

IAIN TAVENDALE F.Arbor.A.

ARBORICULTURAL CONSULTANT

Arboricultural Impact Assessment

Site;

***Proposed Development, Land Adjacent to Al
Bilal Mosque, Prestwich.***

Client;

Lumitekton.

Tree Survey and Methodology

An inspection of the site under consideration was undertaken on 19th January 2024 to establish the condition of the trees present all in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations.

A detailed survey had also been prepared, which has been annotated for identification and assessment purposes.

The survey was undertaken from ground level. No excavations were carried out or soil or root samples taken. No aerial inspections or invasive probing or drilling had been undertaken.

Retention values were evaluated following guidance within Table 1 of BS5837 – ‘Cascade Chart for Tree Quality Assessment.’ This specifies four main categories.

1. *CAT A – Trees of high quality with an estimated remaining life expectancy of at least 40 years whereby they could make a substantial long term contribution to the area.*
2. *CAT B – Trees of moderate quality with an estimated remaining life expectancy of at least 20 years that are still of sufficient quality to make a substantial contribution to the area.*
3. *CAT C – Trees of low quality with an estimated remaining life expectancy of at least 10 years or young trees with a stem diameter below 150mm. All items within this category could be retained but would not be expected to impose a significant constraint on development.*
4. *CAT U – Trees in such a condition that they cannot be realistically retained as living trees in the context of the current land use for longer than 10 years. They may however have existing or potential conservation value which it might be desirable to preserve.*

Management recommendations have been indicated where considered appropriate and necessary to promote tree health and viability and maintain an acceptable level of safety in respect of existing site conditions and the knowledge that some development is proposed.

It should be noted that the BS5837 is the only nationally recognised document which provides guidance and recommendations on the relationship between trees and design, demolition and construction processes.

The Standard advises that it takes the form of guidance and recommendations and should not be quoted as if it were a specification.

It expects that appropriately qualified and experienced persons will be entrusted with the execution of its provisions.

The British Standard does not provide specific distances for any trees in relation to structures (other than for new plantings and potential damage from incremental growth) and whilst it may recommend that no construction should occur within the expected root protection areas of retained trees (the default position), the Standards provide detailed

guidance on how construction could occur if all appropriate factors and methodologies can be addressed.

They clearly expect that an informed, qualified and experienced person applies due consideration to all issues to achieve a satisfactory design appropriate for any particular site and the identified constraints.

General Description of Site and Surroundings

The site and surroundings have been described in detail within other submissions.

In respect of arboricultural issues, all trees identified exist outwith the site where, due to existing conditions, root morphology is unlikely to have extended into the site and root protection areas are effectively protected by existing hard surfacing.

These trees were simply included in the assessment as being in relatively close proximity to the site and could possibly be approached by vehicles turning or manoeuvring, the area being open to traffic.

The key feature was an overgrown Cupressus hedge immediately outwith the site to the approx. northern boundary. This is indicated in the attached images and will be discussed in detail later.

Management of the trees and hedge, appears to have been minimal in recent times but the hedge has clearly been severely pruned in the past.

Soils within the site have not been analysed however, the general tree population of the area has reasonable vitality which indicates soils are probably within the neutral to acid range and not waterlogged. The size and growth rates of the general tree population also suggest that soils are relatively fertile and the local micro climate reasonably sheltered.

Description of Proposed Construction

All such issues have been fully addressed in other submissions.

The Proposed Site Plan is appended and annotated for discussion.

Designation Relating to Trees / Hedgerows.

It is not known at this time whether any of the trees identified are covered by a Tree Preservation Order. We would however always advise checking with the Local Authority before proceeding with any works.

The potential effect of construction / development on trees whether statutorily protected or not is however a material consideration that is taken into account in dealing with planning applications.

Even should items be afforded statutory protection, such orders impose no duty on the owners of the trees and woodlands affected to carry out pruning or other maintenance, either to any particular standard or at all.

This must be a matter for the owners' decision, subject to the duties laid upon him or her by the common law. If a local authority wishes to encourage such works to be carried out, it must do so by permission, through the offer of grants or possibly by the imposition of conditions on consents.

It is not normally considered appropriate to cover hedgerows within a Tree Preservation Order. They may in specific instances warrant protection under the Hedgerow Regulations but normal management is usually accepted.

