



Tree Constraints Report
for Gwelantyr,
Swanpool,
Falmouth
TR11 5BA

Client: Mr & Mrs Kitchen

Reference: 3351-TCR
Site Visit Date: 14th June 2019
Report Date: 20 June 2019

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1 INSTRUCTIONS

- 1.1 Ms Linda Kitchen, the client, instructed us, Evolve Tree Consultancy, to survey the trees on and adjacent to the site and produce a Tree Survey and Constraints Plan in relation to a possible development of the site.

2 INTRODUCTION

- 2.1 The site is Gwelantyr, Swanpool, Falmouth TR11 5BA. Our assessment will describe the trees on and adjacent to the site in terms of their condition and their contribution to the public amenity of the area.
- 2.2 We will provide the baseline data to inform the feasibility assessment and development design. They will assist in prioritising trees for retention and balance the weight of any competing interests.
- 2.3 The constraints analysis presents the factors that need to be considered when producing a design.
- 2.4 The tree survey and constraints plan are the key (arboricultural) part the feasibility and planning assessment. When a preliminary design is available, I can provide further advice on the potential impacts and suggest measures for avoidance, mitigation or compensation.

3 SURVEY METHODOLOGY

- 3.1 This survey and analysis accords with British Standard 5837:2012 Trees in relation to design, demolition & construction - Recommendations (BS 5837). This document gives recommendations and guidance on the relationship between trees and design, demolition and construction processes.
- 3.1.1 The baseline data includes; species, height, stem diameter, branch spread to each of the four cardinal points, height of lowest branch above ground, age class, physiological condition, structural condition, recommendations, estimated remaining contribution in years, qualities based on their arboricultural, landscape and cultural values.
- 3.2 I did not have access to trees T12 and T14 as they were outside the boundary of the site. I have confined my observations about these off-site trees to what I could see from within the property. Any recorded dimensions of these trees are estimates and indicated as such in the Tree Schedule at Appendix B.
- 3.3 I have plotted the positions of the trees on the Tree Constraints Plan (TCP) which is based on the topographical survey supplied

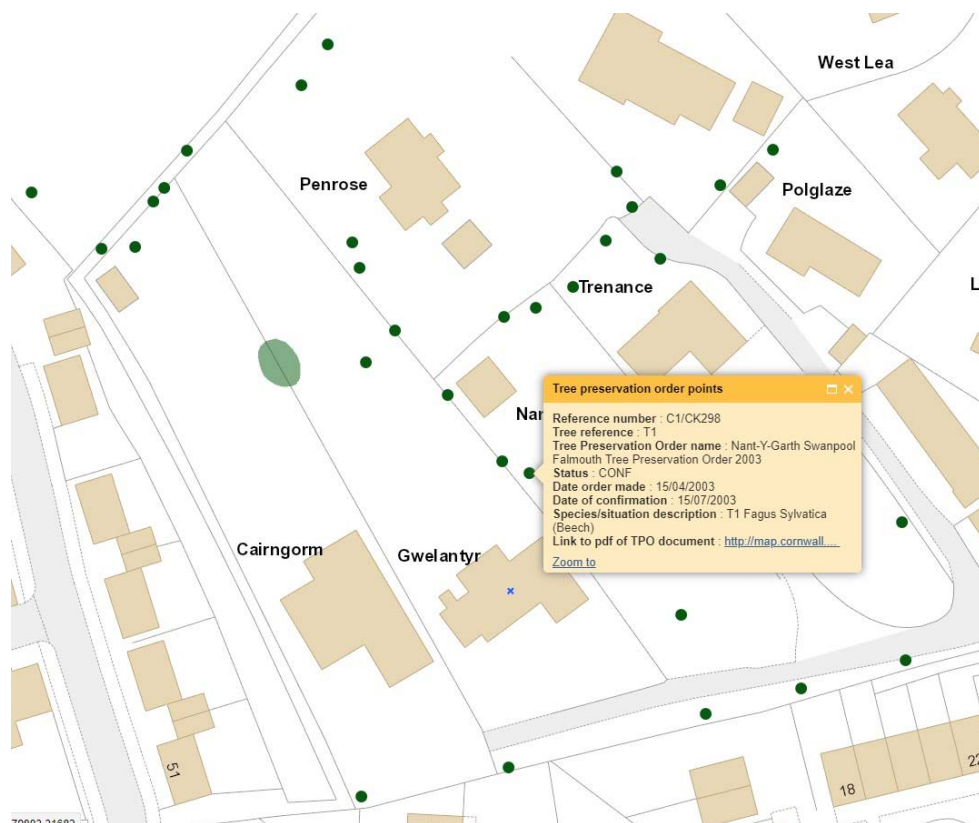
- 3.4 I made a visual assessment of each tree from ground level. If access was impeded this is recorded in the survey schedule. My methodology is consistent with that described in Appendix A.
- 3.5 The recorded data about the trees is presented in the Appendix C Tree Schedule with explanatory notes given in Appendix B.
- 3.6 Please note that this report was prepared for planning purposes and does not provide a risk assessment.

