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Arboricultural Impact Assessment **DTS23.4227.2.AIA**
Accompanied by Tree Protection Plan
****DTS23.4227.4.TPP****

Site: Land South of Locksey's Lane, EX12 3BX
Report date: 22nd March 2023
Client: Marrons Planning
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Table of Contents

1.0 Introduction	3
2.0 Legislation in Respect of Trees and Associated Wildlife	3
3.0 The Tree Population	4
4.0 Arboricultural impact assessment (AIA)	5
5.0 Conclusions	7
6.0 Recommendations for Successful Tree Retention in the Context of Development	8
7.0 Other Recommendations	8
8.0 Limitations of the Arboricultural Impact Assessment	9
Figure 1 – CEZ Warning Sign.....	10
Appendix A – References.....	11
Appendix B – BS5837:2012 Tree Schedule.....	12

1.0 Introduction

1.1 Purpose and Scope of the Survey

DTS Tree Consultancy was instructed by **Marrons Planning** to undertake an Arboricultural Impact Assessment (AIA) to BS 5837:2012 standard. The survey was undertaken at land known as **South of Locksey's Lane, Seaton, EX12 3BX** (hereafter referred to as 'the Site'). The survey was undertaken on **5th January 2023**. The Site location and the area surveyed are shown in **Figure 1**. The survey was undertaken in order to inform a planning application for the Site.

The aims of the AIA were to:

- Detail foreseeable tree related issues within this Report to inform the Local Planning Authority (LPA); and
- Provide an initial analysis of the impacts that the proposed development is projected to have on trees both within the Site and, where considered pertinent and where practicable, on land immediately adjacent to its boundaries.

Provide guidance on suitable retained tree management and mitigation for projected losses, along with advice on appropriate tree protection measures in the context of the proposed development in accordance with current guidance.

1.2 Site Description

The site consists of two agricultural fields which are currently in use as land pasture. The majority of the tree stock is located to the out extents of the boundaries and is in the form of managed hedgerows and groups of trees.

1.3 Proposed Development

The proposal is to install a mobile unit into the north western most corner of the land.

1.4 Site Visit, Data Collection and Tree Plans

Further to the completion of a Tree Survey of the Site, which took place on **5th January 2023** all tree data collected from the Site is set out in within the report **DTS21.4227.1.AA** which, for ease of interpretation, should be read alongside the associated BS:5837:2012 Table 1 (as appended).

The survey identified **0** individual trees (prefixed 'T'), **0** group of trees (prefixes 'G'), **3** hedges (prefixes 'H') and **0** woodlands (prefixes 'W'). The surveyed vegetation has been numbered accordingly on the Tree Appraisal Plan (TAP) **DTS.4227.1.TAP**. The TAP details the existing Site with the readily definable tree constraints. The plans are based on topographical survey of the existing and proposed Site plans that were provided in electronic format by the Client, and for the purpose of this Report, it is assumed that these are accurate.

2.0 Legislation in Respect of Trees and Associated Wildlife

2.1 Tree Preservation Orders and Conservation Area Designations

The Town & Country Planning Act (1990) (the Act) and associated Regulations empower LPAs to protect trees in the interests of amenity by making TPOs. The Act also affords protection for trees of over 75 mm diameter that stand within the curtilage of a CA. Subject to certain exemptions, an application must be made to the LPA in question to carry out works upon or remove trees that are subject to a TPO, whilst six weeks' notice of intention must be given to carry out works upon or remove trees within a CA that are not protected by a TPO.

2.2 Protected Species

2.2.1 Nesting Birds

Nesting birds are afforded statutory protection under the Wildlife & Countryside Act (1981, as amended) and their potential presence should, therefore, be considered when trimming hedges, removing climbing plants and pruning and removing trees. The breeding period for nesting birds runs from March to late July, inclusive. Hedges provide valuable nesting sites for many birds and management should, therefore, be avoided during this period. Trees, hedges and ivy should be inspected for nests by a suitably qualified ecologist prior to pruning or removal, and any work likely to destroy or disturb active nests should be avoided until the young have fledged.

2.2.2 Bats

All bats and their roosts are protected under Section 9 of the WCA 1981 (as amended) and Annex IV of the Habitats and Species Regulations 2017.

It is an offence, either deliberately or recklessly, to destroy, damage or obstruct access to any bat roost, or to disturb a bat using such a place. It should be noted that a roost is protected whether or not bats are present and any activity or works affecting a roost, even when bats are absent, are likely to require a Natural England European Protected Species Licence.

