



TREE SURVEY
ARBORICULTURAL CONSTRAINTS ANALYSIS
CANOPY COVER ASSESSMENT

Land at
Boudervean Lane
Camborne
TR14

Client: Roberston Developments Limited
Reference: EV-4568-TS CA
Site visit Date: September 2023
Report Date: September 2023

Evolve Tree Consultancy
8 Duke Street
Truro
TR1 2QE

01872 276 099
office@evolvetreets.co.uk

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1 INSTRUCTION

- 1.1 Roberston Developments Limited instructed Evolve Tree Consultancy to provide
1. Tree Survey,
 2. Arboricultural Constraints Plan,
 3. Canopy Cover Assessment.
- 1.2 The instruction is to survey the site to provide information regarding trees and hedgerows and inform the design process.
- 1.3 The Canopy Cover Assessment identifies the percentage tree canopy cover which currently exists within the boundary of the site.

2 INTRODUCTION

- 2.1 My constraints report and plan provide the baseline data that will inform the feasibility assessment and design of the development. It will assist in prioritising trees for retention and protection and balance the weight of any competing interests.
- 2.2 The site currently contains fields with grass and trees and shrubs along the boundaries.



Image 1. Location Plan. Exact site boundary subject to a topographic survey.
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Image 2. Extract from Location Plan.
Not to scale.

3 METHODOLOGY

- 3.1 Tree positions are indicated on the Tree Constraints Plan (TCP), which is based on the topographical survey provided.
- 3.2 I have undertaken both survey and report to follow the recommendations in British Standard 5837:2012 Trees in relation to design, demolition & construction - Recommendations (BS 5837). It is not a risk assessment, nor does it assess the risks related to subsidence, heave or other forms of disturbance associated with tree root growth or removal.
- 3.3 My survey was a visual one made from ground level. I did not have access to trees outside the boundary of the site. Any observations of these trees are confined to what is visible from within the property.
- 3.4 Tree Schedule Explanatory Notes are listed in Appendix A.
- 3.5 Following the survey I consider the collected data, conduct a search for relevant statutory protections, controls and legal constraints. This information, in addition to planning policies and designations, enables me to consider the site with regard to the trees noted during the survey and how the site may be developed.
- 3.6 For the Canopy Cover Assessment the tree canopy that exists within the boundary of the survey site is identified from the topographic survey.

4 SUPPORTING DOCUMENTATION

- 4.1 Relevant documents provided to me include:
- Location Plan prepared by Focus On Design drawing number 0658-PH3-1010 dated August 2023.
 - Landscape Analysis Sketch prepared by MHP drawing number 23128 dated September 2023.
- 4.2 This report should be read alongside Evolve drawing:
- Tree Constraints Plan: EV-4568-TCP-CCA.

5 STATUTORY PROTECTION & OTHER CONTROLS

- 5.1 Tree Preservation Order (TPO)/Conservation Area: I have used information supplied by the Cornwall Council Interactive map. If any tree is identified for removal, confirmation should be sought from the local planning authority (LPA) in writing about the protected status.
- 5.2 Tree Preservation Order: The site is not subject to a Tree Preservation Order (TPO).
- 5.3 Conservation Area: The site is not within a designated Conservation Area.
- 5.4 Planning Conditions/Covenants: I did not investigate whether any planning conditions or legal covenants relevant to the trees are in place.
- 5.5 Information regarding legal constraints is presented as Appendix C.

6 PLANNING POLICY & DESIGNATIONS

- 6.1 The following inform our analysis:
- National Planning Policy Framework (NPPF) sets out national planning policy
 - Cornwall Local Plan
 - Cornwall Council Climate Emergency Development Plan
 - Cornwall Council Planning for Biodiversity Guide
 - Camborne Town Framework
- 6.1.1 Further details are presented as Appendix D Statutory Protection and Controls.

7 THE SITE

- 7.1 The Site: The site comprises two field areas. One is given over to grassland for grazing. This field is bounded by hedges with trees and shrubs. The second is

a rugby football pitch. The boundaries are made of low Cornish hedges with trees atop.

7.2 The site is accessed from Boundervean Lane.

7.3 Surrounding land is mixed. Camborne Rugby club is to the north, Camborne Park is to the east, residential land is to the south and agricultural land is to the west.



Image 3. Aerial view.
©Google Map Data 2023.