Current Situation

At present, as a result of the existing building and foundations plus access requirements etc., the probability of any roots from the hedgerow accessing the site will have been considerably constrained.

The canopy of the hedge is over sailing the roof of the existing Mosque and due to the historic pruning practices creating multi stemmed habits with weak unions, the probability of branch failure is readily foreseeable – a common problem with the species exacerbated by poor pruning.

No recent management appears to have been attempted to control this feature and it is still producing reasonable growth.

As indicated previously, all individual trees identified are at a distance where there would be no impacts upon root protection areas.

Other trees were observed off site to the north of the proposed construction within open garden environments, but all material was either considered insignificant or at a distance where root morphology into the site would not be expected.

Implications of Development

1. Direct Loss of Trees

To physically undertake the proposed construction and associated works, no trees will require removal:

BS5837 CAT	TREE No's	TOTAL
Cat – A High Quality	None	0
Cat – B Moderate Quality	None	0
Cat – C Low Quality	None	0
Cat – U Poor Quality	None	0

There will therefore be no impacts upon views from public areas outside the site.

2. Indirect Loss of Trees.

As a result of the proposed construction it is considered that there will be an indirect loss of one hedge.

BS5837 CAT	TREE No's	TOTAL
Cat – A High Quality	None	0
Cat – B Moderate Quality	None	0
Cat – C Low Quality	None	0.
Cat – U Poor Quality	H1	1 hedge.

There will therefore be minor impacts upon views from public areas outside the site.

3. Major Pruning of Trees.

There is no requirement to undertake pruning to facilitate the provision of access for construction vehicles:

BS5837 CAT	TREE No's	TOTAL
Cat – A High Quality	None	0
Cat – B Moderate Quality	None	0
Cat – C Low Quality	None	0
Cat – U Poor Quality	None	0

There will therefore be no impacts upon the local environment.

Should any additional works become necessary, removal of trees for arboricultural purposes would be to fell poor quality material of limited potential and promote quality of retained stock. Replanting would usually be recommended unless existing stock would effectively prevent establishment. Any such proposals would be considered as positive pro-active recommendations but, if for whatever reason retention was sought by other parties (e.g. Ecologists), consideration would always be given to alternative options.

Any recommendations for basic remedial pruning to improve form and balance, permit grounds maintenance, remove dead wood and generally promote health and viability, may be incorporated within the management of the site should development proceed.

If necessary, any such proposed works may require the submission of a Tree Works Application.

Note. Formative pruning may be required in the future to maintain clearances to adjacent structures, but all such actions can be readily implemented without harm and would not be materially different to normal management requirements.

Indirect Impacts on Trees.

As a result of the proposed development there are no potential impacts on any retained items in proximity;

BS5837 CAT	TREE No's	TOTAL
Cat – A High Quality	None	0
Cat – B Moderate Quality	None	0
Cat – C Low Quality	None	0
Cat – U Poor Quality	None	0

Should there be any concerns from other parties, any potential harmful impacts can however be readily mitigated by utilising appropriate methodologies all of which, if considered necessary, can be readily conditioned and enforced by the Local Authority and implemented by the contractors.

Discussion.

Any submitted Statement to identify the methodologies for the necessary site works would be expected to follow guidance within BS5837:2012 Trees in relation to design, demolition and construction – Recommendations Section 7.4.2. et al.

- Consideration of the retained off site trees and their probable expected root protection area when acknowledging existing hard surfacing and constraints to root morphology.
- If there are concerns for whatever reasons, basic protective fencing could be erected on the edge of the hard surfacing for those items within the car park.
- In respect of discussions regarding the adjacent hedge, this is a mature / over mature feature that has been heavily pruned in the distant past at low level and more recently at height. All such operations have encouraged multi stemmed habits creating poor fork structures liable to failure and of poor form – stems cut hard back to brown wood not producing new growth.
- The original hedge plants were also planted very close to the boundary with the result that incremental stem growth is now causing displacement of the fence panels and (although difficult to observe), the lower sections of the concrete base panels. All such issues cannot be simply resolved, only removal of the offending items will prevent further damage and encroachment.
- Due to the more recent topping, the centre of the hedge has become bare – the brown wood not resprouting, and appears visually unattractive from a distance. The

branch form has also become biased to north and south and overhangs the existing Mosque to a significant degree. The overhang could be reduced back to the boundary but, the visual appearance of the hedge would degrade significantly further with no “greenery” / foliage on the southern side. Should the owners of the hedge also trim their side in an attempt to improve form and balances, the overall effect would be extremely unattractive.

