



**The Long House,
Coedkernew,
Newport**

**Arboricultural
Impact
Assessment**

(Incorporating Tree
Protection
Measures)

Prepared by:
**The Environmental
Dimension
Partnership Ltd**

On behalf of:
Neil Atherton

October 2021
Report Reference
edp7317_r002a

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Section 1

Introduction

- 1.1 This Arboricultural Impact Assessment (AIA) has been prepared by the Environmental Dimensions Partnership Ltd (EDP) on behalf of Neil Atherton (hereafter referred to as 'the Applicant') in relation to the proposed development of The Long House, Coedkernew, Newport (hereafter referred to as 'the Site').
- 1.2 It sets out the nature and extent of tree losses and provides mitigation and protection measures to ensure the viable long-term retention of retained trees in the context of the development proposals.

Site Context

- 1.3 The Site is located to the west of Newport, which is located within the Local Planning Authority (LPA) of Newport City Council (NCC). It currently comprises a residential site, with one dwelling and one detached garage to the rear of the site. Large areas to the rear are laid to lawn.

Development Proposals

- 1.4 An outline planning application is to be submitted to NCC for the construction of two additional residential dwellings to the rear of the existing dwelling. and this AIA is submitted to inform this application.
- 1.5 This AIA has been prepared using EDP's arboricultural constraints information contained within the Arboricultural Baseline Note as **Appendix EDP 1**.
- 1.6 This baseline survey data was originally collected by EDP in August 2021. The survey data relevant to this Site is provided within **Appendix EDP 1**, with the Tree Constraints Plan included.

Aims and Objectives

- 1.7 The purpose of this AIA is to assess the impacts upon the tree stock from the proposed development and demonstrate which trees can be retained and which will require removal. In addition, it will provide mitigation measures, such as protective fencing, to ensure the safe, long-term retention of any retained tree should the development be permitted.

Relevant Baseline Documents

- 1.8 EDP's Arboricultural Baseline Note is relevant to the provisions of this AIA and this AIA should be read in conjunction with it where applicable.
- 1.9 The following best practice guidance and informative standards are relevant to the provisions of the AIA and should be read in conjunction with the AIA where applicable:
- BS 5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations' BSI 2012; and
 - BS 3998:2010 Tree Work – Recommendations. BSI 2010.

Section 2

Arboricultural Impact Assessment

- 2.1 This AIA has been prepared following site-based observations, a desktop study of the baseline survey data and consideration of the Sketch Site Proposals Option 2 (**Appendix EDP 2**). In particular, it relates to the Tree Constraints Plan (contained within **Appendix EDP 1**), which is overlaid onto the proposed Illustrative Masterplan. The resulting drawing, a Tree Protection Plan (**Plan EDP 1**).
- 2.2 This AIA recognises that construction activities pose a threat to subject trees if treated inappropriately and assesses the likely impacts of the proposals on the tree stock and where appropriate, provides mitigation with the view of achieving a harmonious relationship between the trees and the built form.
- 2.3 Assessment of the impact of the proposals has been determined following consideration of the constraints each surveyed item poses by virtue of its position, branch spread and designated root protection area (RPA).
- 2.4 Consideration should be given to retaining all trees where possible. However, ultimately the removal of any tree is dependent on its proximity to the footprint of any proposal and associated landscaping.

Shading

- 2.5 The retained off-site trees cast shade onto the western edge of the Site. This is not considered detrimental to the development as the proposal has the access drive running alongside the western boundary with the dwellings situated further towards the centre of the Site and predominantly outside of the shading.

Tree Removals for Reasons of Sound Arboricultural Management

- 2.6 The BS 5837:2012 compliant survey identified a total of one category U item, the condition of which was considered to be impaired to such an extent that it should be removed irrespective of any development proposals and is therefore not included in the calculations to follow. These are summarised in **Table EDP 2.1** below and detailed in the Tree Survey Schedule contained within **Appendix EDP 1**.

Table EDP 2.1: Tree Removal for Reasons of Sound Arboricultural Management

Tree Number	Tree Species	Tree Grade
T2	Pear sp. (<i>Pyrus</i> sp.)	U

- 2.7 Off-site items remain outside of control of the development and require the landowners' consent prior to any works or removals.

- 2.8 Due to their condition, category U items often have ecological value and therefore any work to or removal of category U items require cross-referencing with the ecological assessment prior to any work or felling taking place.
- 2.9 If category U items are to be retained as an ecological asset, arboricultural advice should be sought to ensure this can be achieved.

Items Impacted by Development Proposals

- 2.10 Assessment of the Sketch Site Proposals Option 2 (**Appendix EDP 2**) determines that one item is impacted by the development proposals; this is detailed within **Table EDP 2.2**. This item is category C, of low quality.

Table EDP 2.2: Items Impacted by Development Proposals

Ref. Number	Species	Impact	Category Grading
G8	Mixed Broadleaf Blackthorn (<i>Prunus spinosa</i>)	Complete Removal	C

Summary of Tree Losses and Retention

- 2.11 A summary of the tree losses and retention based upon the Sketch Site Proposals Option 2 (**Appendix EDP 2**) is provided within **Table EDP 2.3**. In this context, the term 'affected' means encroachment into the RPA of a retained item.