8 THE TREES

8.1 The trees comprise a typical mix of sycamore, oak, Monterey pines and a significant presence of holm oaks. They are located in and along the boundaries of the sit mainly on the hedge banks.

8.2 The holm oaks are an important component given the difficult growing conditions. They ar forming large and significant trees that can be readily managed in the future should the area be developed.

- 8.3 The hedge groups are made up of hawthorn and blackthorn with some holly. In hedge group H19, along the northern boundary, there is a greater proportion of hazel trees.
- 8.4 I have categorised the groups and hedges as B grad indicating their importance in the landscape. Groups G6 and G7 are A category due to their being more prominent to public views and their larger size.
- 8.5 The overall condition of the trees is reasonable. The groups and hedges have a long and useful life expectancy with only the ash trees in Group G14 being in such poor condition, due to advanced ash die-back, that they should be removed regardless of any development.

9 CONSTRAINTS ANALYSIS & DESIGN CONSIDERATIONS

- 9.1 The key constraints posed by the trees are shown on the TCP drawing. Both the above and below ground constraints have the potential to influence the design.
- 9.2 Tree Quality Assessment: The cascade chart, presented as part of Appendix B, is a construct of the BS5837 designed to help describe the characteristics and relative value of trees. It provides guidance enabling an estimate of which trees are important and which trees are not.
- 9.2.1 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.
- 9.2.2 The key trees are identified in the survey schedule presented as Appendix B.
- 9.3 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.
- 9.3.1 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.
- 9.3.2 I have extended the RPA of the groups of trees to 2 metres from the crowns of the trees. This will afford the groups more protection given they are more useful in terms of landscape and biodiversity value.
- 9.3.3 Encroachment within the RPA of retained trees will require justification and be supported by a sound rationale from the project arboriculturist.

- 9.4 Tree species: The species will influence a number of 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.
- 9.4.1 The proximity of a tree to a built [sic] house and garden can be a key factor affecting people's enjoyment of a property.
- 9.5 Age: Mature and over-mature trees are generally more sensitive to change than young trees. Their inability to adapt to altered soil conditions within or near the RPA means that care is required when designing in these places.
- 9.6 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.
- 9.6.1 Dense shade can be addressed by the siting of dwellings and a reasonable proportion of the garden outside the shade arcs.
- 9.6.2 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.
- 9.7 Services: It is prudent to locate new services outside the RPA and crown (allowing for future growth) of retained trees. However, the impact of putting services close to trees will be determined by the sensitivity and/or quality of the trees.

10 CANOPY COVER ASSESSMENT

- 10.1 The Cornwall Council Canopy Guidance Draft Policy Summary 1.2 states that:
For major developments

In all cases, there shall be no net loss of canopy provision, even where the existing canopy exceeds 15% of the site area and

any proposal to remove canopy will need to be justified; and

the development shall include a minimum canopy coverage of at least 15% of the site area (excluding areas of the site that are priority habitat types). There are exceptions to this as set out in Policy G3 (4) and

canopy provision must be measured and demonstrated through the submission of a completed Cornwall Canopy Calculator (Excel workbook) and a Canopy Provision Plan.

For minor developments

the application should identify the existing canopy provision. Where it is not possible to avoid any net loss of canopy provision, the application

should set out the options considered for the site and the measures taken to avoid or reduce harm to existing on site trees; and

the application shall set out the proposed new canopy provision and justify the amount of provision.

Minor development proposals are able to utilise the Cornwall Council approved calculator to demonstrate compliance with Policy G3 (although this is not a requirement).

- 10.1.1 Policy G3 is not applicable to householder development or change of use applications unless a new dwelling would be created.
- 10.2 The existing tree canopy cover is calculated as per the user guide that accompanies the Cornwall Council Climate Emergency DPD: Natural Climate Solutions Canopy Policy G3.
- 10.3 Appendix E includes the calculations and the site summary. The canopy cover plan indicates how the areas of canopy are identified.
- 10.4 Of a total site area of 56570m², existing canopy cover accounts for 4699m², or 8.3% of the site area.
- 10.4.1 Policy G3 requires a canopy coverage of 15%, which means this site has a shortfall of 6.7% or 3786m².