4 SUPPORTING DOCUMENTATION

- 4.1 This report and associated plans and findings are based on the documents provided, as listed below:
- Douglass Geomatics Surveys Topographic Survey of the site, drawing number DG19080-1-1 dated 06.06.19.
- 4.2 This report should be read alongside Evolve documents:
- Tree Constraints Plan Ref: 3351-TCP.

5 STATUTORY PROTECTIONS

- 5.1 I have used the information provided by the Cornwall Council Interactive Map on the assumption this is a true and accurate record.
- 5.2 9 individual trees and 1 group of trees, both on the site and adjacent to it with the potential to be affected by development, are protected by the Swanpool Falmouth No 1 Tree Preservation Order 2007. I have included a snapshot from the Council Interactive Map showing the protected trees below.



- 5.3 The site is not within a Conservation Area. Details regarding the management of trees within Conservation Areas and those protected by Tree Preservation Orders are given in Appendix C Legal Constraints.
- 5.4 [Felling Licence](#): I do not believe the site to be subject to the provisions of the Forestry Act.
- 5.5 [Hedgerow Regulations](#): The hedgerow regulations do not apply to the boundary of a domestic curtilage.

6 PLANNING POLICY

6.1 National Planning Policy Framework (NPPF) states that:

“Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy (para 175)”.

6.2 Local Planning Policy. The Cornwall Local Plan includes:

- Policy 22: European Protected Sites - mitigation of recreational impacts from development.
- Policy 23: Natural environment.
- Policy 12: Design – Development must ensure Cornwall’s enduring distinctiveness and maintain and enhance its distinctive natural and historic character.

6.3 Cornwall Council Cornwall Planning for Biodiversity Guide 10.7.3 states:

“For residential developments as an absolute minimum a buffer of 2 metres either side of the hedge is required.

7 STATUTORY DESIGNATIONS

7.1 Other designations:

- The site is not within any other landscape/wildlife designated areas.
- PROW –No Public Right of Way (PROW) exists on or adjacent to the site.

8 THE SITE

- 8.1 Gwelantyr is accessed by the private road running due west from the Swan Pool. This narrow track accesses several residential dwellings and finishes at Cairngorm to the west of Gwelantyr.



Image 1. Location Plan Google Map Data 2019

- 8.2 The existing dwelling is a bungalow in need of considerable work to make it habitable to modern standards. There is a large rear garden to the north containing some large trees close to the buildings and extending to a remnant hedge bank forming the northern border. There is a new, consented residential development to the north.

9 THE TREES

- 9.1 The trees are of varying quality ranging from B category trees (T1, T4, T8, T9, G11, T12, T13 and T16) and the remainder are categorised as C grade.
- 9.2 The B category are larger and therefore have more public visibility. However, all excepting those on the northern boundary have been crown lifted to allow for light access and to reduce the conflict with the existing dwellings. This work has been outside best practice, but this could not be reasonably resisted given their proximity to habitable space.
- 9.3 The oak tree T5 is situated in the centre of the garden has a height of 5 metres and is only visible from the centre of the garden. It cannot be viewed

from outside the property or only glimpsed from the house. Consequently, I do not believe this tree has any significant public amenity.

9.4 Key Trees: Amenity. These trees are represented by the BS categorisation.

9.5 Key Trees: Sensitivity. This represents my assessment of the trees in relation to their ability to tolerate disturbance, the species characteristics, their age and vitality. The trees on site most sensitive to disturbance, and therefore needing to be afforded the greatest protection, are:

9.5.1 The key trees are the ash tree T12 (despite its pruning history) and the group G11 on the northern boundary that provide significant screening.