Table EDP 2.3: Summary of Tree Losses and Retention

	Existing	Trees, Groups and Hedgerows Lost Due to Proposals	Trees, Groups and Hedgerows Affected by Proposals	Trees, Groups and Hedgerows Unaffected by Proposals
Category A	1	0	0	1
Category B	3	0	0	3
Category C	9	1	0	8
Totals	13	1	0	12

Damage to Rooting Environment during Construction Activities

- 2.12 The required RPA for each item is described in the Tree Survey Schedule and depicted on the Tree Constraints Plan, both found within **Appendix EDP 1**. To ensure appropriate protection is afforded to the roots, the extent of the RPA shall be defined by means of the installation of protective barriers in accordance with the recommendations given in Section 6.2 of BS 5837:2012, the specification for which is enclosed as **Appendix EDP 3**.

Mitigation

- 2.13 Existing trees identified for retention on the appended Tree Protection Plan (**Plan EDP 1**) will continue to be managed in accordance with BS 5837:2012. Critically this requires arboricultural review of any future emerging detailed design and the implementation of physical protection measures to safeguard the retained trees, including robust protection in the form of a barrier to BS 5837:2012 (**Appendix EDP 3**), during the construction phases. The importance of such matters cannot be overlooked if a successful outcome is to be ensured.
- 2.14 Should any trees be affected by the proposed development at the detailed design stage, these will be sensitively worked around to minimise any adverse effects. This can be achieved with the use of ground protection, no-dig technologies, hand digging and access facilitation pruning, where applicable. This level of detail will be assessed during the detailed design stage.

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Section 3

Conclusions

- 3.1 Existing trees identified for retention on the appended Tree Protection Plan (**Plan EDP 1**) will continue to be managed in accordance with BS 5837:2012. Critically, this requires arboricultural review of any alteration to the development layout and the implementation of physical protection measures to safeguard the retained trees, including robust protection in the form of a barrier to BS 5837:2012, during the demolition and construction phases. The importance of such matters cannot be overlooked if a successful outcome is to be ensured.
- 3.2 A suitably worded condition can secure any mitigation measures which would be required to minimise harm and ensure safe, long-term retention to trees.

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Appendix EDP 1
Arboricultural Baseline Note
(edp7317_r001)

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The Long House, Coedkernew, Newport

Arboriculture Baseline Note

edp7317_r001a

1. Introduction

- 1.1 The Environmental Dimension Partnership Ltd (EDP) has been commissioned by Neil Atherton ('the Applicant') to undertake a *BS 5837:2012 Trees in Relation to Design, Demolition and Construction* compliant survey of trees in relation to the proposed development of The Long House, Coedkernew, Newport (hereafter referred to as 'the Study Area').
- 1.2 EDP is an independent environmental planning consultancy with offices in Cirencester, Cardiff and Cheltenham. The practice provides advice to private and public sector clients throughout the UK in the fields of landscape, ecology, archaeology, cultural heritage, arboriculture, rights of way and masterplanning. Details of the practice can be obtained at our website www.edp-uk.co.uk.
- 1.3 The Study Area is located to the west of Newport, which is located within the Local Planning Authority of Newport City Council (NCC). It currently comprises a residential site, with one dwelling and one detached garage to the rear of the site. Large areas to the rear are laid to lawn.

2. Methodology and Limitations

- 2.1 The methodology adopted for this survey is based on guidelines set out in *BS 5837:2012 Trees in Relation to Design, Demolition and Construction*, especially Section 4.4, 'Tree Survey'. Site trees and other significant vegetation are as noted on the Tree Constraints Plan (**Annex EDP 1**) and this data has been derived from the Topographic Survey (drawing number NA3856-01). All surveyed items are detailed in **Annex EDP 2**. No other trees are covered by this survey.
- 2.2 All trees have been visually inspected from ground level unless otherwise stated, with no climbing or further detailed investigative tests being undertaken. The comments on their condition are based on observable factors present at the time of inspection. All measurements are metric and have been recorded in accordance with the measurement conventions set out in Section 4.4.2.6 of BS 5837:2012.
- 2.3 Any recommendations given regarding longer-term management are made on the basis of optimising the life expectancy of site trees, given their current situation and any effects that may result from the development proposals.



- 2.4 The schedule in **Annex EDP 2** provides information about the following factors in accordance with Section 4.4.2.5 of BS 5837:2012:
- Sequential reference number (recorded on **Annex EDP 1**);
 - Species;
 - Height;
 - Stem diameter;
 - Branch spread;
 - Canopy clearance above ground level;
 - Life stage;
 - Physiological condition;
 - Structural condition;
 - Comments/notes;
 - Recommendations (and tree work priority);
 - Estimated remaining contribution;
 - Category grading; and
 - Root protection radius.
- 2.5 Due to the changing nature of trees and other site circumstances, this report and any recommendations made are limited to a 24-month period from the survey date. Any alterations to the Study Area could change the current circumstances and may invalidate this report and any recommendations made.
- 2.6 Trees are dynamic structures that can never be guaranteed 100% safe; even those in good condition can suffer damage under average conditions. Regular inspections can help to identify potential problems before they become acute.
- 2.7 A lack of recommended work does not imply that a tree is safe and likewise, it should not be implied that a tree will be made safe following the completion of any recommended work.