11 CONCLUSION

- 11.1 My report provides a description of the physical characteristics of trees and hedgerows, their benefits, and the constraints that they pose to development. It is the key (arboricultural) part of the feasibility and planning assessment.
- 11.2 There is potential (in arboricultural terms) to develop the land. The key issue will be ensuring the integrity of the hedge group, especially in the recreation field art of the site..
- 11.3 The Canopy Cover Assessment show s a significant deficit. However, there is ample room for new planting. Once a landscaping scheme has been provided, we can assess the new canopy cover provisions.
- 11.4 I trust this provides enough information for you to develop the plans. Should you have any queries I am happy to provide further advice and opinion.

12 NEXT STEPS

- 12.1 The LPAs validation procedure may require that a planning application is supported by an arboricultural impact assessment and tree protection plan.

- 12.2 When a preliminary design is available, I can provide further advice on the potential impacts and suggest measures for avoidance, mitigation, or compensation of any harm.



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.



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 Tree Schedule Explanatory Notes

| | | |
|-----------------|---|---|
| Tree Number | 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). | |
| Stem diameter | Tree stem diameter in millimetres at 1.5 metres above adjacent ground level rounded up to nearest 50 millimetres. For multi-stemmed trees, a cumulative diameter is calculated (in accordance with BS 5837:2012 Annex C). | |
| Branch spread | Measured in metres & taken at four cardinal points (N E S W). | |
| 1st Sig branch | 1 st 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 established 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 | 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 | Referred to as Over mature in the BS. 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. |
| 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.

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

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>Category U</p> <p>Trees unsuitable for retention 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> | <p>Trees that have a serious, irremediable, structural defect, that 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).</p> <p>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline.</p> <p>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> <p>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve.</p> | | | <p>RED</p>  |
| <p>Category A</p> <p>Trees to be considered for Retention 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 Trees 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 Trees 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 B Tree Schedule

| Tree No. | Name (Common & Scientific) | Ht (m) (Lwr cr ht) | Stem dia. (mm) | Branch Spread (m) | | | | 1 st sig branch (m) | Life Stage | Comments | Life Exp (yrs) | Cond | Cat | RPA R m | RPA A m ² |
|----------|--|--------------------|----------------|-------------------|---|---|---|--------------------------------|------------|---|----------------|------|-----|---------|----------------------|
| | | | | N | E | S | W | | | | | | | | |
| T1 | Acer pseudoplatanus (Sycamore) | 13(1) | 639 | 6 | 4 | 5 | 3 | 1(SE) | EM | Reasonable vitality and structural condition. On hedge bank. Service wires through crown. | 40+ | Fair | B2 | 8 | 185 |
| T2 | Sycamore | 13(1) | 400 | 6 | 4 | 5 | 3 | 1(SE) | EM | Reasonable vitality and structural condition. On hedge bank. Not on topographical survey. Moderately prominent. Service wires through crown. | 40+ | Fair | B2 | 5 | 72 |
| T3 | Pinus radiata (Monterey Pine) | 18(4) | 900 | 7 | 7 | 7 | 7 | 3(S) | M | No significant visible defects. Prominent tree/group. | 40+ | Fair | B1 | 11 | 366 |
| T4 | Sycamore | 10(2) | 430 | 3 | 4 | 4 | 2 | 1.5(S) | SM | No significant visible defects. On hedge bank. Moderately prominent. | 40+ | Fair | B1 | 5 | 84 |
| T5 | Acer pseudoplatanus (Sycamore) | 10(2) | 354 | 3 | 2 | 3 | 3 | 1.5(S) | SM | No significant visible defects. On hedge bank. Moderately prominent. | 40+ | Fair | B1 | 4 | 57 |
| G6 | Quercus ilex (Holm Oak), Ilex aquifolium (Holly), Salix cinerea (Grey Willow), Sycamore, Quercus petraea (Sessile Oak) | 15(2) | 500 | 4 | 4 | 4 | 4 | 1 | EM | Reasonable vitality and structural condition. On hedge bank. Boundary tree. Prominent tree/group. Part of linear group. Dominant holm oak with holly, willow, oak & sycamore understorey. | 40+ | Fair | A2 | 6 | 113 |