- Root morphology / trespass into the site is considered to be low / very limited. The existing Mosque is close to the boundary and the foundations will have restricted root development. Some root material may have accessed the narrow flagged strip between the structure and the fence but, due to the hard surfacing, possible service routes, umbrella effect of the foliage above and historic disturbance, root presence is likely to be very limited and will instead, have become biased into the open garden environment to the north.
- The most positive / proactive approach would be to discuss the problem with the neighbour and preferably remove the hedge, repair the fence and if required, replant a new hedge feature in a more appropriate location some distance back from the fence line. Such operations could be very simply and comparatively cheaply undertaken when the existing Mosque was removed and before new construction commenced. If retained and required to be removed at a later date after construction, costs would escalate dramatically.
- If a reasonable compromise could not be reached, then pruning back to the site boundary of all foliage would permit construction to proceed and nuisance to be abated. In respect of any root presence, the required excavations should be carefully monitored and if any major root material is encountered, either works are revised to avoid major damage or, the owners advised that the trespassing roots are being removed and they should be aware that such operations may cause harm, or loss of stability, to the hedgerow.
- Whilst branches and roots of trees overhanging / trespassing across a neighbours site may be cut off if the trees are not protected, it is not clear as to whom is responsible should the trees fail due to instability in the future.
- As such, negotiations to remove the hedgerow, repair / construct a new fence and replant a new screen feature if required, would be the most satisfactory solution.
- All services, drainage routes etc. can be readily installed outwith any root protection area.

Effectively therefore, any potential harmful impacts upon the retained trees and the visual amenity currently afforded to the local environment can be effectively avoided but the loss of the offsite hedge and replanting would be the most positive and pro active solution.

Indirect Construction Impacts in General.

As indicated previously, some future tree management works may be desirable to maximise health and safety and promote the long term integrity of the retained features identified, retention simply being expected at present so as to continue to provide visual amenity and screening.

However, all such trees are outwith the site and the responsibility of others and now works are required in respect of any construction proposals.

Construction Methodology / Arboricultural Method Statement.

The requirement for an Arboricultural Method Statement may be conditioned to any approval for development within the site. However due to the lack of trees on site and proposed removal of the hedge to the site boundary, an Arboricultural Method Statement is not considered necessary in this instance.

If required for whatever reason, such a document as detailed in BS5837:2012 Trees in relation to design, demolition and construction - Recommendations would be appropriate to the proposals and would be expected to typically address the following issues:

- Consideration of / protection to any retained trees / hedges before any removal of surfacing or excavation commences.
- Provision of protective fencing throughout the proposed construction.
- Discussions / agreement for tree / tree root protection where construction / surfacing may encroach within theoretical root protection areas.
- Provision of construction methodology to indicate locations for site cabins, welfare units and storage areas.
- Auditable / audited system of arboricultural site monitoring, including a schedule of any specific site events requiring input or supervision.
- A nominated Project Arboriculturalist.
- Contact details for all relevant parties.

In respect of the provision of the Method Statement, in accordance with BS5837 Figure 1, once the feasibility and planning/design section is complete and Scheme Design Approvals are obtained from Clients and Regulatory bodies, the detailed/technical design stage should be implemented.

In arboricultural terms, if an Arboricultural Method Statement is deemed necessary, this will basically involve the preparation and submission of a detailed and comprehensive document to discharge the relevant conditions.

The provision of such a Method Statement can ensure that there are neutral / negligible impacts on the retained treescape.

Proximity of Trees to Construction.

The proposals for the Mosque has been designed to adhere to guidance within BS5837:2012 in that it is located outside the root protection areas of trees to be retained.

Space has also been permitted to allow future growth of any retained trees although they are all of a size and species or, located where substantial increases in size / spread would not be expected.

The design creates acceptably spacious, open external environments that can be utilised for parking etc. and all such actions would have no impact upon retained material

It is not expected that any significant shade would be cast across the site during the day as the sun rotates around it's natural arc.

From the foregoing assessments it is considered that there will be neutral / negligible impacts caused to retained trees within proximity of the proposed development.