2.8 The subject trees have not been tagged for identification purposes.

3. Aims and Objectives

3.1 The purpose of this Technical Note is to:

- Identify principal trees suitable for retention; and
- Identify the constraints associated with retained trees to inform the design and layout of any forthcoming proposals and, in turn, inform an Arboricultural Impact Assessment.

4. Summary of Tree Stock

4.1 The survey has identified 10 individual trees, 2 groups of trees, 1 woodland group and 1 hedgerow, totalling 14 items. Of these 14 items, 1 has been categorised as A, of high quality; 3 have been categorised as B, of moderate quality; and 9 have been categorised as C and are of low quality. In addition, one item has been categorised as U and is considered unsuitable for retention irrespective of development.

4.2 All surveyed items are as noted on **Annex EDP 1** and detailed in the schedule in **Annex EDP 2**.

4.3 An illustrative summary of the species diversity, age distribution and grading categorisation for the Study Area is provided in **Annex EDP 3**.

4.4 Overall, the items identified across the Study Area are primarily of low or no value, with the exception of 1 category A item and 3 category B items. These category A and B items are located either off-site or around the periphery and therefore do not adversely constrain the main body of the Study Area.

5. Statutory Protection

Tree Preservation Orders and Conservation Areas

5.1 Consultation with NCC still needs to be undertaken to determine whether any Tree Preservation Orders (TPO) are registered on, or adjacent to, the Study Area.

5.2 The Study Area is not within a designated conservation area.

6. National and Local Planning Policy

Newport City Council's Local Development Plan

Newport Local Development Plan (Adopted January 2015)

6.1 Policy 3.36 Trees Hedgerows and Woodlands states:

"Trees, woodlands and hedgerows form an important part of Newport's character as well as supporting a wide range of rare and common wildlife. Newport has a number of woodlands which are included in the Inventory of Ancient Woodland, and also secondary woodlands (non-ancient) and a network of hedgerows, all of which have an importance for amenity, wildlife and landscape character. They should therefore be protected and, where appropriate, enhanced as set out in TAN 5: Nature Conservation and Planning (2009)⁴³ and TAN 10: Tree Preservation Orders (1997). Please note that Natural Resources Wales hold a register of Ancient and Semi Ancient woodland."

Planning Policy Wales

6.2 Planning Policy Wales (PPW) provides guidance at paragraph 6.4.26 on the approach to be adopted in relation to important habitats, including Ancient Woodlands, in the following terms - relevant extract:

"6.4.26 Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory."

6.3 No further guidance is provided from Natural Resource Wales (NRW), other than that they recognise the importance of Ancient Woodlands in respect of wildlife, people and the economy.

7. Protected Wildlife and Trees

Bats

7.1 All species of British bat are listed as European Protected Species (EPS) on Schedule 2 of the Conservation Regulations (Annex IV (a) to the Habitats Directive). This affords bats protection under the *Conservation of Habitats and Species Regulations 2017 (as amended)*; further information is provided in **Annex EDP 4.**

Nesting Birds

- 7.2 The main bird nesting season is between March and August inclusive. Current legislation relating to breeding birds, under *the Wildlife and Countryside Act 1981 (as amended)* and the *Countryside and Rights of Way Act 2000*, confirms that birds, as well as their nests and eggs, are protected. Further information is provided in **Annex EDP 4**.

8. Site Specific Constraints

- 8.1 As shown by **Annex EDP 1**, the surveyed items located across the Study Area are primarily around the periphery.
- 8.2 A number of items are located outside, but adjacent to the Study Area, and therefore these items are not under the control of the Applicant and require consideration. The above- and below-ground constraints from off-site items will need to be considered during the design process.
- 8.3 Further information on above- and below-ground arboricultural constraints is provided in **Annex EDP 5**.

9. Conclusion

- 9.1 Of the items surveyed, 1 has been categorised as A, of high quality and 3 have been categorised as B, of moderate quality. These items should be prioritised for retention, where practicable. These items are primarily off-site and around the perimeter of the Study Area and therefore do not adversely constrain development.
- 9.2 The default position when designing any forthcoming scheme should be the retention of all items, as far as is practicable, regardless of category grading. All trees provide positive environmental and ecological contributions, irrespective of current condition.
- 9.3 The arboricultural constraints information provided within this Technical Note will feed into the detailed design and layout of the scheme and, in turn, will be used to undertake an Arboricultural Impact Assessment, to be submitted as part of the planning application.



Annex EDP 1
Tree Constraints Plan
(edp7317_d001b 21 October 2021 GY/DG)



Site Boundary

T1

Tree/Group Number

Tree Shade

Tree Stem

Tree/Group Canopy

Root Protection Area

Category A: Trees of high quality and value

Category B: Trees of moderate quality and value

Category C: Trees of low quality and value

Category U: Trees of poor quality and value

client	Neil Atherton		
project title	The Long House, Coedkernew, Newport		
drawing title	Tree Constraints Plan		
date	21 OCTOBER 2021	drawn by	GY
drawing number	edp7317_d001b	checked	DG
scale	1:500 @ A3	QA	RB