| Tree No. | Name (Common & Scientific) | Ht (m) (Lwr cr ht) | Stem dia. (mm) | Branch Spread (m) | | | | 1 st sig branch (m) | Life Stage | Comments | Life Exp (yrs) | Cond | Cat | RPA R m | RPA A m ² |
|----------|---|--------------------|----------------|-------------------|---|---|---|--------------------------------|------------|--|----------------|------|-----|---------|----------------------|
| | | | | N | E | S | W | | | | | | | | |
| G7 | Holm Oak, Holly, Grey Willow, Sycamore, Sessile Oak | 12(2) | 400 | 4 | 4 | 6 | 4 | 1 | EM | Reasonable vitality and structural condition. On hedge bank. Boundary tree. Prominent tree/group. Part of linear group. | 40+ | Fair | A2 | 5 | 72 |
| G8 | Holm Oak, Holly, Grey Willow, Sycamore, Sessile Oak Sorbus intermedia (Swedish Whitebeam) | 9(0.5) | 300 | 3 | 3 | 3 | 3 | 0.5 | SM | Reasonable vitality and structural condition. On hedge bank. Boundary tree. Moderately prominent. | 40+ | Good | B2 | 4 | 41 |
| G9 | Monterey Pine, Holm Oak, Sycamore | 13(3) | 700 | 6 | 6 | 6 | 6 | 1 | EM | Reasonable vitality and structural condition. Boundary tree. Prominent tree/group. | 40+ | Good | B2 | 8 | 222 |
| H10 | Holly, Prunus spinosa (Blackthorn), Crataegus monogyna (Hawthorn), Sycamore | 4(0.5) | 150 | 2 | 2 | 2 | 2 | 0.5 | Y | On hedge bank. | 40+ | Good | C2 | 2 | 10 |
| H11 | Sycamore, Blackthorn, Sambucus nigra (Elder) | 4(0.5) | 200 | 2 | 2 | 2 | 2 | 0.5 | SM | No significant visible defects. Reasonable vitality and structural condition. On hedge bank. Moderately prominent. Part of linear group. | 40+ | Good | B2 | 2 | 18 |

| Tree No. | Name (Common & Scientific) | Ht (m) (Lwr cr ht) | Stem dia. (mm) | Branch Spread (m) | | | | 1 st sig branch (m) | Life Stage | Comments | Life Exp (yrs) | Cond | Cat | RPA R m | RPA A m ² |
|----------|-----------------------------|--------------------|----------------|-------------------|---|---|---|--------------------------------|------------|--|----------------|------|-----|---------|----------------------|
| | | | | N | E | S | W | | | | | | | | |
| T12 | Sycamore | 6(0.5) | 250 | 2 | 2 | 2 | 2 | 0.5 | SM | Reasonable vitality and structural condition. On hedge bank. Coppice. Moderately prominent. | 40+ | Good | C1 | 3 | 28 |
| G13 | Sycamore | 10(0.5) | 250 | 4 | 4 | 4 | 4 | 0.5 | EM | Reasonable vitality and structural condition. On hedge bank. Coppice. Moderately prominent. | 40+ | Good | C1 | 3 | 28 |
| G14 | Fraxinus excelsior (Ash) | 7(0.5) | 200 | 2 | 4 | 2 | 3 | 0.5 | SM | Ash die-back present. | <10 | Poor | U | 2 | 18 |
| G15 | Monterey Pine | 18(12) | 1421 | 6 | 6 | 6 | 6 | 8(S) | LM | Reasonable vitality and structural condition. Crown lifted to current dimensions. | 20+ | Fair | B2 | 15 | 707 |
| T16 | Monterey Pine | 17(12) | 1421 | 6 | 6 | 6 | 6 | 8(S) | LM | Reasonable vitality and structural condition. Crown lifted to current dimensions. | 20+ | Fair | B2 | 15 | 707 |
| H17 | Sycamore, Blackthorn, Elder | 6(0.5) | 200 | 2 | 2 | 2 | 2 | 0.5 | SM | No significant visible defects. Reasonable vitality and structural condition. On hedge bank. Moderately prominent. Part of linear group. | 40+ | Good | B2 | 2 | 18 |
| H18 | Sycamore, Blackthorn, Elder | 3(0.5) | 200 | 2 | 2 | 2 | 2 | 0.5 | SM | No significant visible defects. Reasonable vitality and structural condition. On hedge bank. Moderately prominent. Part of linear group. | 40+ | Good | B2 | 2 | 18 |