Services

No services are currently indicated as being required within the expected root protection area of the retained trees.

Should new services be required for whatever reason in the proximity of the trees for whatever reason, these will be fully assessed and if necessary any excavations will be undertaken manually or alternative techniques such as drilling or thrust boring utilised all as per guidance in BS5837:2012 or the NJUG publication Volume 4 – Guidelines for the Planning, Installation and Maintenance of utility Apparatus in Proximity to Trees – 2007.

There will therefore be no impact upon retained material to the detriment of the local environment.

Post Construction

Should the proposed works proceed, retained trees would be expected to be continued to be managed to create acceptable levels of safety and accessibility. As indicated, any such actions will also promote health and viability and will maximise the potential of the landscape.

Any items may be lost in the future due for example to age, infection, suppression or proposed management as would be expected in any environment but, it would be expected that all such operations would be supported by or consented to by the Local Planning Authority and replanting encouraged or conditioned.

It is reasonable to conclude therefore that as a result of the proposals there would be no appreciable post development pressure to undertake either inappropriate or undesirable tree works to the detriment of the visual amenity currently afforded. It is therefore considered that any post development pressures would have a negligible impact.

Conclusions

From the foregoing information it is evident that no tree losses will be required but one hedge is recommended for removal.

It is not expected, that the adjacent off site trees identified are at possible risk from indirect impacts but, if concern is raised for any reason, with appropriate methodologies and site management all such risks can be avoided and no harm will be caused.

If considered necessary, all operations can be appropriately controlled by the implementation of a detailed Arboricultural Method Statement conditioned to an approval.

The proposals have considered all arboricultural issues and will permit the construction to proceed without conflict with any retained material on, or off the site. The juxtaposition of the new Mosque to the retained material will also ensure that the need for regular pruning regimes will be avoided, attractive environments can be maintained and nuisances avoided.

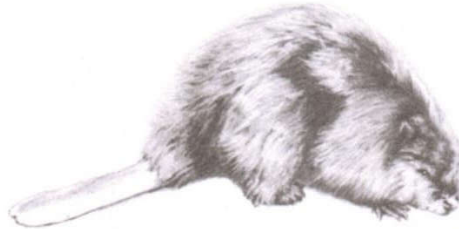
No services are required to be connected and / or installed that would impact upon the retained material. Should it be necessary for any reason, services could be installed using accepted techniques that avoid damage or disturbance to rooting environments.

It is evident from the submissions that the development seeks to create safe, attractive and useable environments, thereby encouraging the retained material to be positively / pro-actively managed so as to provide a positive contribution to the environment and assisting in controlling air pollution.

It is reasonable to conclude therefore that in respect of arboricultural issues should the proposed constructions proceed there is likely to be a minor beneficial impact to the retained treescape and its future viability.

Iain Tavendale F.Arbor.A

January 2024.



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ARBORICULTURAL CONSULTANT

SURVEY DETAILS FOR TREES ON LAND ADJACENT AL BILAL MOSQUE, PRESTWICH.

Issued to; Lumitekton

Survey undertaken 19th January 2024.

Prepared by: *Iain Tavendale F.Arbor.A*
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Note:

All tree surgery and felling works detailed should be carried out to a standard, the minimum of which is specified in BS3998:2010 Tree Work - Recommendations.

Contractors should be suitably qualified and experienced to an acceptable standard. They should also be aware that if during operations any defects become apparent that would not have been immediately obvious to the Consultant, that such defects should be notified immediately and confirmed in writing within a reasonable period.

All observations and recommendations only relate to the site and the trees as they were at the time of inspection. Should severe climatic or environmental events or changes take place, it may be necessary to reassess the situation so as to ensure an acceptable and continuing level of safety.

The report does not provide a full health and safety inspection of the trees surveyed. It is not a Tree Hazard Assessment that is specific to minimising the risks and liabilities associated with trees.

Should the inspection have taken place during the dormant season, this will have simplified the inspection of the high crowns and canopies. It will not have been possible however to ascertain either leaf size, colour or density which, can be classic indicators of stress or root associated disorders.

The survey has also been prepared in the knowledge that some form of development may occur on the site. As such, some of the recommendations put forward could be considered unnecessary were the site simply left as it presently exists.