2.3 Felling Licences

Subject to certain exemptions the Forestry Act (1967) requires that a 'Felling Licence' be obtained to remove growing trees amounting to more than five cubic metres of timber in a calendar quarter. Felling Licences are administered by the Forestry Commission and contravention of the associated controls can incur substantial penalties. A Felling Licence is, however, not required where tree removals are required for the purpose of implementing a development authorised by detailed (i.e. full) planning permission granted under the Act (1990).

3.0 The Tree Population

The Site is described in Section 1.0 of this Report.

As noted previously, **0** individual trees, **0** groups of trees, **0** woodlands and **3** hedges were surveyed for the purpose of this appraisal.

Broadleaf trees are the dominant species on site consisting predominantly of; Common ash (*Fraxinus excelsior*), Common hazel (*Corylus avellana*), Hawthorn (*Crataegus monogyna*), Field Maple (*Acer campestre*), sycamore (*Acer pseudoplatanus*).

The trees on-Site range from young to mature, with sizes varying from small to large with heights of up to 13m and maximum diametrical crown spreads of up to 8-11m. Detailed tree dimensions and other pertinent information, such as structural defects and physiological deficiencies, are included within **DTS21.3776.1.AA**.

The Tree Survey includes a column ('Cat. Grade') listing the trees' respective retention values, where they are rated either 'A', 'B', 'C' or 'U', as per BS5837:2012 Table 1 (Appendix B). 'A' category trees are those considered to be of 'high quality' and, accordingly, the most suitable for retention, whilst 'B' category trees are those considered to be of 'moderate quality'. As detailed in Table 1 (below), **0** features were considered to be high quality ('A'), **0** were categorised as moderate quality ('B'), and **3** were categorised as low quality ('C').

Table 1: BS5837-2012 Retention Categories of the Surveyed Trees

Tree Quality	Ret. Cats.	Tree/ Group Numbers	Totals
Those of a moderate or high quality that should be afforded appropriate consideration in the context of development	'A'	0	0
	'B'	0	0
Those of a low quality that should not be considered a material constraint to development	'C'	3	3 hedges
Those that should be removed for management reasons regardless of site proposals	'U'	1	0
Totals			3 Hedges
			3 features in total

4.0 Arboricultural impact assessment (AIA)

This section gives an overview of the likely impact of the proposal on existing trees. This takes into account the impact of the:

- Works within close proximity to hedgerows.
- Planting schemes as mitigation.
- Retention of trees.

4.1 Projected Arboricultural Losses Relating to the Proposal

As detailed in Table 2, below, implementation of the proposed development as it stands will require 0 trees to be removed and only 1 hedge to be protected during the installation of cellular webbing.

Table 2: Arboricultural Impacts of Proposed Development and Other Tree Removal Proposals

Tree Quality	Ret. Cats.	Removals necessary to implement development	Removals suggested for non-development related reasons	Total number of tree removals
Those of a moderate or high quality that should be afforded appropriate consideration in the context of development	'A'	0	0	0
	'B'	0	0	0
Those of a low quality that should not be considered a material constraint to development	'C'	0	0	0
Those that should be removed for management reasons regardless of Site proposals	'U'	0	0	0
Totals				0 Trees 0 Hedges

4.2 Removal of existing structures

There are no existing structures on site that must be demolished to enable the proposals to be achieved. Demolition related matters are therefore not relevant to this proposal.

4.3 Installation of services

All services shall be installed outside of the trees RPA unless it is impractical to do otherwise. Where installation must take place within the RPA, excavation must be in line with the National Joint Utilities Group (NJUG) guidelines, Volume 4. This will involve hand digging within RPAs and retaining all significant roots that are encountered.

4.4 Installation of hard services within the RPA of retained trees

There are no new hard surfaces proposed within the RPA of retained trees to enable the proposals to be achieved. Any related matters regarding new hard surfaces are therefore not relevant to this proposal.

4.5 Excavations

No major ground works excavations are anticipated within the RPAs of retained trees.

4.5 'Buildability'

Notwithstanding the factors outlined above, the scheme as a whole can be constructed without unreasonable pressure being exerted on retained trees and hedges.

The scheme has been designed to avoid long term conflict between tree canopies and the proposals.

Access to implement the proposed development can be achieved with adequate space within site interiors to accommodate site huts, storage of materials and contractors parking.

Proposed new landscaping will see a significant increase in overall tree cover in the long term with the creation of new woodlands, individual trees and an orchard.

