



ARBORICULTURAL IMPACT ASSESSMENT

Land at
Kerrier Way
Camborne
TR14 8FH

Client: Mei Loci
Reference: EV-4465-AIA
Site visit Date: July 2023
Report Date: October 2023

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1 INSTRUCTION

- 1.1 We, Evolve Tree Consultancy, have been instructed by Mei Loci, to provide the following:
- Arboricultural Impact Assessment
 - Tree Protection Plan
- 1.2 A Tree Survey, Arboricultural Constraints Analysis and Tree Constraints Plan has been issued.

2 INTRODUCTION

- 2.1 We have been asked to survey the trees to assess their condition with regards the potential for the proposed development.
- 2.2 This report analyses the final design as received and describes the implications of the development on the trees.

3 METHODOLOGY

- 3.1 Following the receipt of the proposal, I conduct a search for statutory protections, controls and legal constraints. This information, in addition to planning policies and designations, enables me to analyse the proposal with regard to the trees.
- 3.2 The impacts of the proposal are recorded, and a Tree Protection Plan TPP is drafted. This plan with the positions of the trees on site is based on the topographical survey provided.

4 SUPPORTING DOCUMENTATION

- 4.1 Relevant documents provided to me by include:
- Topographic Survey (Sheet 01 and 02) drawing prepared by Sumo Services Ltd job number SUMO-09690-4 dated October 2022.
 - Landscape Masterplan drawing number DR-L-2001 Revision 01 dated August 2023.
- 4.2 This report should be read alongside Evolve drawing:
- Tree Protection Plan: EV-4465-TPP.

5 STATUTORY PROTECTION & OTHER CONTROLS

- 5.1 Tree Preservation Order/Conservation Area: I have used information supplied by the Cornwall Council Interactive map.
- 5.1.1 The site is not subject to a Tree Preservation Order (TPO).
- 5.1.2 The site is not within a designated Conservation Area.

5.2 Planning Conditions/Covenants: I did not investigate whether any planning conditions or legal covenants relevant to the trees are in place.

5.3 Further information is presented as Appendix A Legal Constraints.

6 PLANNING POLICY & DESIGNATIONS

6.1 The following inform our analysis:

- The 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

6.1.1 Further details are presented as Appendix B Statutory Protection and Controls.

7 THE SITE

7.1 The Site: The site comprises two areas of open land on Kerrier Way.

7.2 Access to the site is directly off Kerrier Way.

7.3 Surrounding land is mixed. A supermarket car park and fuel station are to the west with the remainder being residential with associated roadways.



Image 1. Aerial view.
©Google Map Data 2023.

8 THE TREES

- 8.1 Trees are scattered around the boundary of the site.
- 8.2 The alder T1 is a small tree of limited amenity value due to its size.
- 8.3 The major trees comprise the group G2 of Monterey cypresses and the two sycamore trees T3 and T4. I have categorised the Monterey cypress group as B grade due to its location close to the adjacent properties.
- 8.4 The sycamore trees adjacent to the site are highly visible and in reasonable condition. As a result, I have categorised these trees as A grade.
- 8.5 The ash tree T5 is showing signs of ash die-back and is unlikely to survive.
- 8.6 The remaining vegetation on the site comprises shrub growth, a mix of garden escapees and gorse, and is not of interest in terms of the BS 5837:2012 assessment. It may well have some value in terms of nature conservation.