10 CONSTRAINTS ANALYSIS

10.1 The cascade chart is a construct of the BS5837 designed to help describe the characteristics and relative value of trees. It provides an assessment of which trees are important and which trees are not.

10.1.1 It does not dictate which trees ought to be retained or removed, merely the weight that should be given to them when balancing competing interests. Certain trees may be of such importance and sensitivity that they justify having a major influence on design. Others may be of little significance that could be removed without adverse impacts.

10.2 **The root protection area (RPA):** This is an area (representing a volume of soil) considered necessary to maintain the trees viability. The area represented on the TCP is a minimum recommended by BS5837 and is capped at 707 m² (apart from exceptional circumstances e.g. some veteran trees (BS 5837 para 5.2.4)).

10.3 Where roots have grown without barriers, the RPA represents only part of a trees system. This is indicated in Figure 1 below. We commonly encounter situations where the RPA is compromised by construction. Figure 1 below shows the amount of root loss that will have already been accounted for.

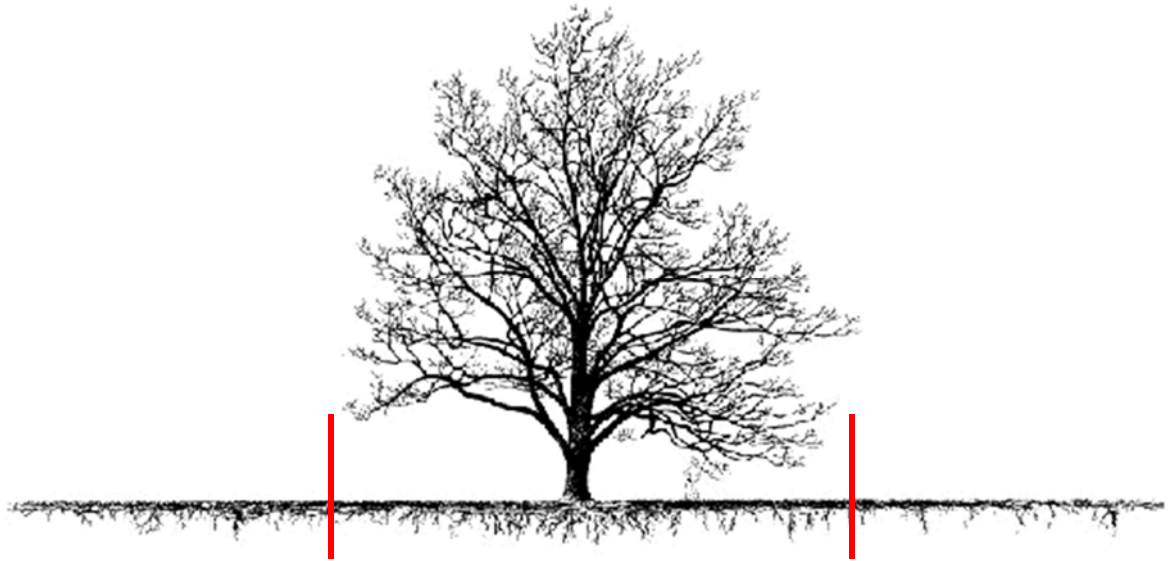


Figure 1. A typical example of tree root growth. The red lines are representative of the limits of the RPA indicating the extent of roots that may already be lost.

- 10.3.1 The shape of the RPA will vary in accordance with site conditions e.g. a road is likely to form a barrier to root growth. Whilst the notional RPA is circular the shape plotted on the TCP may be a polygon to reflect likely barriers to root growth.
- 10.4 As recommended in paragraph 6.6.3 of the BS ¹ we have made changes to the shape and/or size of the root protection areas of the trees T1. This is to reflect the presence of the neighbouring building. Tree roots will not extend far into this area as the soil conditions are not suitable for growth.
- 10.5 I have not amended the root protection areas (RPAs) of the remaining trees as they represent a fair estimation of the likely rooting area.
- 10.6 Tree species: The species will influence several factors relevant to design including height (represented by the length of the shade arc), spread (indicated on the TCP), ultimate height and spread (which may be indicated where appropriate), deciduous/evergreen nature, crown density, seasonal nuisance etc.

