



LAND ADJACENT TO OAKHURST RISE, CHELTENHAM



ARBORICULTURAL REVIEW

Prepared for: Charlton Kings Friends

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Project reference: F.2622

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Instructions

Received from: Mrs Sally Walker, resident of Charlton Manor, Ashley Road, Cheltenham, on behalf of the community group 'Charlton Kings Friends' (CKF).

Terms of reference: to review the submitted outline planning application regarding land adjacent to Oakhurst Rise, Cheltenham (ref: 20/00683/OUT) and provide a statement commenting on the arboricultural elements of the development proposal. This follows a similar instruction for my colleague Paul Barton to comment on a previous application (ref: 18/00710/OUT), which was refused in March 2019.

Scope of work

The scope of my instructions are to:

- visit the application site to familiarise myself with the trees and site context
- review the arboricultural information submitted with the application
- prepare a report giving an independent view of the impacts of the development proposal on the trees at the site.

Documents used to prepare this report

In preparing this report, the following documents (amongst the full suite of submitted documents) have been obtained from the Cheltenham Borough Council website:

- Proposed site plan - drawing no: PL005 Rev B (April 2020)
- Arboricultural report - ref: SC38-1036 (April 2020)
- Landscape Strategy plan - drawing no: 19216.101 Rev F (April 2020)
- The Woodlands Trust consultee comment (June 2020)
- Ancient Tree Forum consultee comment (June 2020)

A copy of Tree Preservation Order (TPO) (No.1, 1981) was also obtained from the Cheltenham Borough Council tree officer.

Summary

The revised planning application for reduced number of dwellings proposed has clearly improved the development proposal in terms of the retention of veteran and protected trees, but the development proposal still has the potential to cause harm to significant trees. In

particular, hydrological changes due to obstruction of soil water flows by new structures may have an adverse impact. Despite protective measures that have been recommended, disturbance to the veteran tree habitats (including soil, ground flora and fungi) during construction and in the site's end-use is likely to occur. There remains a significant risk of permanent damage to high value trees, and of deterioration of the irreplaceable habitats of veteran trees.

1. Introduction

- 1.1. I am Ian Monger, senior arboricultural consultant at Barton Hyett Associates and a professional arboriculturist. I have 15 years experience working in the arboricultural sector including senior tree officer for a unitary local authority and as an independent consultant (which has included freelance tree officer work for a unitary authority). I am a professional member of the Arboricultural Association. I hold a BSc (Hons) in Environmental Science and Level 3 Technicians Certificate in Arboriculture. I am currently appointed by The Planning Inspectorate as a Non-Salaried Inspector for the determination of TPO appeals.
- 1.2. I have been asked to provide an independent review of the documents submitted to Cheltenham Borough Council (CBC) in relation to an outline planning application for development of an existing field to the north of St Edward's Preparatory School, to the east of Oakhurst Rise, Cheltenham. The outline planning application is for the construction of 43 dwellings consisting of a mixture of house types and flats. The application seeks approval for the proposal's access, layout and scale but appearance and landscaping are to be a reserved matter.
- 1.3. A previous outline planning application for 69 dwellings was refused in March 2019. Reasons for CBC's refusal can be summarised as:
 - Failure to address constraints and requirements of the land allocation policy within the emerging Cheltenham Plan
 - The loss of trees within the site including a significant TPO'd tree and likely deterioration of retained veteran trees
 - Impact on the setting of nearby listed buildings
- 1.4. CBC's additional reasons for refusal on ecology and visual impact grounds were later withdrawn.
- 1.5. An Appeal against the refusal was dismissed in September 2019. The balancing of planning considerations which led the Inspector to dismiss the Appeal stand on their own. In any case, this new planning application will be considered by CBC on the basis of the details of new proposal, current national and local planning policy and consultation responses. I make some reference to Forbes-Laird Arboricultural Consultancy's (FLAC)

Proof of Evidence to the Appeal where explanation of its tree assessment methodology is missing from the current submission.