10 POTENTIAL IMPACT OF PROPOSAL ON TREES

- 10.1 My assessment focuses on the impacts relevant to planning merits and is guided by the British Standard BS5837 'Trees in relation to design, demolition, and construction – recommendations'.
- 10.2 Typical considerations include:
- | | | |
|-------------------------------|----------------------|-------------------|
| Use of land near trees | Construction access | Shading |
| Proximity to other structures | Statutory Protection | Infrastructure |
| Mitigation planting | Canopy protection | Design conflicts |
| Effect on amenity value | Build practicability | Necessary pruning |
| Removal of structures | Future conflicts | Tree loss |
- 10.3 The proposals will not have any significant impact on the retained tree cover. The alder tree T1 will be removed but this is a category C tree of little amenity significance and the mitigation planting more than compensates for this loss.
- 10.4 There is some minor encroachment of the RPA of the sycamore T4. The proposals for this area do not appear to require level changes within the RPA though some disturbance is inevitable. Given this is the other side of the footpath, the resilience of the species and its known tolerance of disturbance, I do not believe this to be significant.
- 10.5 Visual Amenity: The impact on the visual amenity will be low, the only tree are to be removed is not of high quality.
- 10.6 Sunlight/Daylight Availability (Shading): The TPP indicates the shade arcs for retained trees and demonstrates that the trees will have no effect on the enjoyment of the garden or dwelling.
- 10.7 Build Practicability: The root protection area (RPA) and canopy of the key trees can be protected during development by establishing a Construction Exclusion Zone (CEZ). The CEZ will be protected by way of a tree protection barrier (TPB) as indicated on the TPP.

11 IMPACT OF PROPOSAL ON TREES

- 11.1 Impact Tree Removals: Trees to be removed are listed in Table 1. It describes why they are to be removed and effects of doing so.

Tree No.	Tree Species	Reason	Impact
T1	Alder	Under footprint of new landscaping.	Low, C category tree.

Table 1. Tree removals.

- 11.2 Impact Visual Amenity: The impact on visual amenity will be very low because the tree is not prominent to public views due to screening.
- 11.3 Impact Build Practicability: The root protection area (RPA) and canopy of the key trees can be protected during development by establishing a Construction Exclusion Zone (CEZ). The CEZ will be protected by way of a tree protection barrier (TPB) as indicated on the TPP.

12 ENHANCEMENT

- 12.1 The propose new plantings will provide ample mitigation for the loss of the one tree.

13 TREE PROTECTION PROPOSALS

- 13.1 Based on the information provided to date, this report and TPP provide defined tree protection proposals (related to this design) which can be implemented without further specification.
- 13.2 The TPP defines the position of tree protection fencing which will be erected prior to the commencement of development and thereafter retained until completion. Please refer to requirements and illustrations of tree protection barriers presented as Appendices C to G.
- 13.3 Arboricultural site considerations are presented as Appendix H.

14 CONCLUSIONS

- 14.1 The overall arboricultural impacts of the proposed development are low. Consequently, the proposal does not conflict with either local or national planning policies.
- 14.2 We accept that a planning condition be imposed within any future decision notice which requires the measures outlined within the Tree Protection Plan to be implemented as defined.



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 conducted 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 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 inexperienced 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 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 and 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

Extensive advice can be found at www.gov.uk

The Town and Country Planning Act 1990 states that wilfully cutting, uprooting, damaging or destroying a protected tree without the council's permission is a criminal offence. Exceptions to this law 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 in 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 2012 paragraph 36-083-20150415

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

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

Forestry Commission Felling Licence

In any quarter (1 January to 31 March, 1 April to 30 June, 1 July to 30 September and 1 October to 31 December), 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.

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 perceived danger. We may be able to give you advice that would minimise the danger without felling the 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 Forest 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.

Advice can be found at <https://www.gov.uk/guidance/tree-felling-licence-when-you-need-to-apply>

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 B Statutory Protection and Controls

National Planning Policy Framework

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 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.

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."

APPENDIX C Tree Protection Requirements and Barriers

No equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the plans and particulars which shall have been previously approved by the local planning authority in writing.

The areas forming the Construction Exclusion Zone are to be protected by Tree Protection Barriers as per the recommendations in BS 5837:2012 (Figure 2) or as specified below at Appendix I.

This fencing is to be erected before any work commences on site and is to remain in place undamaged for the duration of all work or each phase. It will only to be removed once all work is completed and if required by planning condition, with the formal consent of the local planning authority.

If the fencing be broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced to the satisfaction of the local planning authority.

Within any area fenced in accordance with this condition, nothing shall be stored, placed, or disposed of on the above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority.

