be responsible, with the support of the designated arboriculturist, for ensuring that all site operatives are aware of their responsibilities toward trees on site and the consequences of the failure to observe these responsibilities
- make immediate contact with the local authority and/or the designated arboriculturist in the event of any tree-related problems occurring, whether actual or potential.

1.7 Site Monitoring

1.7.1 *The site agent will be responsible for monitoring all arboricultural works, inspecting protective fencing and monitoring all on-site works in the context of tree protection on a day-today basis.* The designated arboriculturist will be available for site visits on a basis to be agreed upon between the client and planning authority when/if appropriate or required, i.e. if required by condition. It is recommended that a record of site visits is maintained for inspection on-site and copies forwarded to the developer/agent and to the local planning authority. A certificate of practical completion can be produced for sites deemed by all parties to merit this.

1.7.2 It is the responsibility of the client to advise Dartforest when the project begins and to forward on condition discharge details when appropriate.

1.7.3 Before approved works commence on site - after approved protection measures have been installed - Dartforest will visit to inspect protection measures and send a supervision report to MDDC. The planned project time is 3 months. The site agent will advise Dartforest regarding ongoing works and any breaches to tree protection measures, etc., should that be necessary. Dartforest will visit the site at the end of the project to inspect the site works in terms of trees and to establish whether any remedial works are required for trees.

1.7.4 Principal contact information: 1/. Mr James Bell. Dartforest Ltd. 07986 122074. 2/. Mr Tim Jaratt. MDDC Arboricultural Officer. 01884 255255. Email: propertyservices@middevon.gov.uk. 3/. Site agent. Details to be advised. 4/. Ms Joanna Czyrw. Fishtek Consulting. Architect. 01803 866680. email joanna@fishtek.co.uk. 5/. Mr Tom Watts. Strategic Exe Weirs Project Officer. Westcountry Rivers Trust. 07854 716263. TomWatts@wrt.org.uk.

1.8 Statement Adoption

- 1.8.1 It is recommended that, in due course, acceptance of the recommendations in this report is demonstrated by, for example, the architect specifying in writing to the building contractor that tree care conditions apply in the execution of the contract and by an estimate or written undertaking from the contractor to the architect demonstrating that the practical aspects of observation of such recommendations have been priced in.
- 1.8.2 If conflicts between any part of a tree and the proposals arise during the course of development, these can often be resolved quickly and at little cost if a qualified arboriculturist is consulted promptly. Lack of such care is often apparent quickly, and the decline and death of such trees can spoil design aims and can, of course, affect saleability, as well as reflecting poorly on the construction and design personnel involved. Trees that have been the recipients of careful handling during construction add considerably to the appeal and value of the finished development.

2.0 Pre- Development Site Preparation

2.1 Arboricultural Works – n/a

2.2 Preparation of Surfaces

- 2.2.1 Areas within RPAs potentially requiring ground protection are shown in Appendix A, i.e. ground within the RPA of tree 1. Ground protection should be fit for purpose as per the guidance in BS5837:2012 section 6.2.3.3. The preferred specification is provided by products such as Trak Mat; see www.multimatts.co.uk. Alternatively, many other treatments are available, e.g. those provided by InfraGreen Solutions: see www.infragreen-solutions.com. It is important that these mats are not prone to slippage, so ideally, they should be pegged in place.

2.3 Installation of Tree Protective Barrier

- 2.3.1 The tree protection barrier (TPB) should ordinarily be comprised of a vertical and horizontal scaffold framework, braced to resist impacts, with vertical tubes spaced at a maximum level of 3m. On to this, weldmesh panels should be securely fixed with wire scaffold clamps: see section 6.2.2 and Figure 2 of BS5837:2012. However, in the context of this site & these proposals, the use of plastic mesh (held firmly in place with road pins or equivalent) is considered more appropriate & cost-effective. The suggested location(s) of the TPB is shown in Appendix A.
- 2.3.2 This TPB is to be erected before any construction work commences on site, is to remain ‘in situ’ and undamaged for the duration of all work or each phase, and is only to be removed once all work is completed. If any work other than preparatory tree work is deemed necessary prior to the erection of fencing, the designated arboriculturist should be informed to enable his/her presence to oversee the work being carried out.
- 2.3.3 The only other exception is the completion of soft landscaping, but if any excavations, however minor, are to be carried out as part of soft landscaping within RPAs, an arboricultural assessment must be carried out beforehand, and any arboricultural protection measures incorporated. The TPB should carry waterproof warning notices denying access within RPAs.