Annex EDP 2
Schedule EDP 1
Tree Survey Key and Schedule

Sequential Reference Number	T - Individual specimen; G - Group of trees that form cohesive arboricultural features either aerodynamically, visually or culturally; H - Linear group of specimens that form a hedge or boundary; and W - A larger group or area of trees that should be regarded as a single woodland unit.
Species	Scientific names and common English names provided, the latter are used wherever possible for simplicity.
Height	An approximation of height (in metres) is provided for the highest point of the tree.
Stem Diameter	This is the measurement of stem diameter in millimetres taken in accordance with Annex C of BS 5837:2012 (# is used if estimated).
Branch Spread	This is taken at four cardinal points, with a stated value in metres to enable an accurate representation of the crown, as shown on the plan in Annex EDP 1 .
Canopy Clearance Above Ground Level	An approximation of height (in metres) of crown clearance above adjacent ground level.
Life Stage	There are five classes to which trees are assigned: Young; Early Mature; Mature; Over Mature; and Veteran.
Physiological Condition	An indication of the tree's physiological condition is represented and classed as good, fair, poor or dead, this is informed by the following: Canopy density: It should be taken that, unless otherwise stated with each individual entry, the canopy density of the trees is typical of the species; and Leaf size and colouration: It should be taken that, unless otherwise stated with each individual entry, leaf size and colouration is typical of the species.

Structural Condition	An indication of the tree's structural condition is represented and classed as good, fair, poor or dead. This is informed by “<i>the presence of any decay and physical defect</i>¹”.
Comments/Notes	Observations on structural or physiological condition, historic pruning, any site-specific constraints, etc., noted at the time the survey is undertaken.
Recommendations (and Tree Work Priority)	These are made on the basis of optimising the life expectancy of site trees, given their current situation and that which may result from the development proposals. The survey process pays particular attention to implications for life and/or property; defects recorded under the structural condition have the necessary mitigation measures proposed within this section of the schedule. Priority codes from 1 to 3 have been given for trees requiring work. The definition of the codes used is as follows: Priority 1: Work that should be undertaken urgently due to the identification of a potential hazard; Priority 2: Work that should be undertaken prior to any demolition or construction works commencing on site; and Priority 3: Work that should be undertaken following the completion of the development.
Estimated Remaining Contribution	The definitions of the terms used are as follows and describe the estimated length of time (in years) over which the tree can be expected to make a safe contribution to local amenity: Less than 10; 10+; 20+; and 40+.
Category Grading	Trees have been assigned either U or category grading A to C in accordance with the cascade chart given in BS 5837:2012.
Root Protection Radius	Measurement (in m) based on the stem diameter and calculated in accordance with BS 5837:2012.

¹ BS 5837:2012 Section 4.4.2.5

Client:	Neil Atherton	Site:	The Long House, Coedkernew, Newport
Date of Survey:	25/08/2021	Consultant	David Garrick
Tagged	N/A	Weather	Clear

Sequential Reference No.	Species	Height (m)	Stem Diameter (mm)	Branch Spread (m)				Canopy Clearance (m)	Life Stage	Physiological Condition	Structural Condition	Comments / Notes	Management Recommendations (Priority)	Estimated Remaining Contribution (Years)	Category Grading	Root Protection Radius (m)
				North	East	South	West									
T1	Common ash (Fraxinus excelsior)	9	180	3	3	3	3	3	Early Mature	Fair	Fair	Ivy or climbing plant Ash Dieback Suspected	No Work Recommended	10+	C1	2.16
T2	Pear sp. (Pyrus sp.)	2	80	1	1	1	1	N/A	Early Mature	Poor	Poor	Decay / structural defect - Principal stems Epicormic growth - Base / bole / principal stems	Fell - Ground level (1)	<10	U	0.96
T3	Goat willow (Salix caprea)	5	# 6x40	2	2	2	2	N/A	Young	Fair	Fair	Multiple stems from base Off-site tree, all readings estimated	No Work Recommended	10+	C1;	1.18
T4	Magnolia sp. (Magnolia sp.)	6	6x190	5	5	5	5	1	Early Mature	Good	Fair	No Significant Faults Observed	No Work Recommended	20+	B1	5.58
T5	Elder (Sambucus nigra)	4	80	1	2	2	1	1	Young	Fair	Fair	Access to inspect base - Restricted / obscured Competition - Adjacent vegetation	No Work Recommended	10+	C1	0.96
H6	Privet sp. (Ligustrum sp.) Bramble sp. (Rubus sp.)	2	# 50	1	1	1	1	N/A	Young	Fair	Fair	Hedgerow - Neglected / overgrown	No Work Recommended	10+	C2	0.6
W7	Common alder (Alnus glutinosa) Common ash (Fraxinus excelsior) Common hazel (Corylus avellana) Silver birch (Betula pendula) Common holly (Ilex aquifolium)	14	# 330	5	5	5	5	2	Early Mature	Fair	Fair	Off-site tree, all readings estimated Early mature birch, ash, alder woodland with hazel, holly understorey. Edge trees maintained as if hedgerow	No Work Recommended	20+	B2	3.96
G8	Mixed Broadleaf Blackthorn (Prunus spinosa)	3	# 70	1	1	1	1	N/A	Young	Fair	Fair	Hedgerow - Maintained	No Work Recommended	10+	C2	0.84
T9	Common ash (Fraxinus excelsior)	8	140	4	4	4	4	3	Early Mature	Fair	Fair	Foreign object - Ingrown metal chainlink fence included in stem	No Work Recommended	20+	B1	1.68
T10	Common hazel (Corylus avellana)	3	# 7x30	2	2	2	2	N/A	Young	Fair	Fair	Multiple stems from base	No Work Recommended	10+	C1	0.95
T11	Sycamore (Acer pseudoplatanus)	4	# 6x30	2	2	2	2	N/A	Young	Fair	Fair	Multiple stems from base	No Work Recommended	10+	C1	0.88
T12	Leyland cypress (Cupressocyparis leylandii)	4	120	1	1	1	1	N/A	Early Mature	Fair	Fair	No Significant Faults Observed	No Work Recommended	10+	C1	1.44
G13	Common ash (Fraxinus excelsior) Common hazel (Corylus avellana)	6	# 100	2	2	2	2	N/A	Young	Fair	Fair	Ash Dieback Suspected	No Work Recommended	10+	C2	1.2
T14	Common lime (Tilia x europaea)	12	# 650	6	6	6	6	2	Mature	Good	Good	Epicormic growth - Base Off-site tree, all readings estimated	No Work Recommended	40+	A1;2	7.8