- 1.6. An arboricultural report prepared by FLAC has been submitted with the new planning application. This includes a tree survey, proposed tree retention and removal plan and a tree protection plan.
- 1.7. This review seeks to provide an independent arboricultural viewpoint on the merits and potential impacts of the proposed development on the site's trees. It is not intended to investigate or question the professionalism or competence of the author of the submitted arboricultural reports. I acknowledge that many aspects of arboricultural consultancy are inherently subjective and that there are numerous interpretations of published guidance, recommendations and standards that can affect the conclusions made on a site.

2. Method of review

- 2.1. In order to review the planning application and its impact on trees, I began by obtaining the development proposal plans and arboricultural report.
- 2.2. Following a desktop review of these documents, I made a site visit on 3rd August 2020, where I met Mrs Walker (Charlton Manor) and walked over the site to discuss some particular matters pertinent to this planning application.
- 2.3. This review has been conducted as a desktop study having studied the amended proposal and the arboricultural report and submitted comments which are available for public viewing on the council's online planning application register.

3. Review of the submitted arboricultural report and objection responses

- 3.1. The FLAC arboricultural planning submission (ref: SC38-1036, April 2020) consists of a tree survey schedule with a key, 'RAVEN' tree assessment, tree retention and removal plan and an outline tree protection plan. The submission is brief and succinct, dealing with matters arising from the Appeal and how they have been addressed, how the proposal complies with national and local planning policy (including the Tree Preservation Order (TPO) and a matter for resolution by the Planning Committee relating to tree 3015.
- 3.2. The submission itself provides minimal site-specific description or commentary regarding the impacts of the proposed development. The tree schedule contains all the site-specific details of the trees, including a column labelled 'Proposal' which states whether each tree/group/hedge is to be retained, partially retained (groups and hedges) or removed in order to facilitate the development.

Veteran/ancient tree categorisation

- 3.3. The Woodland Trust (WT) and the Ancient Tree Forum (ATF) have submitted detailed objections to the proposal (June 2020), and refer to FLAC's submitted report and to the 'Ancient Woodland, ancient trees and veteran trees: protecting them from development' guidance ('Standing Advice') produced by the Forestry Commission and Natural England. The WT objects on the basis of damage and deterioration of seven veteran trees. The ATF

objects because they assert that the way veteran trees have been identified by FLAC means that trees which should be protected as such by national planning policy have been wrongfully excluded. FLAC has provided detailed responses to each objection (June 2020) which together add a significant degree of additional commentary to the submitted report.

- 3.4. The objections and subsequent responses focus on disagreements about: the definitions of what is a veteran tree within the national planning policy, policy guidance and published literature, the methodology for assessing veteran trees and the categorisation of the site's trees which follows from these. FLAC's submission uses its in-house 'RAVEN' methodology and identifies 7 veteran trees at the site. The 'RAVEN' methodology, while not as such 'endorsed' by the Appeal Inspector (in the usual sense of the word), was certainly accepted. In contrast, the WT use as their starting point the Ancient Tree Inventory (ATI) to identify veteran trees at the site (which is a source of information 'endorsed' within the Standing Advice (in the usual sense of the word), despite criticism of it from FLAC). The ATF focuses on the characteristics of veteran trees as the starting point. Both the WT and ATF disagree strongly with RAVEN's reliance on tree age/stem size as a starting point.
- 3.5. The result of the different approaches is that:
- The WT identify five additional trees (3010, 3014, 3015, 3022, 3027) which they believe should have been identified as veteran in the submission
 - The ATF identify *at least* two additional trees (3010, 3014) as veteran, with insufficient information on others
 - FLAC identify 4 trees (3021, 3026, 3028, 3031) which neither WT nor ATF highlight as veteran trees (albeit the ATF might include these with sufficient information).
- 3.6. Identifying veteran trees is not a straightforward or simple exercise when very old trees are in question, and there is demonstrably some inherent subjectivity involved which can include perceptions of age, rarity or special landscape context. Therefore, it is not my intention to muddy the waters for CBC with a fourth independent assessment. The FLAC report uses a consistent and transparent methodology in identifying the site's veteran and ancient trees, and so I do not find a sufficient reason to disagree with its findings in this regard.