¹ **4.6.3** Any deviation in the RPA from the original circular plot should take account of the following factors whilst still providing adequate protection for the root system:

- a) the morphology and disposition of the roots, when influenced by past or existing site conditions (e.g. the presence of roads, structures and underground apparatus);
- b) topography and drainage;
- c) the soil type and structure;
- d) the likely tolerance of the tree to root disturbance or damage, based on factors such as species, age, condition and past management.

- 10.7 The proximity of a tree to houses and gardens can be a key factor in affecting people's enjoyment of the property.
- 10.8 Age: Trees are long lived organisms. Depending upon the species, even a mature tree could be present for centuries after the development is complete. Current age is an indicator of how much more a tree will grow in height and spread. A mature tree is much more likely to be growing at a slow rate, whereas a young or middle-aged tree will have significant growth potential.
- 10.9 Mature and over-mature trees are generally more sensitive to change than young trees.
- 10.10 Soil: The depth and nature of the soil will have a significant influence on root growth and morphology, resource availability and ability to tolerate stress. Made ground, ploughed fields, over-compacted land and other factors can all influence soil nutrient status, soil structure, organic matter content, moisture retention etc.
- 10.11 Changes to the natural drainage patterns by development can influence how soil moisture percolates through to the trees may have a significant impact on a tree's viability.
- 10.12 Shade Arc: This is an average pattern of the shade as it passes through the day. It provides an indication of how trees may impede direct sunlight.
- 10.13 Dense shade can be addressed by the siting of dwellings and a reasonable proportion of the garden outside the shade arcs.
- 10.14 Siting buildings within the shade arc can adversely affect the availability of natural daylight to principal living rooms. The internal arrangement of buildings and fenestration design can make significant improvements to daylight availability. Where there is a conflict, the designer should consider the effects by way of an environmental assessment.
- 10.15 Direct light access (shading). I have presented the indicative shade arcs on the tree constraints plan only where they impinge on the site or are relevant to the potential for development. They show the arc of shade during the day and provide an indication of how the trees might influence the reasonable enjoyment of a property.
- 10.16 Shade can be addressed by the siting of dwellings outside the shade arcs. Should buildings have to enter the shade arcs, then the internal layout design should reflect this by, for example, putting 'non-liveable' rooms in these areas. It can also be addressed by fenestration, roof lights, etc.

- 10.17 General light access. This can be the result of retaining trees close to a building where it prevents light diffusion but not direct access. This should be considered though an analysis of ambient light is outside the remit of this report.
- 10.18 Tree growth. The trees' growth needs to be considered both in terms of shade and the physical proximity to the new structures. The red lines on the shade plan show our estimation of these extended shade patterns because of the future growth.
- 10.19 Overbearing. This is where the current or future growth of the tree will dominate the space to the disadvantage, whether perceived or real, of the future occupiers.
- 10.20 Seasonal nuisance. Trees are naturally growing and shedding organisms. Leaves of some species can cause problems particularly in the autumn by blocking gullies and gutters. Fruit can cause slippery patches and accumulation of honeydew can be damaging to surfaces and vehicles. These issues can be designed out using proprietary gutter covers or similar.

11 CONCLUSIONS

- 11.1 Trees G11 and T12 are of such importance and sensitivity that every effort should be made to retain them. If this cannot be achieved, their removal will need to be justified by robust planning arguments.
- 11.2 There is potential (in arboricultural terms) to develop the land. The scope and scale of any arboricultural impacts will be dictated by the design. The overall impacts will be a balance between the negative effects on trees and the benefits that the trees provide (measured against planning policy).
- 11.3 We trust this provides enough information for you to develop the plans. Should you have any queries I can provide further advice and opinion as required.

12 NEXT STEPS

- 12.1 Once the constraints have been considered and the final layout proposed I would welcome the opportunity to comment further.



Tim Scott-Ellis BSc Hons (For), Dip Arb (RFS), F Arbor A, MICFor, MRICS
Evolve Tree Consultancy

I am a Fellow of the Arboricultural Association, a Chartered Arboriculturist and a Chartered Surveyor. I hold an honours degree in Forestry and the Royal Forestry Society Professional Diploma in Arboriculture. I have been working as a full-time, professional arboriculturist since 1999.



Though safety is a consideration for each survey, this report does not provide an assessment of the risk presented by trees. Neither does this assessment relate to risks

associated with subsidence, heave or other forms of disturbance associated with tree root growth or removal.