Sequential Reference Number -T - Individual specimen; G - Group. Trees that form cohesive arboricultural features either aerodynamically, visually or culturally; H - Linear group of specimens that form a hedge or boundary; W - A larger group or area of trees that should be regarded as a single woodland unit.

Species -Common English names are used wherever possible for simplicity.

Height -An approximation of height (in metres) is provided for the highest point of the tree.

Stem Diameter -This is the measurement of stem diameter in millimetres taken in accordance with Annex C of BS5837:2012.

Branch Spread -This is taken at four cardinal points, with a stated value in metres to enable an accurate representation of the crown, as shown on Plan EDP 1.

Canopy Clearance -An approximation of height (in metres) of crown clearance above adjacent ground level.

Life Stage -There are five classes to which trees are assigned: Young; Early Mature; Mature; Over Mature; Ancient; Dead.

Physiological Condition -An indication of the tree's physiological condition is represented and classed as good, fair, poor or dead, this is informed by the following: Canopy Density: It should be taken that, unless otherwise stated with each individual entry, the canopy density of the trees is typical of the species; and Leaf Size and Colouration: It should be taken that, unless otherwise stated with each individual entry, leaf size and colouration is typical of the species.

Structural Condition -Additional notes are provided giving details of the tree's structural condition. This is informed by "the presence of any decay and physical defect".

Management Recommendations -These are made on the basis of optimising the life expectancy of site trees, given their current situation and that which may result from the development proposals. The survey process pays particular attention to implications for life and/or property; defects recorded under the structural condition have the necessary mitigation measures proposed within this section of the schedule.

Tree Works Priority Codes -Priority codes from 1 to 3 have been given for trees requiring work. The definition of the codes used is as follows: Priority 1: Work that should be undertaken urgently due to the identification of a potential hazard; Priority 2: Work that should be undertaken prior to any works commencing on site; and Priority 3: Work that should be undertaken following the completion of the development.

Estimated Remaining Contribution -The definitions of the terms used are as follows and describe the estimated length of time (in years) over which the tree can be expected to make a safe contribution to local amenity: Less than 10; 10+; 20+; and 40+.

Category Grading -Trees have been assigned 'U' or Category Grading 'A' to 'C' in accordance with the Cascade Chart given in BS5837:2012.

Root Protection Radius—The root protection radius from the stem of the tree calculated in line with the recommendations set out in BS5837:2012.