Application of Veteran Tree Buffers (VTBs)

- 3.7. The FLAC report and plans include veteran tree buffers (VTBs) around all trees identified as veteran/ancient trees, which includes all those assigned the A3 quality category.
- 3.8. Three of the veteran/ancient trees 3007, 3021 and 3028 are identified as 'relic' veteran trees in the RAVEN assessment. RAVEN defines a 'relic' veteran tree as one bearing <75% of its former maximum crown volume. FLAC explained the concept of a 'relic' veteran tree within the arboricultural Proof of Evidence to the 2019 Appeal:

'3.3.8 Concerning Natural England's veteran tree buffer recommendation, this is clearly a precautionary, rather than evidence-based, protective distance. Whilst as a generality this might be suitable for some trees (albeit not justifiably applied as an absolute), it is the case that many veteran trees simply do not require a protective offset of the magnitude computed by the Natural England method (15 times stem diameter).

3.3.9 This is because many veteran trees with a large-diameter stem have lost the greater majority of their original crowns. Because there is an unbreakable, biologically-imperative link between roots and shoots (known as the root:shoot ratio), such trees have a correspondingly compact root system too. Logically, it follows that where a tree occupies a much smaller biological space as a result of significant crown loss, it can be safeguarded by a reduced protective buffer compared to where it does not.'

- 3.9. Instead of a VTB of 15 times the stem diameter recommended in the Standing Advice, the RAVEN methodology caps the VTB at 15 metres radius which results in a smaller area/volume of soil being afforded protection in the site design and construction methodology.
- 3.10. The concept of a 'relic' veteran tree is not recognised in the Standing Advice, nor in published veteran tree literature or the objections of the ATF and WT. Nor does it appear within the RAVEN methodology itself.
- 3.11. The 'relic' veteran tree concept focuses on the '*much smaller biological space*' that a veteran tree with a reduced crown and root system may take. But the Standing Advice VTB seeks not only to mitigate damage to a tree's roots (which might still exist beyond a

calculated root protection area (RPA) or VTB), but also to mitigate direct impacts to soil, ground flora and fungi, the water table and drainage, and from pollution and disturbance to wildlife.

3.12. The application of a VTB to a veteran tree in accordance with the Standing Advice is not a means to *avoid* impacts, but is a means to *reduce* (mitigate) impacts. In this way, a VTB is necessarily precautionary to reduce impacts to an irreplaceable habitat.

3.13. It should be noted that the RAVEN methodology recognises extensive decay, extensive hollowing, crown senescence and retrenchment as additional primary features of veteran trees, but the 'relic' concept then downgrades the degree of mitigation provided by a VTB based on these these very factors. This is akin to 'begging the question'.

3.14. Whereas the Standing Advice would afford trees 3007 and 3021 VTB diameters of 21.8m and 22.8m respectively, they are only provided with VTBs of 15m diameter in FLAC's submission.

3.15. It is of note that FLAC's definition of a VTB for a 'relic' tree on the tree survey and retention plan submitted for the 2018 planning application was '*...a maximum and fixed VTB... of 15m radius*'. FLAC did not adhere to its own definition in that submission. As before, the FLAC submission for the current proposal calculates the VTB of tree 3028 - on the basis of a smaller north-west fragment of the original stem which is alive measured as 740mm diameter - as 15 times the remaining stem diameter, giving a VTB radius of 11m. Any definition of a VTB for a 'relic' tree (whether at a fixed 15m radius or not) has been removed from the current submission.

3.16. I am unconvinced by the concept of 'relic' trees, of FLAC's application of VTBs to them and of how this relates to the Standing Advice on veteran trees.

3.17. While the application of the concept of 'relic' veteran trees has no consequences for tree 3007 in the submitted design, it has significant consequences for potential impacts to 3021. The Standing Advice VTB of 15 times the stem diameter would bring the buildings and gardens of Plots 10, 11 and 13 and the road leading to Plot 10 within the VTB.

Arboricultural Impacts Assessment (AIA).

- 3.18. The FLAC submission lacks detail on the anticipated impacts of the development proposal. The assessment of impacts to trees is confined to a column in the tree schedule that states whether the tree is to be retained or removed, as shown on the submitted tree removal and retention plan.
- 3.19. The report does not provide comment on potentially damaging construction activities relevant to the site such as alterations in ground levels. While FLAC provided observations on potential hydrological impacts on trees in its Proof of Evidence to the Appeal, no assessment has been provided for the current application. Longer-term end-use indirect impacts on the veteran tree habitats, such as increased light from dwellings is not assessed. Although this may be beyond the remit of an arboriculturist, at least some recognition of potential end-use impacts should be provided for further ecological assessment and design.