Furthermore, should development be approved, it may be necessary to reassess and amend this document upon completion of all construction operations to ensure that trees, properties and people can all safely co-exist.

All tree numbers refer to those indicated on the attached site drawing. Dimensions of any trees off site may have been estimated if access was not possible.

The report unless stated otherwise, is of a preliminary nature in that the trees were not climbed but inspected from ground level, and no soil or timber samples have been taken for analysis.

A copy of the Consultant's General Conditions of Contract are attached. These form the basis upon which all services and information are provided.

KEY:

Tree No. - Tree Number – to be recorded on tree survey plan where necessary.

Species – common and scientific names, where possible.

Height – overall height of the tree in metres

Stem Dia - Stem diameter – in millimetres at 1.5m above adjacent ground level (on sloping ground to be taken on the upslope side of the tree base) or immediately above the root flare for multi stemmed trees.

Branch spread – in metres taken at the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan where necessary).

Height of cc - Height of crown clearance – in metres above adjacent ground level to inform on ground clearance, crown stem ratio and shading). Where considered desirable, first significant branch and direction of growth e.g. 2.4-N

Age class – young (Y), Middle aged (MA), mature (M), over mature (OM) & veteran (V).

Physiological condition – e.g. good (g), fair (f), poor (p) & dead (d).

Structural condition – e.g. collapsing, the presence of decay and any physical defect.

Preliminary management recommendations – including further investigations of suspected defects that require more detailed assessment and potential for wildlife habitat.

ERC - Estimated remaining contribution – in years, <10, 10+, 20+, 40+.

Cat grade - Category grade – U or A to C (see Table 1) to be recorded in plan on the tree survey plan where appropriate.

RPA – Root protection area calculated from BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations in sq/m's. Where indicated, dimensions of radius of circle or sides of square based around centre point of trunk calculated for design purposes.

RP – Remedially prune: remove significant dead wood, basal & epicormic shoots, broken, crossing and rubbing branches etc and undertake light reshaping if necessary to improve form and balance/ abate actual or potential nuisance. Ensure adequate clearances over highway (5.2m) and footpath (2.4m)

- estimated dimensions (e.g. for off-site or otherwise inaccessible trees where accurate data cannot be recovered).

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)				
Category U 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	- 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 category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) - Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline - 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 <i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</i>			See Table 2
	1 Mainly arboricultural qualities	2 Mainly landscape qualities	3 Mainly cultural values, including conservation	
Trees to be considered for retention				
Category A Trees of high quality 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 those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant 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)	See Table 2
Category B Trees of moderate quality 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	See Table 2
Category C Trees of low quality 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 value	See Table 2

Tree No.	Species	H'gt.	Stem Dia.	Branch Spread	H'gt of C.C.	1st Branch @	Age Class	PC	Structural Condition	Preliminary Management Recommendations	ERC	Cat Grade	RPA Sq.m's	RPA Circle of Radii / m's	
	The following two trees and 1 group are included simply for reference purposes, being in a situation where access may be sought for movement of construction vehicles.														
T1	Sycamore	14	410	N E S W	6.4 5.4 4.6 6.5	3	4.5W	M	F	One sided due to mutual suppression by adjacent tree now felled. Reasonable vitality Minor dead wood, old branch stumps and crossing / rubbing branches all typical of species.	No action at present. Monitor.	20	B2	76.06	4.92
t2	Sycamore	16	400	N E S W	5.6 4.3 3 5.5	5		M	F	Ivy clad inspection restricted. Appears to have reasonable vitality from branch work visible. Very close to adjacent dwelling.	No action at present. Monitor.	10	C2	72.39	4.8
G1	Sycamore	16	525	N E S W	7.6 over site	2		M	F	Multi stemmed group feature. Reasonable vitality Minor dead wood, old branch stumps and crossing / rubbing branches all typical of species.	No action at present. Monitor.	20	B2	124.71	6.3
H1	Cupressus.	12	350	N E S W	3.2 over site.	5.6		M	F	Overgrown hedge located in very close proximity to rear boundary of adjacent property. Stem / limbs causing conflict with boundary fencing and generating displacement. Has been heavily topped in past but permitted to regrow. Beyond any level of reasonable management.	Preferable to negotiate with neighbour and fell and replant. If actions not supported simply cut back all material to boundary and advise that incremental growth is causing an actionable nuisance.	0/10	U	55.42	4.2

IAIN TAVENDALE F.Arbor.A
ARBORICULTURAL CONSULTANT
General Conditions of Contract

1. DEFINITIONS

In these Conditions:

"Consultant" means Iain Tavendale F.Arbor.A.