| Tree No. | Name (Common & Scientific) | Ht (m) (Lwr cr ht) | Stem dia. (mm) | Branch Spread (m) | | | | 1 st sig branch (m) | Life Stage | Comments | Life Exp (yrs) | Cond | Cat | RPA R m | RPA A m ² |
|----------|---|--------------------|----------------|-------------------|---|---|---|--------------------------------|------------|---|----------------|------|-----|---------|----------------------|
| | | | | N | E | S | W | | | | | | | | |
| H19 | Corylus avellana (Hazel), Hawthorn, Blackthorn, Holly | 5(0.5) | 200 | 2 | 2 | 2 | 2 | 0.5 | EM | Reasonable vitality and structural condition. On hedge bank. Boundary tree. | 40+ | Fair | B2 | 2 | 18 |
| G20 | Sycamore | 14(2) | 300 | 3 | 3 | 3 | 3 | 2 | SM | Reasonable vitality and structural condition. On hedge bank. Dimensions vary - those recorded are an average representation. Boundary group. Prominent group. | 40+ | Good | B2 | 4 | 41 |
| G21 | Sycamore, Swedish whitebeam, hawthorn | 15 (2) | 500 | 5 | 5 | 5 | 5 | 2 | EM | Reasonable vitality and structural condition. On hedge bank. Dimensions vary - those recorded are an average representation. Boundary group. Prominent tree/group | 40+ | Good | B2 | 6 | 113 |

APPENDIX C Legal Constraints

Trees outside the site or property

Landowners and managers have 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.

However, 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. However, the branch material belongs to the tree owner and should be returned where appropriate.

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 and Conservation Areas

Wilfully cutting, uprooting, damaging or destroying a protected tree without the council's permission is a criminal offence.

Exceptions are:

Cutting down a tree when it is already dead,

Cutting down a tree that presents "an immediate risk of serious harm",

Pruning part of a tree that presents "an immediate risk of serious harm",

Removing dead branches from a living tree,

Preventing or controlling a "legal nuisance",

When requested by an organisation listed in the council's regulations,

When it is the interests of national security,

Where the tree is a fruit tree being pruned in accordance with good horticultural practice, or where the tree is in a commercial orchard,

Cutting down trees in accordance with a grant or felling licence obtained from the Forestry Commission,

Where the tree is directly obstructing development for which full planning permission has been granted (not including permitted development).

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 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 works 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."

Extensive advice can be found at www.gov.uk

Forestry Commission Felling licence

In any calendar quarter*, you may fell up to 5 cubic metres on your property without a licence if no more than two cubic metres are sold. Contact your local Forestry Commission office if you are not certain whether these exemptions apply.

*1 Jan to 31 March, 1 April to 30 June, 1 July to 30 September and 1 October 31 December

Exemptions: Certain types of felling do not need permission from the Forestry Commission. The Forestry Act 1967, as amended, and related regulations give these exceptions in full. The main categories are listed below:

Lopping and topping (which usually includes tree surgery, pruning and pollarding).

Felling included in an approved dedication plan.

Felling fruit trees, or trees growing in a garden, orchard, churchyard or designated public open space (e.g. under the Commons Act 1899).

Felling trees which, when measured at the height of 1.3 metres from the ground:

have a diameter of 8 centimetres or less; or if thinnings have a diameter of 10 centimetres or less; or

if coppice (i.e. managed by cutting to promote multi-stemmed growth arising at or near ground level) or underwood, have a diameter of 15 centimetres or less.

Felling trees immediately required for carrying out development authorised by planning permission (granted under the Town and Country Planning Act 1990) or for work carried out by certain providers of gas, electricity and water services and which is essential for the provision of these services.

Felling necessary for the prevention of danger or the prevention or abatement of a nuisance (e.g. which may involve the threat of danger to a third party). This exemption will only apply if there is a real rather than a perceived danger. We may be able to give you advice that would minimise the danger without felling the trees. We strongly recommend that you contact us if you are considering felling a tree or trees in these circumstances. You may be prosecuted for illegal felling if it is shown that the tree did not present a real or immediate danger.

Felling necessary to prevent the spread of a quarantine pest or disease and done in accordance with a notice served by a Forestry Commission Plant Health Officer (under the Plant Health (Forestry) (Great Britain) Order 1993, as amended).

The felling is done in compliance with any obligation imposed by or under an Act of Parliament.

The Hedgerow Regulations 1997

The hedgerow regulations do not apply to the boundary of a domestic curtilage but will affect those hedgerows that border land used for keeping horses or agriculture. The Hedgerows Regulations 1997 make it an offence to remove most countryside hedges without first giving the local planning authority 42 days' notice.