2.3.4 The Tree Protection Plan in Appendix A illustrates where the protective fencing should be located to form the boundary of the Tree Protection Zone (TPZ). The TPZ is an exclusion zone, and suitable steps should be taken to prevent access by pedestrians and vehicles, and the storage of any works materials and equipment should be located outside of the TPZ.

2.4 Pre-Development Site Inspection

2.4.1 At the instigation of the client/site agent or MDDC, upon the erection of the fencing, the designated arboriculturist will meet the relevant local authority member on-site to check the standard of the work(s). If there are any amendments to the protective fencing, these will be agreed upon at this meeting, confirmed in writing, and undertaken thereafter.

3.0 Development Phase

3.1 General Precautions

3.1.1 No fires shall be made on any part of the site or within 10m of the furthest extent of the canopy of any tree or group tree to be retained on-site or on land adjoining.

3.1.2 No spilling or pouring of fuels, oils, solvents, or tar shall be made on any part of the site.

3.1.3 No materials that are likely to have an adverse effect on tree health, such as oil, bitumen or cement, will be stored or discharged within 10 metres of the trunk of a tree that is to be retained.

3.1.4 No spillage or discharge of wet mortar or concrete shall be made on any part of the site.

3.1.5 No storage of materials shall be made within the protective fences.

3.1.6 No breaching or moving of the protective fences shall occur without the approval of the designated arboriculturist.

3.1.7 Alterations in levels within the tree protection fence areas shall be avoided.

3.2 Root Protection Areas

3.2.1 The RPA is a notional desirable zone of protection around the trees' rooting system, and these have been marked on the plan in Appendix A. The RPAs will lie within the TPZ and therefore be fully fenced off (see Appendix A) unless where appropriate ground protection is offered, or if the impact on the RPA is deemed to be very low and acceptable.

3.3 Site Access, Accommodation & Storage

3.3.1 Many site activities are potentially damaging to trees, e.g. material storage, parking, soil compaction and the use of plant machinery. In this latter example, particular care is required to ensure that the operational arcs of excavation and lifting machinery, including their loads, do not physically damage trees when in use or while accessing the site.

3.4 Routing & Installation of Services – n/a

3.5 Demolition Measures

- 3.5.1 If required, access facilitation pruning should be undertaken to prevent injurious contact between demolition plant and the tree(s). Any such pruning should be undertaken in accordance with British Standards publication: Tree work – Recommendations (BS3998:2010).
- 3.5.2 Demolition/removal of structures (including underground structures) within what would otherwise be a RPA should proceed with due caution to avoid unnecessary damage to trees.
- 3.5.3 All plant and vehicles engaged in demolition works (removals only), if not operating on existing hard standing, should either operate outside the RPA or should run on a temporary surface designed to protect the underlying soil structure. See section 6.2.3.3 of BS5837:2012 for further detail.
- 3.5.4 Where trees stand adjacent to structures scheduled for demolition, it will be necessary to undertake demolition inwards within the footprint of the existing building (often referred to as “top down, pull back”).
- 3.5.5 If the weather is “dry,” the site should be watered down to reduce dust travelling to adjacent properties. Where levels of dust build-up on trees occurs, it may be necessary to seek the advice of the designated arboriculturalist on remedial measures, e.g. hose down the tree(s) immediately following any significant accumulation of dust.
- 3.5.6 Heavy plant used to remove materials should work systematically *away from retained trees*. The aim is to ensure that spoil is removed away from RPAs, but it is very important that the original soil levels are not altered.