4. Review of the development proposal in relation to trees

- 4.1. The FLAC submission summarises that the design of the proposals allows the retention of tree 3014 and the removal of all construction and gardens from veteran tree buffer zones, which it says addresses the matters arising from the Appeal decision in full.
- 4.2. The reduced number of dwellings proposed has clearly improved the development proposal from an arboricultural point of view. Trees, including the significant notable and veteran trees, are afforded more open space around them which will reduce the potential for damage and decline. New surface and foul drains within the proposed residential area are accommodated within the new road layout and outside of the RPAs and VTBs of trees.
- 4.3. There are several aspects of the proposal which are of note:

Retention of protected and veteran/ancient trees

- 4.4. The new design proposal for the site retains English oak tree T3014. The design also retains all of the trees identified as veteran trees within FLAC's submitted RAVEN

assessment, as well as all trees identified as veteran on the ATI. All individually-protected trees within the TPO will be retained.

- 4.5. Protected trees (those trees within area A3 of the TPO and present when the TPO was made) within TG3008 at the north-west site boundary would be removed for the new site access and for Plots 1 and 42/43.

Potential impacts of the proposed development

Oaks 3014 & 3015

- 4.6. Oak tree 3014 has been categorised as a B3 quality tree and has an RPA of 11.76m radius. However, given that the tree as 40+ years remaining safe useful life expectancy and has some veteran characteristics with the potential to become a veteran the tree appears to be a 'high' value tree within the definition of policy GI3 Trees and Development of the Cheltenham Plan. Oak tree 3015 has been categorised as an A1 quality tree and has an RPA capped at 15m radius.
- 4.7. The proposal is to isolate the two trees together within an island of open space surrounded by new road to the north, east and south and Plots 29 and 32 to the west. New structural street tree planting will be provided along the road edges.
- 4.8. A small portion of the periphery of the RPA of 3014 is within the boundary of Plot 30 and meets the foundations of the dwelling. Although RPAs are the standard layout tool when considering trees and development, it is worth underlining that an RPA is the *minimum* area around a tree deemed to contain sufficient roots and rooting volume to maintain a tree's viability. Recent research in to the extent of tree roots of old trees has shown that roots extend well beyond the 'drip line' of the canopy, and beyond the capped 15 metre radial RPA as recommended in BS5837. Using a ground penetrating radar, the roots of a mature oak tree at Burghley Estate were found at 24 metres from the stem¹. It is therefore anticipated that the proximity of Plot 30 would result in some some root severance/loss, and soil disturbance within this area is inevitable.
- 4.9. A small portion of the north-west part of the notional RPA of 3015 (25m² or approx 3.5%) will be impacted by the proposed carriageway turning head, footway and car parking

¹ 'An examination by TreeRadar: <http://sharonhosegoodassociates.co.uk/wp-content/uploads/2017/01/Burghley-TreeRadar-report.pdf>

spaces for Plot 29. The FLAC report demonstrates that an additional 50m² of land contiguous with the RPA can be protected from construction activity. FLAC's assessment is that the incursion would not result in a material adverse impact on the tree, but suggest no-dig construction as an option to reduce the risk of adverse impact further. The feasibility of no-dig construction of highway proposed for adoption depends on whether the Highway Authority accept this construction method as meeting its standards.

- 4.10. The submitted tree protection plan shows the location of physical protective barriers and the area of road and parking which could be constructed using a no-dig cellular confinement system. A brief working method for installation of the surface is provided on the plan. I am concerned that the locations of the protective barriers leave very little working space for, for example, excavation to achieve levels and any grading that might be required and installation of kerbs and haunching. Additional working space might necessitate slightly greater incursions into RPAs than shown on-plan. But given that the application is for outline permission, more detailed information could be approved at a later stage.
- 4.11. The isolation of the trees within the open space island, surrounded by hard surfaces with associated drains on the sloping ground above T3015 may alter the local hydrology of the soil, reducing the availability of soil moisture to the trees.
- 4.12. Alteration of the shallow (max. 0.5m deep) topsoil by the construction of the carriageway to the south and east of the trees potentially could reduce the downward flow of water to the trees, or conversely could lead to containment of water within the RPAs. The shrinkable clay ground conditions might require deeper construction extents than is typical, and no detailed assessment of potential hydrological impacts on the trees has been provided for the current application.