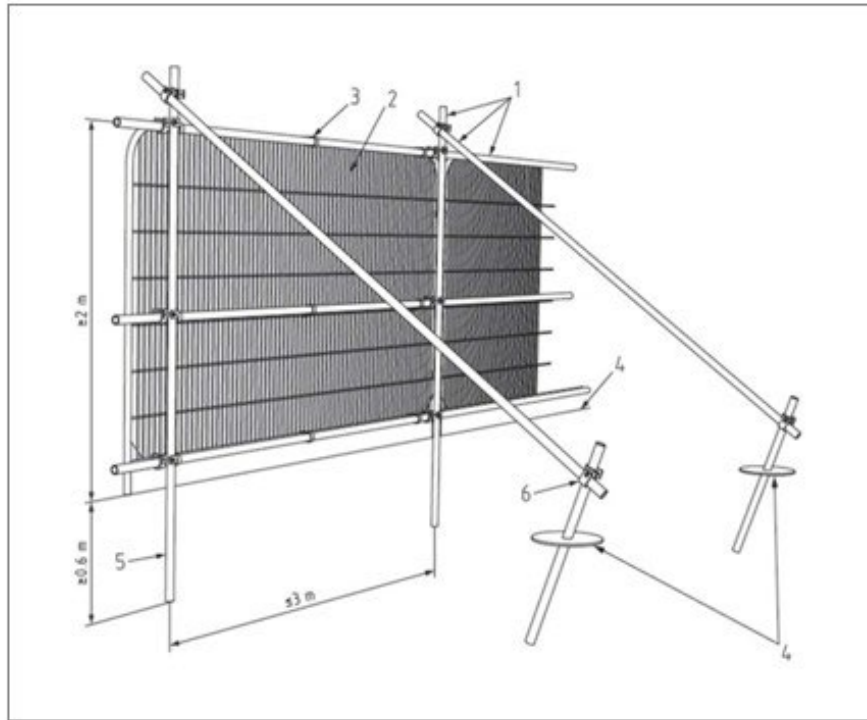
Other than works detailed within this method statement or approved in writing by the local planning authority, no works at all (including storage or dumping of materials) shall take place within the exclusion zones defined by the protective fencing.

The fencing is to carry waterproof warning notices denying access within the RPA. The following signs or similar will be attached to the fence panels.



APPENDIX D Specification for Tree Protection Barriers

Below is the fencing specification reproduced from BS 5837:2012 Trees in relation to design, demolition, and construction – Recommendations.