"Contract" means the contract for the provision of Services.

"Employer" means the person whose request for the provision of the Services is accepted by the Consultant or who accepts a written quotation of the Consultant.

"Site" means the area in which the Services are to be carried out as specified in writing to the Consultant prior to his commencing the provision of the Services.

"Services" means the services of arboricultural consultant to be supplied to the Employer by the Consultant in accordance with these Conditions.

2. BASIS OF THE CONTRACT

The consultant shall provide to the Employer and the Employer shall accept the Services in accordance with any written quotation of the Consultant which is accepted by the Employer or any request to provide services of the Employer which is accepted by the Consultant to appropriate British Standards and within a reasonable time. Time shall not be of the essence of the Contract. These conditions shall govern the Contract to the exclusion of any other terms and conditions and no variation to these Conditions shall be binding unless agreed between the Employer and the Consultant. No variation of the Services will be made without prior agreement in writing between the Employer and the Consultant. (The Consultant's employees or agents are not authorised to make any representations concerning the Services unless confirmed by the Consultant in writing.)

3. THE CONSULTANT SHALL:

- a) be entitled to subcontract assign or transfer any or all of the Contract without informing the Employer. The Consultant shall be responsible for its obligations under the Contract where sub-contracting takes place.
- b) be responsible for making good at his own cost any damage caused as a result solely of his own work.
- c) on completion of the Contract leave the site reasonably clean and tidy from his own work.

4. THE EMPLOYER SHALL:

- a) be responsible for ensuring that the Consultant is notified of all Tree Preservation or Conservation Area Orders, Private Covenants, the need for Felling Licences, or Planning Legislation that is applicable to the Contract.
- b) be responsible for ensuring that the Consultant is notified of all springs, wells, service pipes and cables, sewage or land drains, or any other hazards or obstructions which are not discoverable upon immediate visual inspection of the surface of the site. Any breach of this responsibility shall entitle the Consultant to make a reasonable charge for any additional work caused by such hazards or obstructions.

5. CONTRACT PRICES

The price for the Services shall not include Value Added Tax which the Employer shall be additionally liable to pay to the Consultant. The price which the Employer shall be liable to pay shall be determined by reference to the Consultants hourly charge rate current at the date of completion of the Services. In addition the Employer shall be liable to reimburse the Consultant for such expenses as may reasonably and properly be incurred by him in the performance of the services as Consultant. Written details of the Consultant's hourly charge rate will be provided to the Employer on written request by the Employer.

6. METHOD OF PAYMENT

- a) Subject to any special terms agreed in writing between the Employer and the Consultant the Consultant shall be entitled to invoice the Employer for the price of the Services on or at any time after the Services have been completed.
- b) The Employer undertakes to pay the Consultant within 28 days of the date of the Consultant's invoice. The time of payment of the price shall be of the essence of the Contract.
- c) Failure by the Employer to make payment on the due date, will entitle the Consultant to interest on the amount unpaid at 3% per annum above the base rate of Barclays Bank plc from time to time until payment in full is made and will further enable the Consultant to cancel the contract or suspend any further provision of Services to the Employer.
- d) If the Consultant fails to perform the Services for any reason other than any cause beyond the Consultant's reasonable control or the Employer's fault and the Consultant is accordingly liable to the Employer, the Consultant's liability shall be limited to the excess (if any) of the cost to the Employer (in the cheapest available market) of services to replace those not completed over the price of the Services.

7. DISPUTES

- a) Where disputes arising from the Contract cannot be resolved by the Employer and the Consultant, then an independent single arbitrator agreeable to both parties (or in default of agreement nominated on the application of either party by the Chairman of the Professional Committee of the Arboricultural Association for the time being) shall be employed.
- b) The losing party will pay the resulting costs, unless otherwise decided by the arbitrator.
- c) The Contract shall be governed by the Laws of England.