Annex EDP 3
Illustrative Summary of Survey Data

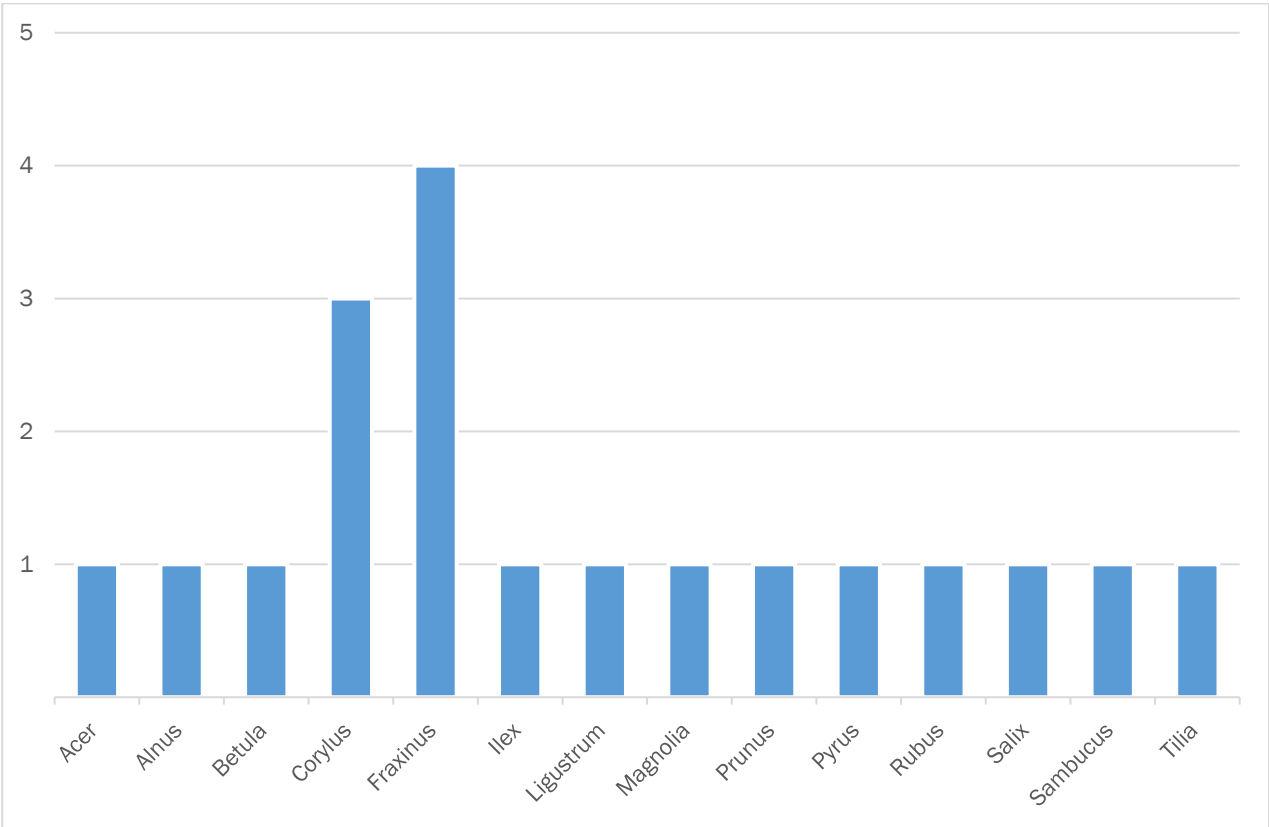


Figure EDP A3.1: Species diversity.

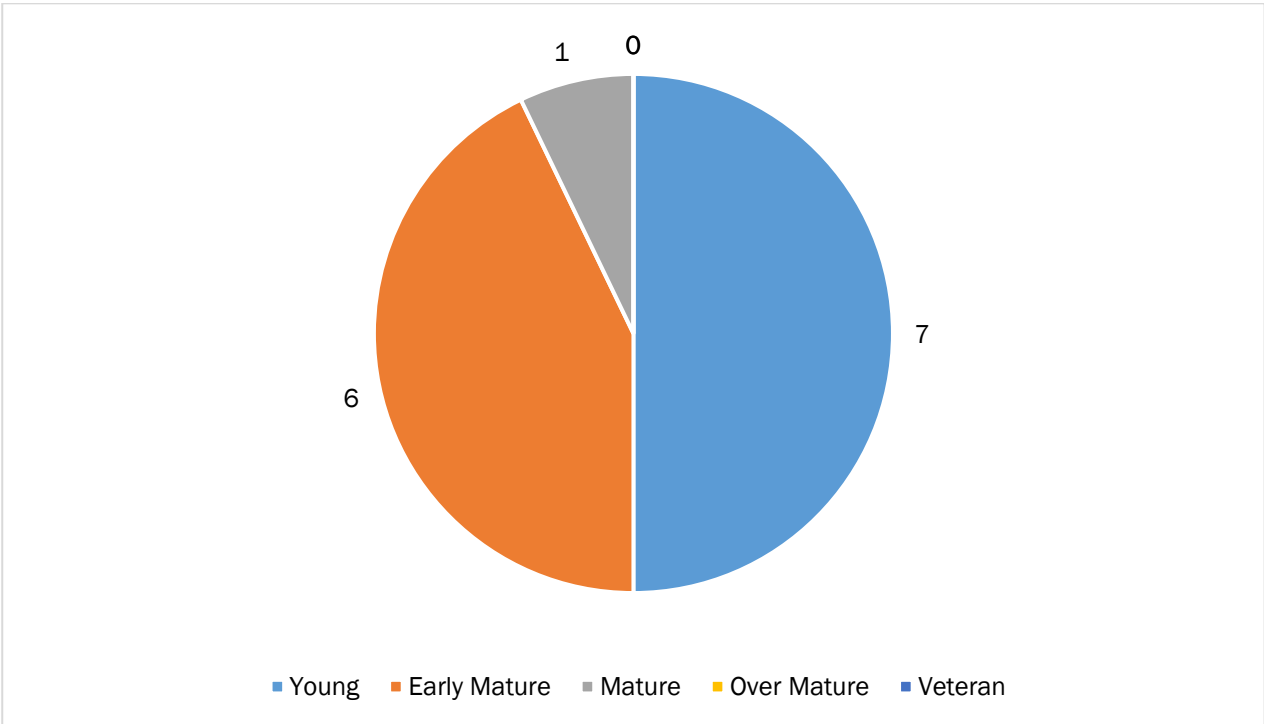


Figure EDP A3.2: Age distribution.