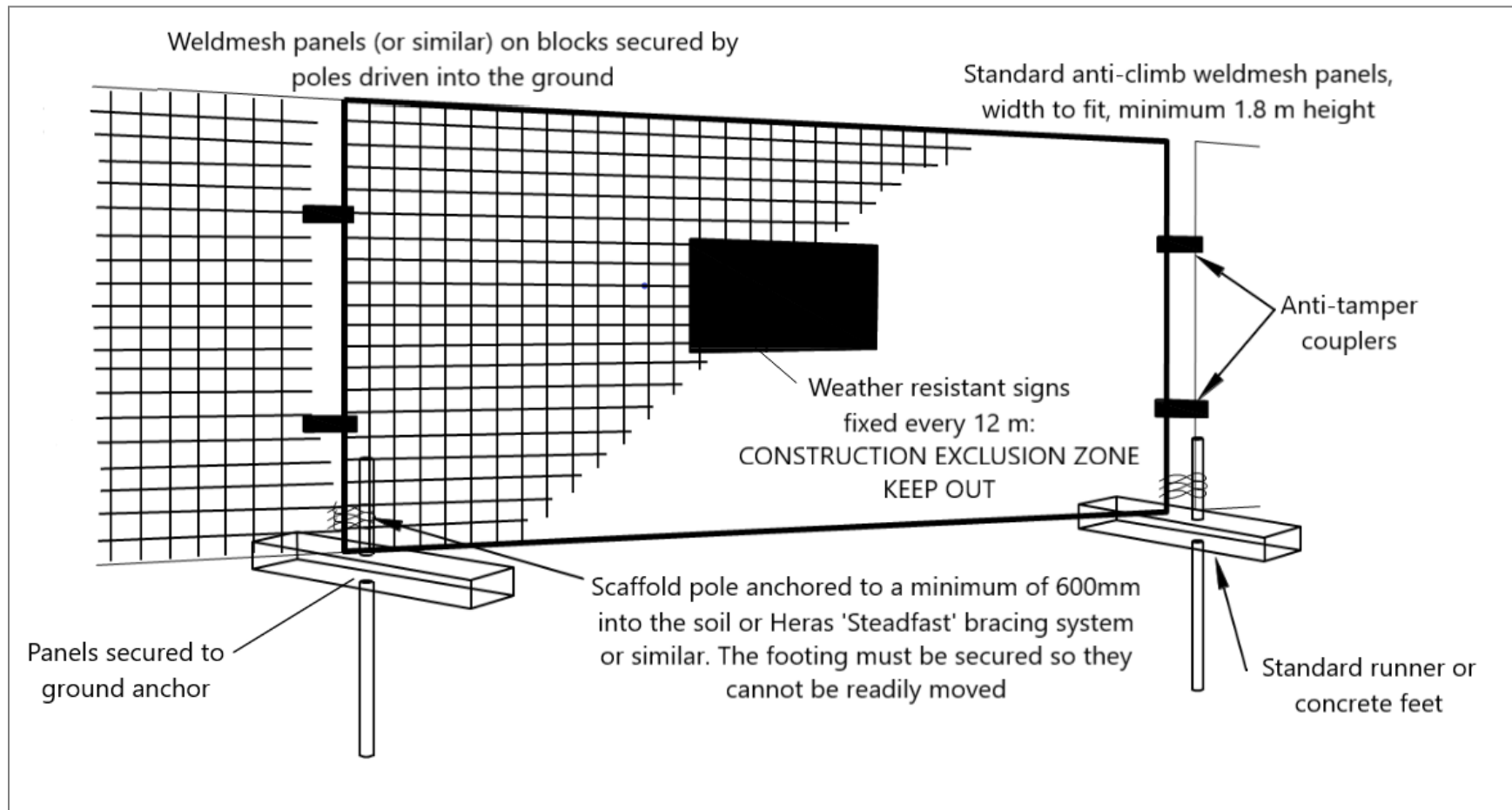
Key

- 1 Standard scaffold poles.
- 2 Heavy gauge 2 m tall, galvanized tube and welded mesh infill panels.
- 3 Panels secured to uprights and cross-members with wire ties.
- 4 Ground level.
- 5 Uprights driven into the ground until secure (minimum depth 0.6 m).
- 6 Standard scaffold clamps.



APPENDIX E Tree Protection Barriers Medium Construction Pressure

Tree Protection Barriers (derived & amended from BS5837:2012 Figure 2) where there is insufficient space to install bracing. Examples of configurations for steel mesh perimeter fencing systems are given in BS 1722-18



APPENDIX F Tree Protection Barrier Without Bracing



APPENDIX G Informative Poster

Arboricultural Site Considerations – To be displayed in a prominent place.

Tree Protective Barriers must be regarded as sacrosanct and must not be removed or altered without prior consultation with either the Local Planning Authority (LPA) or the arboricultural consultant responsible for the site supervision.

Ground protection must not be lifted or removed without prior consultation with either the LPA or the arboricultural consultant responsible for the site supervision.

Damage caused to protective fencing or ground protection must be reported to the site supervisor immediately to ensure efficient repair.

No materials, chemicals, machinery, or vehicles must be stored within the Construction Exclusion Zone as defined on the Tree Protection Plan (TPP) and identified on site by fencing and above ground root protection.

No materials must be rested against a tree's trunk or machinery chained to it.

No pruning of trees may be undertaken by anyone other than an arborist, and all work must be approved by the supervising arboricultural consultant.

Any physical damage caused to a tree retained on site must be reported to the site manager so remedial work can be undertaken without delay.

Builder's sand, which contains salt, must not be used to back fill excavation within or in close proximity to tree roots, as this can have a toxic affect. Sharp sand can be used instead.

Material that will contaminate the soil, e.g. concrete mixings, diesel oil and vehicle washings, must not be discharged within 10 metres of a tree stem.

Fires must not be lit in a position where their flames can extend to within 5 m of foliage, branches, or trunk. This will depend on the size of the fire and wind direction.

Notice boards, telephone cables or other services must not be attached to any part of a tree.



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