8. THE SITE

Access

- i) The Consultant will have free and reasonable access within the Site. Any areas that are to be excluded from this should be notified in writing to the Consultant prior to the date on which the Services are commenced.
- ii) The Employer shall ensure that the Consultant has access to private areas outside the site reasonably necessary in order that the Services can be carried out.
- iii) The Employer shall indemnify the Consultant against any liability incurred by the Consultant (of whatsoever nature) due to his having entered on private areas without permission of the owner when the Employer has stated free access has been negotiated.

9. LIABILITY

- a) The Consultant shall not be liable to the Employer or be deemed to be in breach of the Contract by reason of any delay in performing the Services, if the delay or failure was due to any cause beyond the Consultant's reasonable control. Without prejudice to the generality of the foregoing, the following shall be regarded as causes beyond the Consultant's reasonable control:
 - i) Act of God, explosion, flood, tempest, fire or accident;
 - ii) acts, restrictions, regulations, bye-laws, prohibitions or measures of any kind on the part of any governmental, parliamentary or local authority;
 - iii) strikes, lock-outs or other industrial actions or trade disputes.
- b) The Consultant shall not be responsible or liable for any work undertaken as a result of recommendations by the Consultant unless, or until, such work is carried out and both supervised and approved by the Consultant.

10. QUOTATION

- a) Any quotation given by the Consultant to the Employer shall remain open for acceptance for 30 days from the date of such quotation and thereafter lapses automatically.
- b) Acceptance of such quotation involves acceptance of these conditions. It should be noted that any attempted or actual cancellation thereof by the Employer may involve the Employer in a claim for recovery by the Consultant of any loss or expense incurred as a result.
- c) The Consultant is the owner of the copyright existing in any such quotation and it shall not be copied without the prior written consent of the Consultant. Any reproduction before obtaining the Consultant's consent constitutes an infringement of copyright and a breach of the Contract entitling the Consultant inter alia to rescind the Contract and rendering the Employer liable for payment of damages.

11. INSOLVENCY OF EMPLOYER

This clause applies if:

- a) the employer makes any voluntary arrangement with its creditors or becomes subject to an administration order or (being an individual or firm) becomes bankrupt or (being a company) goes into liquidation (otherwise than for the purposes of amalgamation or reconstruction); or
- b) an encumbrancer takes possession, or a receiver is appointed, of any of the property or assets of the Employer; or
- c) the Employer ceases, or threatens to cease, to carry on business; or
- d) the Consultant reasonably apprehends that any of the events mentioned above is about to occur in relation to the Employer and notifies the Employer accordingly.

If this clause applies then without prejudice to any other right or remedy available to the Consultant, the Consultant shall be entitled to cancel the Contract or suspend any further provision of Services under the Contract without any liability to the Employer, and if the services have been completed but not paid for the price shall become immediately due and payable notwithstanding any previous agreement or arrangement to the contrary.

12. OWNERSHIP/COPYRIGHT

The Consultant is the owner of the copyright in any report tender documentation and/or recommendations and all associated information submitted to the Employer by the Consultant. The report recommendations tender documentation and all associated information submitted to the Employer shall not be copied without prior written consent of the Consultant. Any reproduction before obtaining the Consultant's consent constitutes an infringement of copyright and a breach of the Contract entitling the Consultant, inter alia, to rescind the Contract and rendering the Employer liable for payment of damages.