5.0 Conclusions

There is no tree removal or pruning required to facilitate this proposal. The proposed new planting of woodlands and individual trees will see an overall net gain in canopy cover for the long term.

There is an installation of a water main through hedge 1 which will be micro-bored beneath the hedge (see DTS23.4227.2AMS).

The hedgerows that are within close proximity to the mobile unit are being protected during the installation.

In consideration of the above findings, it is concluded that, from the details provided to date, the Site in question can be developed as proposed, whilst retaining the majority of individual trees and tree groups and, in turn improving the overall quality of the tree cover by additional tree planting.

However, in order to ensure successful existing tree preservation, it is essential that the retained hedges are protected in strict accordance with current Government guidance and the recommendations included herein.

6.0 Recommendations for Successful Tree Retention in the Context of Development

6.1 Root Protection Areas and Construction Exclusion Zones

Adequate protection of the Root Protection Areas (RPAs) of retained trees during construction is essential to ensure their long-term viability. RPAs, which are calculated through a method provided in BS5837:2012, are ground areas that must be protected by temporary protective fencing (Specification given in Appendix C) as Construction Exclusion Zones (CEZs) throughout the development process, thereby keeping the trees' root zones free from disturbance, including compaction. Consequently, the RPA distances, as detailed in the survey schedules, and included on the TCP and indicate the likely on-Site below-ground constraints in respect of tree roots, whilst assisting in planning for appropriate tree retention in relation to feasible development. In certain situations, such as at this Site, there is a limited degree of flexibility in the CEZ positioning, as discussed below.

With regard to CEZs the design, materials and construction of the fencing should be appropriate for the intensity and type of site construction works, and should conform to at least section 6.2 of BS5837:2012, and should be secured by the imposition of a suitably worded planning condition.

6.2 Arboricultural Method Statement and Tree Protection Plan

Government guidance recommends that, where considered practical by the LPA, an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP) be prepared detailing mitigation for trees during the construction process. Essentially, the AMS and TPP describe and detail the procedures, working methods and protective measures to be used in relation to retained trees in order to ensure that they are adequately protected during the construction process.

7.0 Other Recommendations

7.1 Non-Development Related Tree Works and Recommendations

Any general management pruning works for retained trees should be carried out regardless of any development proposals and potential changes in land usage associated with the Site. All tree works should be carried out in accordance with BS3998:2010 - Tree Work – Recommendations.

7.2 Tree Work Related Consents

No tree pruning nor removal works should commence on-Site until necessary consents have been obtained from the LPA.

7.3 Arboricultural Contractors

All tree works should be carried out by suitably qualified and experienced arboricultural contractors carrying appropriate public liability insurance cover and be implemented to the minimum current UK industry standards and in accordance with industry codes of practice. Only certificated personnel should, in accordance with The Control of Pesticides Regulations, apply any pesticides.

7.4 Contractors and Subsequently Identified Tree Defects

Tree contractors should be made aware that, should any significant tree defects become apparent during operations that would not have been immediately obvious to the surveyor, then such defects should be notified immediately to the Client and subsequently confirmed to the consultant within five working days.

7.5 Retained Tree Management

Any tree risk management appraisals and subsequent recommendations made in this report were based on observations and Site circumstances at the time of the survey. It should be noted that trees are dynamic living organisms with constantly changing structures, and even those evidently in good condition can succumb to damage and/or environmental stress. In this respect, it should be noted that, under the Occupiers' Liability Act (1957 & 1984), Site occupants have a duty of care to take reasonable steps to prevent or minimise the risk of personal injury and/or damage to property from any tree located within the curtilage of the land they occupy. It is accepted that these steps should normally include commissioning a qualified and experienced arboriculturist to survey their trees in order to identify any risk of harm to persons or damage to property that they may present and, where unacceptable risks are identified, taking suitable remedial action to negate those risks.

8.0 Limitations of the Arboricultural Impact Assessment

The recommendations contained in this Report represent DTS Tree Consultancy's¹ professional opinions, based upon the information referred to in Section 1.0 of this Report, exercising the duty of care required of an experienced Arboriculturist.