Veteran oaks 3007, 3018, 3026, 3030 & 3031

- 4.13. The VTBs of veteran oaks 3007, 3018, 3026, 3030 & 3031 are fully respected within the layout in accordance with the Standing Advice. No structures, new surfaces or drains are located within the VTBs. This is a significant improvement on the previous proposal. The feasibility of protecting the VTBs from construction activity is demonstrated.

Veteran ash T3021

- 4.14. The application of the concept of 'relic' veteran, and the associated VTB which is capped at 15m by FLAC, has consequences for potential impacts to 3021. The capped VTB is respected by the layout except for a small part of the west periphery which is included within the garden of Plot 10. However, the Standing Advice VTB of 15 times the stem diameter (22.8m radius) would bring the buildings and gardens of Plots 10, 11 and 13 and the road leading to Plot 10 within the VTB.
- 4.15. If CBC accept the concept of a 'relic' veteran tree and the application of a 15m cap on its VTB, this would appear to be contrary to the Standing Advice.
- 4.16. Obstruction of the downward flow of water through the shallow (max. 0.5m deep) topsoil by structures to the north and north-east could lead to decreased availability of water within the VTB. The shrinkable clay ground conditions might require deeper building foundations than is typical, and no detailed assessment of potential hydrological impacts on the trees has been provided for the current application.

Veteran oak T3028

- 4.17. The layout design respects the VTB of oak 3028, although rear gardens and the garage of Plot 7 abut the edge of the VTB.
- 4.18. I am concerned that the location of the protective barrier adjacent to the garage of Plot 7 leaves very little working space. Additional working space, including scaffolding which straddles the protective barrier, might necessitate a slightly greater incursions into the RPA than shown on-plan. But given that the application is for outline permission, more detailed information could be approved at a later stage.
- 4.19. The tree would become partially isolated between new dwellings, and I am concerned that the fencing specification shown on the tree protection plan is inadequate to protect against ground and dust pollution during construction. A more appropriate specification (including screening barriers) could be approved at a later stage. I am also concerned about indirect impacts such as increased light from dwellings could degrade the habitat. It is not uncommon for isolated areas such as this to suffer from tipping of garden waste and informal access. The submitted landscape strategy identified that the area is not suitable for public access, and that appropriate deterrent planting can help to mitigate some of the

potential indirect impacts. Consideration should be given to securing more detailed information at a later stage.

- 4.20. Obstruction of the downward flow of water through the shallow (max. 0.5m deep) topsoil by structures to the north and north-east could lead to decreased availability of water within the VTB. The shrinkable clay ground conditions might require deeper building foundations than is typical, and no detailed assessment of potential hydrological impacts on the trees has been provided for the current application.

Protected oaks 3032 & 3033

- 4.21. The site's drainage outflow to existing off-site connections to the south and south-west is proposed to pass through the RPAs of protected oak trees 3032 and 3033. This is an improvement on the previous application, which proposed drainage through the VTB of veteran oak 3031. The tree protection plan notes that a trench-less technique should be used to minimise damage, and the arboricultural Proof of Evidence provided at the Appeal indicated that trench-less techniques are feasible.
- 4.22. It is reasonable to accept that more detailed specifications and working methods, which should include on-site arboricultural supervision, can be approved at a later stage.