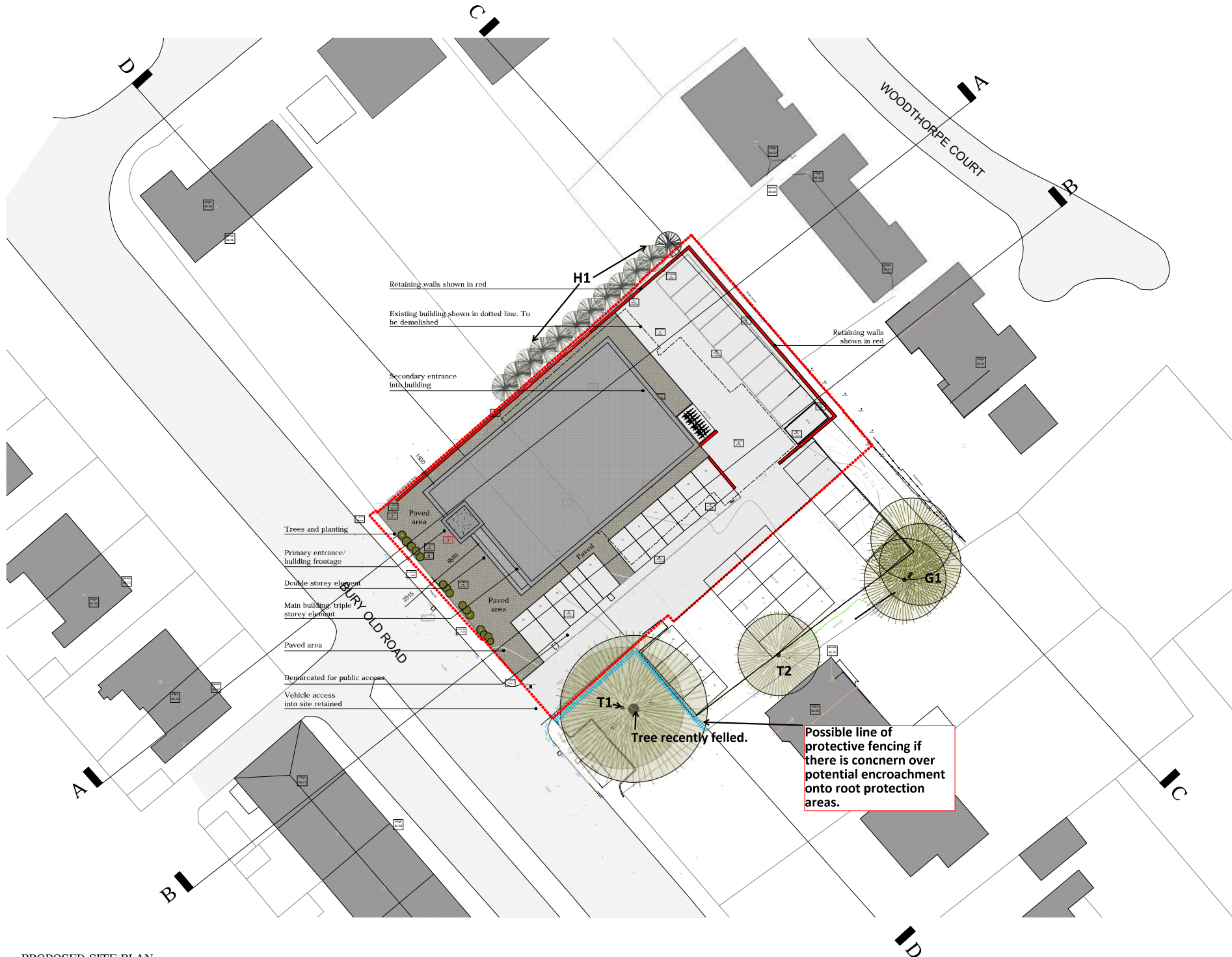
13. GENERAL

- a) Any notice required or permitted to be given by either party to the other under these Conditions shall be in writing addressed to that other party at its registered office or principal place of business or such other address as may at the relevant time have been notified pursuant to this provision to the party giving notice.
- b) No waiver by the Consultant of any breach of the Contract by the Employer shall be considered as a waiver of any subsequent breach of the same or any other provision.
- c) If any provision of these conditions is held by any competent authority to be invalid or unenforceable in whole or in part the validity of the other provisions of these Conditions and the remainder of the provision in question shall not be affected thereby.
- d) The headings in these Conditions are for convenience only and shall not affect their interpretation.

View of hedge from west indicating poor / historic pruning.

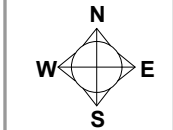


View alongside existing structure indicating overhang, poor historic pruning and displacement of fencing by incremental growth of stems /branches.



Revisions

revision	date	comments
A	22.07.23	Building repositioned Parking amended Exit lane removed Adjacent levels shown
B	17.08.23	Levels amended
C	22.11.23	Red line amended
D	24.11.23	Further detail clarified
E	22.12.23	Building moved back and levelled



Job Title
Demolition of existing Al-Bihal Mosque and erection of new purpose built Islamic Community Centre

Site Address
Al Bihal Islamic Centre
52 Bury Old Rd
Prestwich
M25 0ER

Drawing Title
Proposed Site Plan

Scale
1:200 @ A1

Date
07.10.22

Drawn
T: 07894401574
E: info@lumitekton.com