The authority of this report ceases when any site conditions change or pruning or other works unspecified in the report are carried out to, or affecting, the subject tree(s). The statements made in this report do not consider the effects of extremes of climate, vandalism or accident, whether physical, chemical or fire. Evolve Tree Consultancy cannot accept any liability about these factors, nowhere prescribed work is not carried out in a correct and professional manner in accordance with current good practice.

The recommendations within this report remain valid for the period stated for re-inspection or twelve months from the date of survey.

The limit of Evolve Tree Consultancy's indemnity over any matter arising out of this report extends only to the instructing client; Evolve Tree Consultancy cannot be held liable for any third-party claim that arises following or out of this report. This report remains the intellectual property of Evolve Tree Consultancy.

APPENDIX A - VTA

The trees were inspected using the Visual Tree Assessment method as described by Mattheck and Breloer (The body language of trees, DoE booklet Research for Amenity Trees No. 4, 1994). All trees have been visually surveyed from ground level without climbing, boring or core sampling undertaken. Binoculars were used to assess areas of the crown as appropriate.

The 3 stages of VTA are:

- Visual inspection of the tree for defect symptoms and overall vitality. If there are no signs of any problems the assessment is concluded.
- If a defect is suspected on the basis of the symptoms, the presence or absence of that defect must be confirmed by thorough examination.
- If the defect is confirmed, it must be quantified and the strength of the remaining part of the tree evaluated.

It should be noted that a visual tree assessment is visual only (although it is often undertaken with the aid of a probe, a sounding mallet and a pair of binoculars). The quantification and evaluation (stage 3) may be beyond the scope of a visual inspection and require the use of diagnostic decay equipment and/or a separate climbing assessment.

It is important to note that even healthy, vigorous and defect free specimens have a natural failure rate.

APPENDIX B
TREE SCHEDULE EXPLANATORY NOTES

Sequential Tree, Group or Woodland Reference Number.

Name: Scientific name (Common name in brackets).

Height: Recorded in metres by inclinometer in each discrete area and estimated from the measured tree. **(lwr crn ht)**
Lower crown height, the height of the canopy above the ground.

Trunk diameter: Tree stem diameter in millimetres at 1.5 metres above adjacent ground level. For multi-stemmed trees a cumulative diameter is calculated (in accordance with BS 5837:2012 Annex C).

Crown Spread: Measured in metres & taken at four cardinal points (N E S W) by pacing or visually if access was difficult.

1st Sig branch: Existing height in metres above ground level (agl) of the first significant branch with direction of growth (if available).

Life stage	Y	Young	Recently planted or establishing tree.
	SM	Semi-mature	Age less than one-third life completed. Established tree but one that has not reached its potential ultimate height and has significant growth potential.
	EM	Early-mature	One-third to two-thirds life completed. A tree reaching its ultimate potential height, whose growth rate is slowing down but will still increase in stem diameter and crown spread.
	M	Mature	Two thirds plus life completed. Specimen with limited potential for any significant increase in size but with a reasonable life expectancy.
	LM	Late-mature (Over-mature in the BS)	Two-thirds plus life completed and declining. A tree that has passed its optimum growth rate and may require specialist management. These trees may offer significant benefits in terms of nature conservation
	V	Veteran	A tree that shows features of biological, cultural or aesthetic value that are characteristic of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned.

Category: A grade given in accordance with BS 5837:2012 - Tree Categories (see copy of Table 1 BS 5837:2012 Appx C).

Comments: General observations e.g. collapsing, the presence of any decay and physical defect and including further investigation of suspected defects that require more detailed assessment and potential for wildlife habitat.

Life Expectancy: Estimated remaining contribution in years in terms of amenity (<10, 10+, 20+, 40+).

Physiological condition	G	Good	Tree that appears to be in good condition and healthy without significant defects.
	F	Fair	Tree that appears to be structurally sound but due to minor defects is downgraded from good.
	P	Poor	Tree which shows signs of poor health, in decline and/or with significant defects.
	D	Dead	Tree which is moribund or has died.





Recommendations: Preliminary management recommendations based on the site as surveyed and for any likely pruning likely to be required should any development proceed.

RPA-R (m) - Root Protection Area (RPA) Radius - The radius of an indicative circle of the RPA.

RPA (m²) - RPA Area in metres squared.