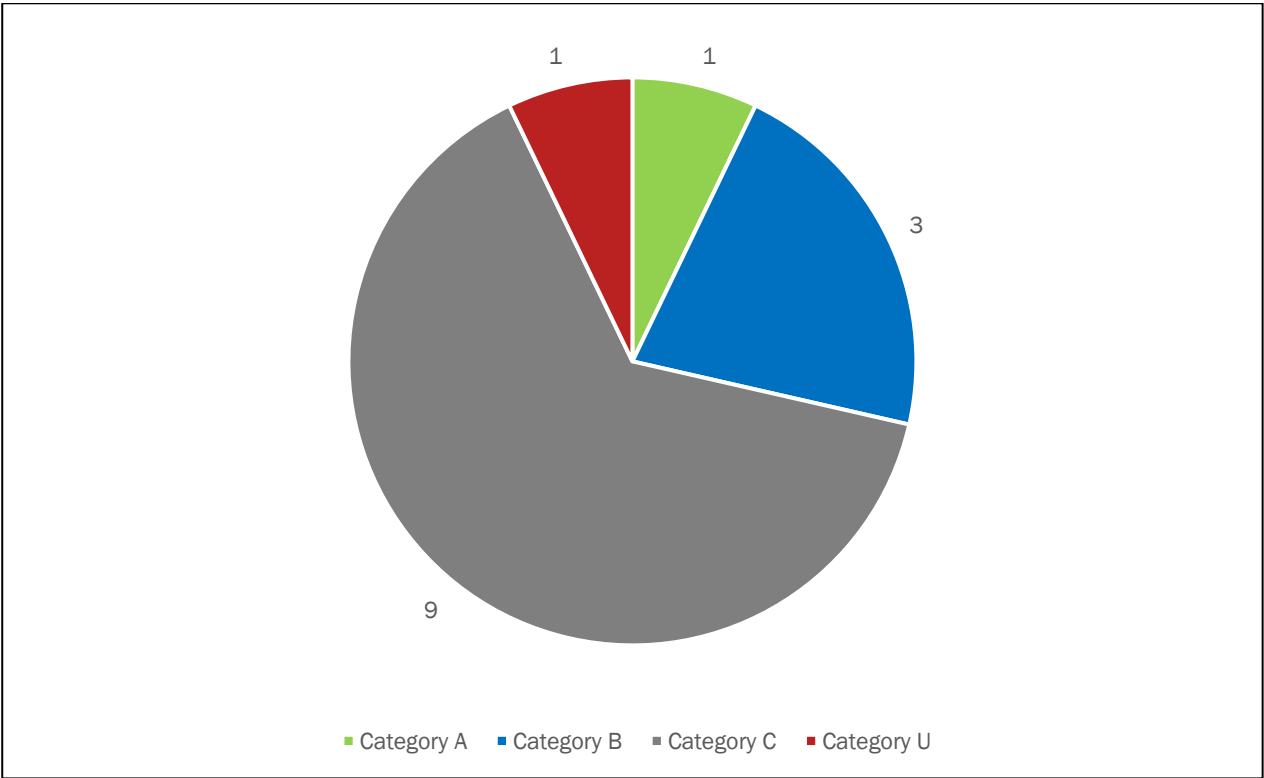


Figure EDP A3.3: Category grading.

Annex EDP 4 Protected Species

Bats

- A4.1 All species of British bat are listed as EPS on Schedule 2 of the Conservation Regulations (Annex IV (a) to the Habitats Directive). This affords bats protection under the *Conservation of Habitats and Species Regulations 2017 (as amended)*, making it an offence to:
- Damage or destroy a breeding site or resting place of a wild individual of an EPS;
 - Deliberately capture, injure or kill a wild individual of an EPS;
 - Deliberately disturb a wild individual of an EPS wherever they occur, in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce or, in the case of hibernating or migratory species, to hibernate or migrate; or
 - Affect significantly the local distribution or abundance of the species to which they belong.
- A4.2 Additional protection for bats is also afforded under the *Wildlife and Countryside Act 1981 (as amended)* and the *Countryside Rights of Way Act 2000*, making it an offence to intentionally or recklessly disturb bats whilst they are occupying a structure or place that is used for shelter or protection, or to obstruct access to this structure or place. As bats tend to re-use the same roosts, legal opinion is that roosts are protected whether or not bats are currently occupying these resting places/places of shelter.
- A4.3 Prior to undertaking any tree works or tree removal further advice should be sought from a suitably qualified ecologist.

Nesting Birds

- A4.4 The main bird nesting season is between March and August inclusive. Contractors have a legal responsibility to comply with current legislation relating to breeding birds. Under the *Wildlife and Countryside Act 1981 (as amended)* and the *Countryside and Rights of Way Act 2000*, birds, as well as their nests and eggs, are protected, and it is an offence to:
- Take, damage or destroy the nest of any wild bird while it is in use or being built;
 - Take or destroy the egg of any wild bird; and
 - To disturb any wild bird while it is nest building, or at a nest containing young, or disturb the dependent young of such a bird.

Annex EDP 5

Consideration of Trees within the Design Process

- A5.1 Construction activities pose a threat to the successful retention of trees if handled inappropriately. It is important to consider the relationship between development and trees during the design process.

Below-ground Constraints – Root Protection Area

- A5.2 The below-ground constraints are defined as the likely spread and distribution of the root system and are depicted on the plan in **Annex EDP 1** with pink outlined areas, representing root protection area (RPA) around each surveyed item.
- A5.3 The RPA is defined as the minimum area (in m²) around the tree that is deemed to contain sufficient roots and rooting volume to maintain the tree's viability.
- A5.4 Where pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically, the shape of the RPA may be modified, but not reduced in area, and its shape should reflect a soundly based assessment of the likely root distribution.
- A5.5 Any deviation in the RPA from the original circular plot should take account of the following factors whilst still providing adequate protection for the root system:
- The morphology and disposition of the roots, when known to be influenced by past or existing site conditions (e.g. the presence of roads, structures and underground services);
 - Topography and drainage;
 - The soil type and structure; and
 - The likely tolerance of the tree to root disturbance or damage, based on factors such as species, age and condition and presence of other trees.