3.6 Changes in Grade

- 3.6.1 The upper layer of top soil (top 60cm) contains the majority of a tree’s roots, and if this is disturbed by a change in ground level, serious damage can be caused.
- 3.6.2 If any significant section of ground level requires raising within RPAs, this should be achieved using coarse, granular material such as pebbles. It is not evident that this is required on this site.
- 3.6.3 If ground levels need to be altered within 1.5 metres of any tree trunk, prior agreement must be sought from and given by the local authority tree officer.

3.7 Construction Measures

- 3.7.1 No specialist construction methods are required for the proposals in terms of trees.

3.8 Removal of Tree Protective Barrier

- 3.8.1 The protective fencing may be removed only upon completion of the development phase when all drainage and service runs have been installed and any site machinery has been removed.

3.9 Post-Construction Landscaping

- 3.9.1 Following the development phase, retained trees may be subject to either landscaping or seeding beneath their canopies: any approved landscaping works should avoid the changing of ground levels or deep digging in the vicinity of trees except where already approved. Mechanised cultivation, such as tractor-mounted rotovation, must not be used within the RPA of retained trees.
- 3.9.2 Heavy machinery should not be used in the vicinity of any retained trees unless adequate ground protection is in place.
- 3.9.3 If herbicides are to be used, they should be appropriate to their purpose and not used in such a way as to damage any retained trees or vegetation.
- 3.9.4 Ideally, retained trees should be within a shrub area as this reduces the chances of compaction and disturbance of root systems.

4.0 Summary of Proposed Methods

4.1 Table of Impacts and Mitigation

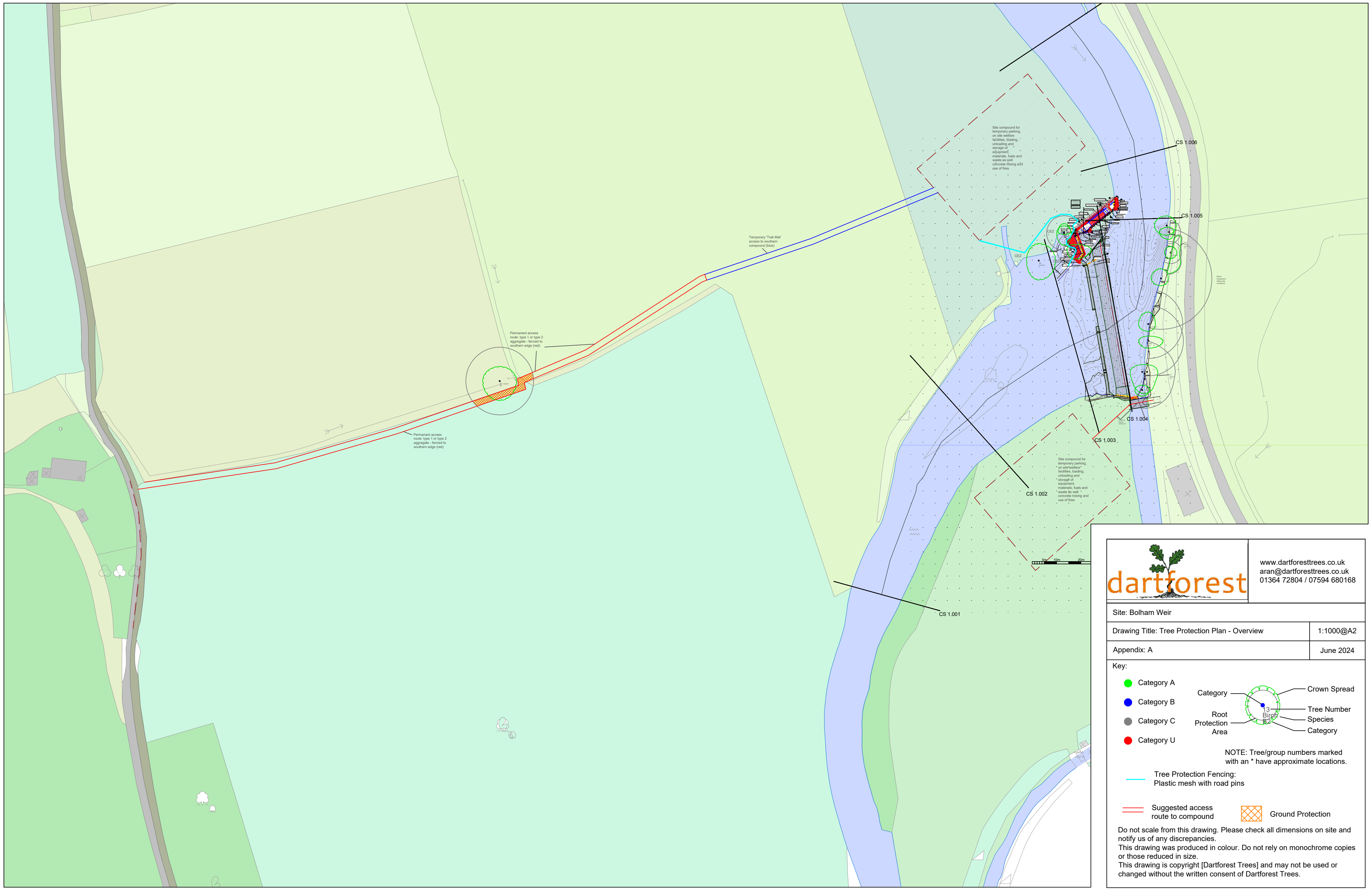
- 4.1.1 The table below summarises the main areas where trees could become damaged by the proposed development and the methods that need to be adopted in order to prevent such damage:


<u>Impact</u>	<u>Mitigation</u>	<u>Reference</u>	<u>Trees Affected</u>
Passage of machinery and storage of materials over RPAs	Construction of protective fencing to acceptable standards	Sections 2.3. Fencing spec – section 2.3.1, Tree Protection Plan Appendix A	2-5
Works within RPAs of retained trees	Ground protection	Section 2.2.1	1

5.0 Completion

5.1 Completion Meeting

- 5.1.1 Following completion of the approved works on site, the designated arboriculturist can meet with a local authority representative and agree upon any remedial works deemed necessary (if any).
- 5.1.2 Any works agreed upon in the above meeting will be confirmed in writing and should be performed to BS3998:2010.
- 5.1.3 Any work proposed post-development should be checked to avoid a penalty for performing illegal work on a protected tree.





dartforest

www.dartforesttrees.co.uk
 aran@dartforesttrees.co.uk
 01364 72804 / 07594 680168


Site: Bolham Weir	
Drawing Title: Tree Protection Plan - Overview	1:1000@A2
Appendix: A	June 2024

Key:

- Category A
- Category B
- Category C
- Category U

Category

Root Protection Area



Crown Spread

Tree Number

Species

Category

NOTE: Tree/group numbers marked with an * have approximate locations.

- Tree Protection Fencing: Plastic mesh with road pins
- Suggested access route to compound
- Ground Protection

Do not scale from this drawing. Please check all dimensions on site and notify us of any discrepancies.
 This drawing was produced in colour. Do not rely on monochrome copies or those reduced in size.
 This drawing is copyright [Dartforest Trees] and may not be used or changed without the written consent of Dartforest Trees.

Site compound for temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires

CS 1.006

CS 1.005

CEZ

CEZ

CEZ

Ash, Common U

G14 Hazel, Common C2

RPA's morphed to reflect site conditions


CS 1.004

CS 1.003

CS 1.002

Site compound for temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires

Access to eastern compound



www.dartforesttrees.co.uk
aran@dartforesttrees.co.uk
01364 72804 / 07594 680168

Site: Bolham Weir

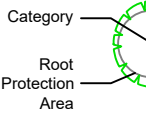
Drawing Title: Tree Protection Plan	1:500@A3
Appendix: A	June 2024

Key:

- Category A
- Category B
- Category C
- Category U

Category

Root Protection Area



Crown Spread


Tree Number

Species

Category

NOTE: Tree/group numbers marked with an * have approximate locations.

- Tree Protection Fencing: Plastic mesh with road pins
- Ground Protection



Do not scale from this drawing. Please check all dimensions on site and notify us of any discrepancies.
This drawing was produced in colour. Do not rely on monochrome copies or those reduced in size.
This drawing is copyright [Dartforest Trees] and may not be used or changed without the written consent of Dartforest Trees.