Table 1 from BS 5837:2012

Trees in relation to design, demolition & construction – Recommendations. Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)	Identification on plan		
<p>Trees unsuitable for retention (see Note)</p> <p>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</p>	<ul style="list-style-type: none"> 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 <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve.</i></p>	<p>RED</p> 		
<p>Trees to be considered for retention</p> <p>Category A</p> <p>Trees of high quality with an estimated remaining life expectancy of at least 40 years</p>	<p>1 Mainly arboricultural qualities</p> <p>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)</p>	<p>2 Mainly landscape qualities</p> <p>Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features</p>	<p>3 Mainly cultural values, including conservation</p> <p>Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)</p>	<p>GREEN</p> 
<p>Category B</p> <p>Trees of moderate quality with an estimated remaining life expectancy of at least 20 years</p>	<p>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</p>	<p>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</p>	<p>Trees with material conservation or other cultural value</p>	<p>BLUE</p> 
<p>Category C</p> <p>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</p>	<p>Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories</p>	<p>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</p>	<p>Trees with no material conservation or other cultural value</p>	<p>GREY</p> 

APPENDIX D TREE SCHEDULE

Tree No.	Name (Common & Scientific)	Ht (m)	Stem dia. (mm)	Branch Spread (m)				1 st sig branch (m)	Life Stage	Comments	Life Exp (yrs)	Cond	Advice	Cat	RPA R m	RPA A m ²
				N	E	S	W									
T1	Fagus sylvatica (Beech)	13(3)	620	6	6	6	6	3	EM	Boundary tree. Crown lifted to current dimensions. On retaining wall overlooking neighbouring property.	20+	Fair		B2	7.4	174
T2	Picea abies (Norway Spruce)	15(1)	650	5	5	5	5	3	EM	Boundary tree. Significant growth potential.	40+	Good		C2	7.8	191
T3	Rhododendron sp. (Rhododendron)	5(2)	310	2	2	2	2	2	EM		20+	Fair		C2	3.7	43
T4	Fagus sylvatica (Beech)	14(1)	480,540	6	6	6	6	0.5	M	Boundary tree. Stem divides below 1.5m. Above neighbouring studio.	40+	Good		B1	8.7	236
T5	Quercus petraea (Sessile Oak)	5(1)	350,330	0	3	4	3	1	SM	Poor shape & form.	40+	Fair		C1	5.8	105
T6	Alnus glutinosa (Common Alder)	6(4)	300	2	2	2	2	3	SM	Recently released from bamboo growth.	20+	Fair		C1	3.6	41
T7	Rhododendron sp.	4(2)	390	2	1	3	3	2	EM		20+	Fair		C1	4.7	69
T8	Populus canescens (Grey Poplar)	15(4)	460	3	4	5	4	4	EM	Boundary tree. Ivy on tree. Crown distorted due to group pressure.	20+	Fair		B1	5.5	96
T9	Fagus sylvatica 'Purpurea' (Copper Beech)	12(1)	500	6	6	3	5	3	SM	No significant visible defects. Boundary tree. Ivy on tree.	20+	Fair		B2	6.0	113

Tree No.	Name (Common & Scientific)	Ht (m)	Stem dia. (mm)	Branch Spread (m)				1 st sig branch (m)	Life Stage	Comments	Life Exp (yrs)	Cond	Advice	Cat	RPA R m	RPA A m ²
G10	Malus (Apple)	5(1)	250	3	3	3	3	1	SM		40+	Good		C2	3.0	28
G11	Acer pseudoplatanus (Sycamore), Quercus petraea (Sessile Oak), Taxus baccata (Yew), X Cupressocyparis leylandii (Leyland Cypress)	15(4)	400	6	4	7	4	2	EM		40+	Good		B2	4.8	72
T12	Fraxinus excelsior (Ash)	18(8)	400	8	6	8	6	6	EM	In neighbouring property. Dimensions estimated. Cavity on stem. Crown lifted to current dimensions.	10+	Fair		B1	4.8	72
T13	Fraxinus excelsior (Ash)	12(4)	420	4	4	4	4	4	EM	No significant visible defects. Boundary tree.	20+	Good		B1	5.0	80
T14	X Cupressocyparis leylandii 'Castlewellan Gold'	12(2)	350	3	3	3	3	2	SM	In neighbouring property. Dimensions estimated. Root exposed on eastern side.	40+	Good		C1	4.2	55