This Report was prepared by DTS Tree Consultancy for the sole and exclusive use of the Client and for the specific purpose for which DTS Tree Consultancy was instructed as defined in Section 1.1 of this Report. Nothing contained in this Report shall be construed to give any rights or benefits to anyone other than the Client and DTS Tree Consultancy, and all duties and responsibilities undertaken are for the sole and exclusive benefit of the Client and not for the benefit of any other party. In particular, DTS Tree Consultancy does not intend, without its written consent, for this Report to be disseminated to anyone other than the Client or to be used or relied upon by anyone other than the Client. Use of the Report by any other person is unauthorised and such use is at the sole risk of the user. Anyone using or relying upon this Report, other than the Client, agrees by virtue of its use to indemnify and hold harmless DTS Tree Consultancy from and against all claims, losses and damages (of whatsoever nature and howsoever or whensoever arising), arising out of or resulting from the performance of the work by the Consultant.

¹ DTS Tree Consultancy is a trading name of Devon Tree Services Ltd.

Figure 1 – CEZ Warning Sign



Appendix A – References

BS3998:2010 - Tree Work - Recommendations. BSI British Standards, London.

BS5837:2012 - Trees in Relation to Design, Demolition and Construction – Recommendations. BSI, London.

National Joint Utilities Group (2007). Volume 4: NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) – Operatives Handbook.

Appendix B – BS5837:2012 Tree Schedule

KEY for tree survey schedule

Tree No	Tag number and corresponding number on plan. # Indicates off site tree within influential distance.
Species	Common name and botanical name in italics.
Ht.	In metres measured using clinometer. Est = Estimated height.
Dia	Diameter measured in mm at c. 1.5m above ground level. **measurement not possible because of access or vegetation.
Branch spread	Estimate measured in metres on the four compass points.
HCC	The height to the lowest branch over the site in metres.
Age	<p>Young (Y) Up to 20% of life expectancy. Semi Mature (SM) 20 to 30% of life expectancy. Early Mature (EM) 30 to 50% of life expectancy. Mature (M) 50 to 100% life expectancy. Fully Mature (FM) Beyond full life expectancy with signs of a decline in health. Veteran (V) An important tree beyond the expected age for that species which has unique cultural, historical, ecological and arboricultural features and or value.</p>
<p>Condition Physiological (P) and Structural (S)</p> <p>** indicates vegetation prevents structural condition assessment.</p>	<p>P. Good A healthy, vibrant tree canopy with no signs of physiological decline or dysfunction. S. Good A structurally optimised tree with no signs of decay or features associated with mechanical weakness for that species.</p> <p>P. Fair A tree canopy showing symptoms indicating some physiological distress. Symptoms include more deadwood than is expected for the species, sub-optimal leaf, shoot or branch coverage, some leaf discolouration, signs of vascular dysfunction. Remedial action could be of benefit. S. Fair A tree with some signs of decay or features associated with mechanical weakness but not to the extent where the tree is unsafe or remedial action could not resolve the problem.</p> <p>P. Poor A tree canopy with extensive symptoms indicating physiological distress or decline. Symptoms include large areas of the canopy which are dead or dying, limited leaf coverage or shoot growth, remedial action would be of little or no benefit. A tree which is beyond physiological recovery. S. Poor The mechanical strength of the tree is compromised because either decay is extensive or natural features within the tree are significantly weakened. Tree removal, significant pruning or some form of remedial measures may be necessary to abate a hazard.</p> <p>Dead. A tree which is no longer living. It may still provide valuable or niche habitat for flora and fauna.</p>
Action/ comments or recommendations	Recommendations for action in bold , including further investigations of suspected defects which may require more detailed assessment. If blank no comments are needed or work recommended.
ERC	Estimated remaining contribution in years in the current situation.
Cat.	Category grading using BS5837 (see below) A, B, C or U.
RPA	The root protection area in m ² , as area and radial distance as measured from the centre of the tree stem. BOLD Number = RPA reduced to account for site topography or reduced canopy size.

Cascade chart for tree quality assessment (extract from BS5837:2012 Trees in relation to design, demolition and construction Recommendations)

Category and definition	Criteria (including subcategories where appropriate)			Identification on plan
Trees unsuitable for retention (see Note)				
Category U	<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 U category trees (i.e. 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 			DARK RED
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><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</i></p>			
<p>1 Mainly Arboricultural values 2 Mainly landscape values 3 Mainly cultural values, including conservation</p>				
Trees to be considered for retention				
Category A	Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of 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)	LIGHT GREEN
Those of high quality and value: such a condition as to be able to make a substantial contribution (a minimum of 40 years is suggested)	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	
Category B	Those of moderate quality and value: those in such a condition as to make a significant contribution (a minimum of 20 years is suggested)	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	MID BLUE
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	Trees with no material conservation or other cultural value	GREY	