Site: Bolham Weir Fish Passage

Date: 24th May 2024

Appendix B

BS5837:2012 Tree Survey Schedule

Dartforest Ltd

07986 122074

Surveyor(s): James Bell

Ref: jwmb/rpt1/bolhamweir/AIAAMS



Tree No.	English Name	Height	Crown Spread				Ground Clearance	Stem Diameter	Protection Radius	Age Class	Growth Vitality	Structural Condition	B.S. Cat	Sub Cat	Useful Life	Comments
			N	S	E	W										
1	Oak, English	13	6	8	7	7	2	1160	13.9	Mature	Normal	Good	B	2	>40	Deadwood (minor) throughout crown Epicormics Early crown retrenchment; cavity developing @ base; decay on buttresses to N
2	Alder	10	2	4	7	3	1.5	599 #	7.2	Early Mature	Moderate	Fair	C	2	20+	CB to north On river bank Ivy clad; major asymmetry
3	Alder	12	3	5	3	3	1	596	7.2	Early Mature	Normal	Good	C	2	20+	Suckering from base One trunk has split out to NE & been removed
4	Hawthorn, Common	4	3.5	1	2.75	2.5	1	94	1.1	Semi-mature	Normal	Fair	C	2	20+	Suppressed by nearby tree
5	Ash, Common	11	7	8	7	5	3.5	1500 #	18.0	Mature	Poor	Poor	U		<10	Ivy clad Daldinia Advanced Hymenoscyphus & dieback; likely to collapse in the short term = <3 yrs; trifurcation @ #2m
6	Sallow	6.5	2	2.5	3	3	1	180	2.2	Semi-mature	Normal	Good	C	2	20+	
G7	Sallow	8.5	3	6	4.5	5	1	725 #	8.7	Mature	Normal	Fair	C	2	10+	7-10

Site: Bolham Weir Fish Passage

Date: 24th May 2024

Appendix B

BS5837:2012 Tree Survey Schedule

Dartforest Ltd

07986 122074

Surveyor(s): James Bell

Ref: jwmb/rpt1/bolhamweir/AIAAMS



Tree No.	English Name	Height	Crown Spread				Ground Clearance	Stem Diameter	Protection Radius	Age Class	Growth Vitality	Structural Condition	B.S. Cat	Sub Cat	Useful Life	Comments
			N	S	E	W										
11	Alder	7.5	2	3	6	4	3.5	849 #	10.2	Early Mature	Moderate	Fair	C	2	10+	A sparser than normal canopy Decay in one trunk Ivy clad
12	Oak, English	7	5	3	3	4	1.5	800 #	9.6	Mature	Moderate	Fair	B	2	20+	Asymmetry (minor) Crown retrenching RS; ivy clad
13	Maple, Field	7.5	4	3	3	4	2.5	1250 #	15.0	Post-Mature	Dead	Fair	B	3	20+	Suckers are alive Very interesting old tree: probably dead & high biodiversity value
G14	Hazel, Common	5	2	2	2	2	1	195 #	2.3	Early Mature	Normal	Good	C	2	20+	4-6 stools
15	Sycamore	8	2.5	2.5	2.5	2.5	1	330	4.0	Early Mature	Normal	Good	C	2	20+	
16	Sallow	7.5	2	3	2	4	0.5	280 #	3.4	Early Mature	Normal	Fair	C	2	10+	RS Split branch to east on bank @ 1.25m
17	Ash, Common	10	4	4	4	5	2.5	600 #	7.2	Mature	Poor	Poor	U		<10	Dying back (uniform) Hymenoscyphus Remote survey: dense bankside vegetation

Appendix B

Notes on Tree Survey Schedule:

- **Height** describes the approximate height of the tree measured in metres from ground level.
- The **Crown Spread** refers to the crown radius in metres from the stem centre and is expressed as an average of **NSEW** aspect if symmetrical.
- **Ground Clearance** is the height in metres of crown clearance above adjacent ground level.
- **Clear Stem Height** is the distance between trunk base and first branch separation measured in metres.
- **Stem Diameter** is the diameter of the stem measured in millimetres at 1.5m from ground level for single stemmed trees. See section 4.6 for details of treatment for multistems.
- **Protection Radius** is a radial distance in metres measured from the trunk centre.
- **Growth Vitality** - **Normal** growth, **Moderate** (below normal), **Poor** (sparse/weak), **Dead** (dead or dying tree).
- **Structural Condition** - **Good** (no or only minor defects), **Fair** (remediable defects), **Poor** - Major defects present.
- **B.S. Category** refers to (British Standard 5837:2012 Table 1) and refers to tree/group quality and value; '**A**' - High, '**B**' - Moderate, '**C**' - Low, '**U**' - Unsuitable for Retention.
- **Sub Cat** refers to the retention criteria values where **1** is mainly **arboricultural** qualities, **2** is mainly **landscape** qualities and **3** is mainly **cultural** values including conservation.
- **Useful Life** is the tree's estimated remaining contribution in years.
- **First Significant Branch (FSB)** is the height of the first significant branch above ground level taken at the trunk separation point.

Appendix C

1.0 Glossary of Terms

Canker	Disease damaged area of a tree, usually caused by fungus or bacteria.
Co-dominant Stem	A stem which has grown in direct competition to the main stem and which has formed a substantial size influencing the appearance of the tree.
Crown Lift	The removal of the lowest branches, usually to a given height. It allows more residual light and greater clearance underneath for vehicles etc.
Crown reduce	The reduction of a tree's height or spread while preserving its natural shape.
Crown thin	The removal of some of the density of a tree's crown, usually 5-25% allowing more light through its canopy and reducing wind resistance.
Deadwood	The removal of all dead, dying and diseased branches from a tree. Also, wood which is dead.
Dieback	Where branches are beginning to show signs of death usually at the tips in the crown.
Epicormic shoots	Small branches that grow in uncharacteristic clusters around the base or the stem of a tree, usually as a result of bad pruning or some other stress factor.
Formative pruning	The trimming of a tree to remove weaknesses and irregularities which may lead to problems. The formative pruning operation is aimed at reducing the potential for future weaknesses or problems within the tree's crown.
Included bark	Where the bark on two adjoining branches or stems is growing tightly together, forming a joint with limited physical strength.
Pollarding	A method of tree management in which the main trunk of the tree is cut at about 4m, and the resulting branches are then cropped on a regular basis.
Remedial pruning	The removal of old stubs, deadwood, epicormic growth, rubbing or crossing branches and other unwanted items from the tree's crown. Sometimes referred to as crown cleaning.
Topping	Topping is a form of pruning that removes terminal growth leaving a 'stub' cut end. Topping causes serious health problems to a tree.

2.0 General Guidelines

- 2.1 All work must be to BS 3998:2010 – Tree work - Recommendations
- 2.2 Staff carrying out the work must be qualified, experienced and ideally be Arboricultural Association approved contractors, and should be covered by adequate public liability insurance.
- 2.3 Any defects seen by a contractor or the client that were not apparent to the consultant must be brought to the consultant's attention immediately.
- 2.4 No liability can be accepted by the consultant in respect of the trees unless the recommendations of this method statement are carried out under the supervision of the designated arboriculturist.
- 2.5 It is advisable to have trees inspected by designated arboriculturist regularly. On this site it is recommended that these inspections are made every year.

APPENDIX D

Reference No: 24/00492/FULL
Parish: Washfield 56



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant

South West Water Ltd.
Peninsula House
Rydon Lane
Exeter
EX2 7HR

Name and Address of Agent

Mr Tom Watts
Westcountry Rivers Trust
Rain-Charm House
Kyl Cober Parc
Stoke Climsland
Callington
Cornwall
PL17 8PH

Date Registered : 26th March 2024

Date of Permission : 20th May 2024

Proposal: Construction of a fish pass and the installation of a smolt chute and accompanying seasonal leaf screening infrastructure

Location: Land at NGR 294858 115310 Bolham Weir Lower Washfield Devon

Site Vicinity Grid Ref: 294710/115403

MID DEVON DISTRICT COUNCIL HEREBY GRANTS FULL PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Before the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.
4. The fish pass hereby approved shall be fitted with provision for a fish counter that is able to monitor the number of fish that pass through.

5. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the ecological survey report undertaken by Colmer Ecology dated March 2024.
6. Prior to the commencement of works a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS are:
 - A. Location and installation of services/ utilities/ drainage.
 - B. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
 - C. Details of construction within the RPA or that may impact on the retained trees.
 - D. a full specification for the installation of boundary treatment works.
 - E. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - F. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
 - G. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
 - H. Arboricultural supervision and inspection by a suitably qualified tree specialist
 - I. Reporting of inspection and supervision
7. The development shall proceed in accordance with the Written Scheme of Investigation prepared by South West Archaeology (document ref: WBW21WSIv1.1, dated 19th January 2022) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme.

REASONS FOR CONDITIONS:

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect the amenity of local residents during the construction phase of the development in accordance with Policy DM1 of the Mid Devon Local Plan (2013-2033). This pre-commencement condition is required to ensure that the Construction Management Plan is agreed prior to any construction works. The applicant has confirmed their agreement to the imposition of this pre-commencement condition.
4. In the interests of protecting and monitoring local biodiversity in accordance with Policy S9 of the Mid Devon Local Plan (2013-2033).
5. To safeguard statutorily protected species in accordance with the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010).
6. Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy DM1 of the Mid Devon Local Plan (2013-2033) and pursuant to section 197 of the Town and Country Planning Act 1990.
7. To ensure, in accordance with Policy DM25 of the Mid Devon Local Plan and paragraph 211 of the National Planning Policy Framework (2023), that an appropriate record is made of archaeological evidence that may be affected by the development.

INFORMATIVE NOTE:

1. Advice - Environmental permitting (EA)
The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance the applicant should please visit:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
or contact our National Customer Contact Centre on 03708 506 506.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Additionally, we advise that the details will also need to be agreed by our fish pass panel.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed construction of a fish pass and the installation of a smolt chute and accompanying seasonal leat screening infrastructure at Land at NGR 294858 115310, Bolham Weir, Lower Washfield, Devon is considered acceptable as a matter of principle. The overall appearance and design of the installation is considered to respect the character of the area and avoid adverse amenity impacts. Similarly, there will be no significantly adverse impacts in terms of ecology or biodiversity. As such, the development complies with Policies S1, S9, S14, DM1 and DM25 of the Mid Devon Local Plan (2103-2033), Policies T4 and T5 of the Tiverton Neighbourhood Plan and guidance in the National Planning Policy Framework.

BIO DIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Mid Devon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Statement of Positive Working

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

DEVELOPMENT PLAN POLICIES:

Mid Devon Local Plan 2013 –2033

S1 - Sustainable development priorities

S9 - Environment

S14 - Countryside

DM1 - High quality design

DM25 - Development affecting heritage assets

Tiverton Neighbourhood Plan 2020 –2033

T4 - Character of development

T5 - Design of development

Relevant Plans

The plans listed below are those approved. No substitution shall be made.

Plan Type	Reference	Title/Version	Date Received
Site Location Plan	300-02925-P01		19/03/2024
Proposed	201-02925-P06	Site Plan - Fish Pass	19/03/2024
Proposed	202-02925-P05	Plans & Sections	19/03/2024
Proposed	203-02925-P04	Sections 2 of 2	19/03/2024
Proposed	301-02925-P03	Site Plan -Smolt	19/03/2024
Proposed	302-02925-P06	Platform & Smolt Notch	19/03/2024
Site Location Plan			19/03/2024

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: <http://www.middevon.gov.uk/planning>

Signed:



**Angharad Williams
Development Management Manager**

Date: 20th May 2024

**THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND SEPARATE
CONSENT MAY BE REQUIRED. PLEASE CONTACT OUR BUILDING CONTROL
DEPARTMENT FOR MORE INFORMATION.**

Please refer to notes attached

NOTE –Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.