Tree No.	Name (Common & Scientific)	Ht (m)	Stem dia. (mm)	Branch Spread (m)				1 st sig branch (m)	Life Stage	Comments	Life Exp (yrs)	Cond	Advice	Cat	RPA R m	RPA A m ²
G15	Acer pseudoplatanus (Sycamore), X Cupressocyparis leylandii (Leyland Cypress), Chamaecyparis lawsoniana (Lawson Cypress)	4(0)	450	2	2	2	2	1	SM	Pollarded trees.	20+	Fair		C2	5.4	92
T16	Ginkgo biloba (Maidenhair Tree)	11(2)	270	2	2	2	2	3	SM	No significant visible defects.	40+	Good		B1	3.2	33
T17	Quercus petraea (Sessile Oak)	5(2)	100	1	1	1	0	1.5	Y		40+	Good		C1	1.2	5
T18	Fraxinus excelsior (Ash)	6(2)	150	1	1	1	1	1	SM		20+	Good		C1	1.8	10

APPENDIX E - LEGAL CONSTRAINTS

Trees outside the site/property

Every landowner and manager has a duty of care not to damage trees on the neighbouring land. The common causes of damage (root damage, compaction, physical damage and inexpert pruning) must be avoided through good planning and site management.

Branches and roots from trees on adjacent properties that extend over boundaries can be pruned back to the boundary line without the permission of the owners, provided the tree is not in a conservation area or covered by TPO. In this case notification to the LPA or a TPO application is required in the usual way (and the notifier/applicant doesn't have to be the tree owner.) Presuming the work is strictly limited to those parts that encroach over the line of the boundary, the work is carried out in such a way that no significant harm is caused the tree or any third person's property and that no trespass occurs into the property on which the tree is growing (no pruning back to the stem) then no statute law is involved: common law applies.. The arisings remaining the property of the tree owner.

Statutory wildlife obligations

The Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 provides statutory protection to birds, bats and other species that inhabit trees. All wild birds are protected by law under the Wildlife & Countryside Act 1981, and it is an offence to disturb injure or kill a nesting bird intentionally or to take damage or destroy an occupied nest or egg. If nesting birds are discovered works on the trees should be deferred until the nests are abandoned. Care should be taken during any felling operation, or surgery works to trees to avoid damage or disturbance to birds during the nesting season.

Tree Preservation Orders

Advice can be found at:

<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/tree-preservation-orders-general/>

Conservation Areas

Advice can be found at:

<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/protecting-trees-in-conservation-areas/>

Important: Exceptions for tree work relating to planning permission and permitted development from the Planning Practice Guidance 15 April 2015 paragraph 36-083-20150415.

Under the heading "Is there an exception for tree work relating to planning permission and permitted development?", of the PPG states:

The authority's consent is not required for carrying out work on trees subject to an Order so far as such work is necessary to implement a full planning permission. For example, the Order is

overridden if a tree has to be removed to make way for a new building for which full planning permission has been granted. Conditions or information attached to the permission may clarify what work is exempt.

However, the authority's consent is required for work on trees subject to an Order if:

- development under a planning permission has not been commenced within the relevant time limit (i.e. the permission has 'expired');
- only outline planning permission has been granted; and
- it is not necessary to carry out works on protected trees in order to implement a full planning permission.

The authority's consent is also required, for example, for work on trees protected by an Order that is necessary to implement permitted development rights under the [Town and Country Planning \(General Permitted Development\) Order 2015](#).

Where trees are in a **Conservation Area**, six weeks prior written notice should be served on the LPA before carrying out any felling or pruning work. During this period the LPA may serve a TPO if they wish to prevent the proposed work or control it through conditions.

Exceptions within a Conservation Area: Unless there is an immediate risk of serious harm, anyone proposing to carry out work on a tree in a Conservation Area because it is dead must give the authority 5 days' notice before carrying out the proposed work. Where such a tree requires urgent work to remove an immediate risk of serious harm, written notice is required as soon as practicable after the work becomes necessary. We recommend strongly that you gather thorough evidence of the trees' condition before you undertake the work. Carrying out works without having served six weeks' notice and where exemptions do not apply is an offence.

Consequently, our advice is should you wish to remove any trees that are not directly required in order to implement planning permission you must submit an application for those works.