APPENDIX D Planning Policy & Designations

National Planning Policy Framework (NPPF)

The framework includes the following relevant paragraphs:

Paragraph 131. Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined 50 , that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

Paragraph 180. When determining planning applications, local planning authorities should apply the following principles:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

(c) 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 63 and a suitable compensation strategy exists.

Cornwall Council Local Plan

This sets out local planning policy. It includes the following relevant policies:

Policy 12: Design – Development must ensure Cornwall’s enduring distinctiveness and maintain and enhance its distinctive natural and historic character.

Policy 22: European Protected Sites – mitigation of recreational impacts from development.

Policy 23: Natural environment. Development proposals will need to sustain local distinctiveness and character and protect and where possible enhance Cornwall’s natural environment and assets according to their international, national, and local significance.

Cornwall Council Climate Emergency Development Plan Document February 2023

In order to achieve the vision of achieving carbon neutrality by 2030 policies have been developed to:

Decarbonise lifestyles via the reduction of emissions from buildings, travel and leisure

Create resilient communities and nature

Create environmental growth, develop and reinforce natural systems to protect and enhance the environment

Rebalance the need to travel and how people move around and work

Ensure the health and wellbeing of residents

Embed practice and standards to make buildings and places more efficient

Reduce use of material and waste

Develop a whole system approach.

The policies most relevant to trees and development are

Policy G1 Green Infrastructure Design and Maintenance

Green infrastructure should be central to the design of schemes, ensuring permeability of the site for wildlife and people and creating a multi-functional; network of spaces and uses. All developments should be planned around the protection and enhancement of nature.

Policy G2 Biodiversity Net Gain

All development proposals (except those defined as exempt in secondary legislation) must achieve a minimum of 10% Biodiversity Net Gain (or any higher percentage mandated by national policy/legislation) over the pre-development site value as measured by the latest version of the DEFRA Biodiversity Metric.

Policy G3 Canopy

All major development should provide, through the retention of existing and/or the establishment of new, canopy coverage equal to at least 15% of the site area (excluding areas of the site that are priority habitat types) in accordance with a Cornwall Council approved calculator or metric.

Further details of these policies can be found in the Cornwall Council Climate Emergency Development Plan Document February 2023 available on the Cornwall Council website.

Cornwall Council Planning for Biodiversity Guide

The guide sits below the Local Plan and provides additional information to guide decisions relying on policies 22 and 23.

Assessing hedges for development Paragraph 10.7.3 states that:

Buffering for hedges suggests that for residential developments that an absolute minimum buffer of 2-metre either side of the hedge is required.

For industrial and solar farm developments a 5-metre buffer is an absolute minimum.

Where woodland is present a 10-metre buffer is absolute minimum.

Existing Canopy – Retained Canopy Calculations

Cornwall Canopy Calculator

2. Retained Canopy Calculator

| | |
|---------------------|---|
| Site Name/ Address: | Land at Boundervean Lane |
| Applicant: | Robertson Developments Ltd |
| Assessor: | Tim Scott-Ellis - Evolve Tree Consultancy |
| Date: | 00/01/1900 |

| KEY | |
|-----|------------------|
| | Enter value |
| | Drop-down menu |
| | Calculation |
| | Automatic lookup |
| | Result |

| | |
|-----------------|------------|
| Running Total % | 8.3% |
| Retained Canopy | New Canopy |
| 8.3% | 0.0% |

| | |
|--------------|-----------------------|
| | Canopy m ² |
| Pre-existing | 4699.1017 |
| Removed | 0.0 |
| Retained | 4699.1 |