Proposed Landscape Strategy

- 4.23. The proposed landscape strategy includes planting of a new native species woodland belt to the south-east of the residential area running from veteran oak 3007 to meet hedgerow group TG3005 at oak 3022. New open space, street and garden tree planting is also proposed. In the long-term, future mature canopies of new street tree and woodland belt planting may meet above the proposed carriageway and provide connectivity to the isolated oaks 3014 and 3015.
- 4.24. The proposed woodland belt contributes to compensating for the connectivity lost by the severance of the hedgerow group TG3005 for the proposed layout, and would eventually provide a visual screen. However, these benefits will take time to accrue, and the success of tree/woodland establishment depends on the adequate allocation of resources to, and implementation of, a new tree planting management plan. A new 10-year tree

management plan 'heads of terms' document has been submitted which aims to achieve 100% successful establishment of new tree and hedge planting.

- 4.25. The ground at the site has been shown to be a maximum of 0.5m deep slightly silty clay topsoil over firm to stiff clay. Obstruction of the downward flow of water through the shallow (max. 0.5m deep) topsoil by structures to the north and north-west could lead to decreased availability of water within the planting area.
- 4.26. The site's documented aspect and ground conditions and my observations on site suggest to me that successful tree establishment, to independence in the landscape, is likely to require a high level of resources over a long period of time. The usual landscape scheme tree replacement condition period of 5 years is likely to be insufficient to secure delivery of an approved detailed scheme in the long-term. A condition for the implementation of the new tree management plan over its full 10-year period would provide a stronger basis to ensure successful establishment of the new trees. If reliance is placed on planning condition(s) for the successful implementation of the detailed landscape scheme, the wording of such condition(s) should be carefully considered.
- 4.27. Although not a common practice, a Tree Preservation Order (TPO) can be made to protect trees to be planted pursuant to a condition imposed under paragraph (a) of section 197 of the TCPA (planning permission to include appropriate provision for preservation and planting of trees). That is to say, a TPO can be made to protect trees, groups of trees or woodlands *yet to be planted*, but which are specified within an approved detailed landscape scheme. Such an Order takes effect from the time the trees are planted.
- 4.28. For a tree protected by such as TPO as an individual or within a group of trees (but not woodlands) landowners have a duty to replace a tree which is removed, uprooted or destroyed because it is dead (or in contravention of the Order or because it presents an immediate risk of serious harm). The local planning authority can enforce this tree replacement duty by serving a tree replacement notice. (Enforcement by serving a tree replacement notice is discretionary, can be dispensed with and can be appealed).
- 4.29. The making of a new TPO to protect at least the new woodland belt as a group (or groups) of trees would provide CBC with a stronger basis on which to ensure the successful establishment of the new trees in the longer-term.

National and Local Planning Policy

- 4.30. Paragraph 175c of the 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 exists'*.
- 4.31. In my opinion, while the current proposal is much-improved from the previous proposal, there remains a significant risk that the proposed development could have a negative impact on some of the veteran trees from construction pollution and end-use light pollution, and by changing the soil ecosystem and hydrology that would lead to their premature deterioration.
- 4.32. CBC's Cheltenham Plan was adopted in July 2020. It makes specific reference to the importance of trees in the local landscape, and contains four policies of relevance to trees at the site:

HD4: Land off Oakhurst Rise

This site-specific policy includes requirements for development proposals for Oakhurst Rise to demonstrate the protection of key biodiversity assets and mature trees and the long term protection of mature trees and hedges.

D3: Private green space

The policy requires that proposals for development within extensive grounds of large properties... where appropriate , will be required to: a) retain mature trees; b) retain and enhance existing landscaping; c) provide new landscaping; d) avoid disturbance of significant habitats.

G13: Trees and development

Development which would cause permanent damage to trees of high value (Note 1) will not be permitted. (Note 1: 'High value' means a sound and healthy tree with at least 10 years of safe and useful life remaining which makes a significant contribution to the character or appearance of a site or locality).

The proposal includes the removal of mature trees, such as common ash 3016, the protected trees within TG3008 and trees within TG3005. Hydrological changes due to obstruction of soil water flows by new structures may have an adverse impact on, in particular, high quality trees 3014 and 3015 and veteran trees 3021, 3028 and 3021. Despite protective measures, disturbance to the veteran tree habitats (including soil, ground flora and fungi) during construction and in the site's end-use is likely to occur. In my opinion, the proposal does not comply with policies HD4, D3 and GI3.

The proposed landscape strategy can provide a net gain in the overall canopy cover at the site and enhance the existing resource. In my opinion, the proposal complies with elements b) and c) of policy D3.