| Version 3.0 | | Canopy Measurements at the 4 cardinal points (for individual trees) | | | | Deductions from pre-existing on-site canopy are factored in from here. | | | | | | | | | | Give relevant information about the trees, groups and canopy types (including UK hab codes where relevant). Including rationale for removal, if relevant, reduction of canopies or |
|-------------|-------------------------------------|--|-------|------|-------|--|--|--|----------------------------|---------------------------------------|--|--|---------------------------------------|-------------------------|--|--|
| Canopy type | Ref.No. (e.g. T1, G2, S3, H4 or W5) | Tree species (or group description) | North | East | South | West | Calculated Canopy area (m2) (from N,E,S,W) | Alternatively enter Canopy area (m2) (e.g. from CAD) | Root Protection Area (RPA) | Canopy outside site (m ²) | Canopy overlap to subtract (m ²) | Planned canopy reduction (m ²) | % RPA Encroachment due to development | Retain or Remove Canopy | Canopy prior to deductions (m ²) | |
| | T1 | Acer pseudoplatanus (Sycamore) | 6 | 4 | 5 | 3 | 60.5 | | | | | | | Retain | 60.5 | 60.5 |
| | T2 | Acer pseudoplatanus (Sycamore) | 6 | 4 | 5 | 3 | 60.5 | | | | | | | Retain | 60.5 | 60.5 |
| | T3 | Pinus radiata (Monterey Pine) | 7 | 7 | 7 | 7 | 153.9 | | | | | | | Retain | 153.9 | 153.9 |
| | T4 | Acer pseudoplatanus (Sycamore) | 3 | 4 | 4 | 2 | 33.0 | | | | | | | Retain | 33.0 | 33.0 |
| | T5 | Acer pseudoplatanus (Sycamore) | 3 | 2 | 3 | 3 | 23.6 | | | | | | | Retain | 23.6 | 23.6 |
| | G6 | Quercus ilex (Holm Oak), Ilex aquifolium (Holly), Salix cinerea (Grey Willow), Acer ps | | | | | 988.0 | 988 | | 473 | | | | Retain | 515.0 | 515.0 |
| | G7 | Quercus ilex (Holm Oak), Ilex aquifolium (Holly), Salix cinerea (Grey Willow), Acer ps | | | | | 239.0 | 239 | | 87 | | | | Retain | 152.0 | 152.0 |
| | G8 | Acer pseudoplatanus (Sycamore), Ilex aquifolium (Holly), Sorbus intermedia (Swedi | | | | | 320.0 | 320 | | | | | | Retain | 320.0 | 320.0 |
| | G9 | Pinus radiata (Monterey Pine), Quercus ilex (Holm Oak), Acer pseudoplatanus (Syca | | | | | 371.0 | 371 | | | | | | Retain | 371.0 | 371.0 |
| | H10 | Ilex aquifolium (Holly), Prunus spinosa (Blackthorn), Crataegus monogyna (Hawtho | | | | | 325.0 | 325 | | | | | | Retain | 325.0 | 325.0 |
| | H11 | Acer pseudoplatanus (Sycamore), Prunus spinosa (Blackthorn), Sambucus nigra (Eld | | | | | 296.0 | 296 | | | | | | Retain | 296.0 | 296.0 |
| | T12 | Acer pseudoplatanus (Sycamore) | 2 | 2 | 2 | 2 | 12.6 | | | | | | | Retain | 12.6 | 12.6 |
| | G13 | Acer pseudoplatanus (Sycamore) | | | | | 155.0 | 155 | | 155 | | | | Retain | 0.0 | 0.0 |
| | G14 | Fraxinus excelsior (Ash) | | | | | 129.0 | 129 | | | | | | Retain | 129.0 | 129.0 |
| | G15 | Pinus radiata (Monterey Pine) | | | | | 612.0 | 612 | | | | | | Retain | 612.0 | 612.0 |
| | T16 | Pinus radiata (Monterey Pine) | 6 | 6 | 6 | 6 | 113.1 | | | | | | | Retain | 113.1 | 113.1 |
| | H17 | Acer pseudoplatanus (Sycamore), Prunus spinosa (Blackthorn), Sambucus nigra (Eld | | | | | 464.0 | 464 | | | | | | Retain | 464.0 | 464.0 |
| | H18 | Acer pseudoplatanus (Sycamore), Prunus spinosa (Blackthorn), Sambucus nigra (Eld | | | | | 329.0 | 329 | | | | | | Retain | 329.0 | 329.0 |
| | H19 | Corylus avellana (Hazel), Crataegus monogyna (Hawthorn), Prunus spinosa (Blackth | | | | | 536.0 | 536 | | | | | | Retain | 536.0 | 536.0 |
| | G20 | Acer pseudoplatanus (Sycamore) | | | | | 193.0 | 193 | | | | | | Retain | 193.0 | 193.0 |
| | | | | | | | 0.0 | | | | | | | Retain | 0.0 | 0.0 |
| | | | | | | | 0.0 | | | | | | | Retain | 0.0 | 0.0 |
| | | | | | | | 0.0 | | | | | | | Retain | 0.0 | 0.0 |
| | | | | | | | 0.0 | | | | | | | Retain | 0.0 | 0.0 |