GI2: Protection and replacement of trees

In cases where trees are not protected by a Tree Preservation Order or by being in a Conservation Area, but contribute to the townscape and character of the town, the Council will consider including such trees in a Tree Preservation Order.

Given the difficult growing conditions at the site, the making of a new TPO to protect at least the new woodland belt as a group (or groups) of trees would provide CBC with a stronger basis on which to ensure the successful establishment of the new trees in the longer-term.

5. Conclusions

- 5.1. My review of the site and the submitted arboricultural report leads me to the following conclusions:
- 5.2. The application site contains numerous trees that are of high value from a conservation and historical point of view. Seven of these are considered to be veteran trees which provide an irreplaceable habitat and many are important landscape tree features. As such, a precautionary approach should be adopted when designing any development proposals at the site to in order to reduce negative impacts on the trees, their soil, ground flora and fungi, the water table and drainage, and from pollution and disturbance to wildlife. This approach is clearly set out at both the national and local level planning policy.
- 5.3. The arboricultural information submitted with the planning application is succinct. The FLAC report uses a consistent and transparent methodology in identifying the site's veteran and ancient trees, and so I do not find a sufficient reason to disagree with its findings in this regard. However, it lacks a detailed assessment of the the development impacts to trees and conversely from trees to the development in future years. While FLAC provided observations on potential hydrological impacts on trees in its Proof of Evidence to the Appeal, no assessment has been provided for the current application.
- 5.4. The concept of a 'relic' veteran tree is not recognised in the Standing Advice, nor in published veteran tree literature or the objections of ATF and WT. Nor does it appear within the RAVEN methodology itself. The application of the 'relic' veteran tree VTB has significant consequences for potential impacts to 3021. If CBC accept the concept of a 'relic' veteran tree and the application of a 15m cap on its VTB, this would appear to be contrary to the Standing Advice.
- 5.5. The reduced number of dwellings proposed has clearly improved the development proposal in terms of the retention of veteran and protected trees, but the development proposal still has the potential to cause harm to significant trees. In particular, hydrological changes due to obstruction of soil water flows by new structures may have an adverse impact on, in particular, high quality trees 3014 and 3015 and veteran trees 3021, 3028 and 3021. Despite protective measures, disturbance to the veteran tree habitats (including

soil, ground flora and fungi) during construction and in the site's end-use is likely to occur. In my opinion, the proposal does not comply with policies HD4, D3 and GI3.

- 5.6. Site conditions suggest to me that successful new tree establishment, to independence in the landscape, is likely to require a high level of resources over a long period of time. The usual 5 year landscape scheme tree replacement condition period is likely to be insufficient to secure delivery of an approved detailed scheme in the long-term. If reliance is placed on planning condition(s) to achieve this, the wording of such condition(s) should be carefully considered. The making of a new TPO to protect at least the new woodland belt as a group (or groups) of trees once planted would provide CBC with a stronger basis on which to ensure the successful establishment of the new trees in the longer-term.

6. Recommendations

- 6.1. I have concluded through my review of the site and the proposed development that there remains a significant risk of permanent damage to high value trees, and of deterioration of the irreplaceable habitats of veteran trees.
- 6.2. I recommend that a detailed soil analysis and hydrological assessment is carried out in order to understand the soil hydrology and how the proposal would impact the high quality and veteran trees.



Ian Monger
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Senior Arboriculturist

References:

- 1) British Standards Institution (2012). BS5837:2012 'Trees in relation to design, demolition and construction - recommendations'.
- 2) Cheltenham Borough Council (2006). 'Cheltenham Borough Local Plan - Second Review 1991-2011'.
- 3) Department for Communities and Local Government (2012). 'National Planning Policy Framework'
- 4) Forestry Commission & Natural England (2018). 'Guidance: Ancient woodland and veteran trees: protecting them from development". Viewed online at: <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences#veteran-trees>.
- 5) Hosegood, S., Lee, I. (2016). An unpublished report of the examination of tree roots of an oak tree at Burghley Estate. Viewed online at: <http://sharonhosegoodassociates.co.uk/wp-content/uploads/2017/01/Burghley-TreeRadar-report.pdf>.