Above-ground Constraints – Proximity of Trees to Structures

- A5.6 The above-ground parts of a tree whilst being more visible and easily protected are a potential constraint to development and consideration should be given to the current and ultimate height and spread of the trees.

- A5.7 Where the current and/or ultimate height of a category A, B or C tree will cause an unreasonable obstruction to the proposed development, this must be considered as a constraint. This is usually considered in terms of issues relating to shade and light.
- A5.8 The above-ground constraints can be a combination of factors such as:
- Shading of buildings and open space – a detailed daylight study may be necessary if any proposed buildings are in the immediate vicinity of retained trees;
 - Direct damage to structures;
 - Future pressure for removal;
 - Seasonal nuisance (e.g. leaf fall blocking gutters, fruit fall creating slippery patches and honey dew dripping on vehicles and surfaces);
 - Whether the tree is deciduous or evergreen; and
 - Density of foliage.

Appendix EDP 2
Sketch Site Proposals Option 2
(JT2001.12)

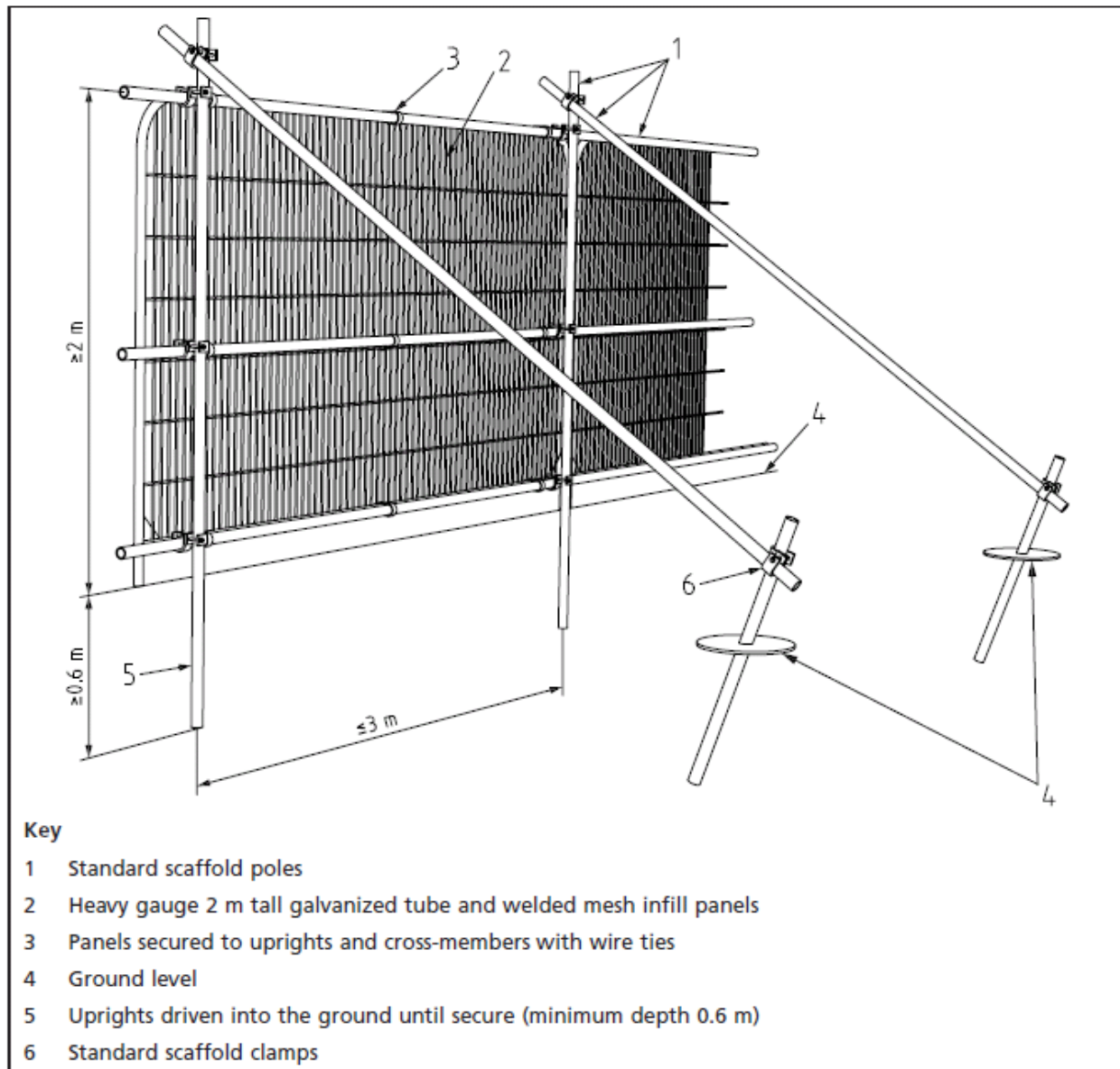
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Appendix EDP 3

Tree Protection Barrier on Scaffold 2.0m High

(Extract from BS 5837:2012, Figure 2 'Protective Barrier')

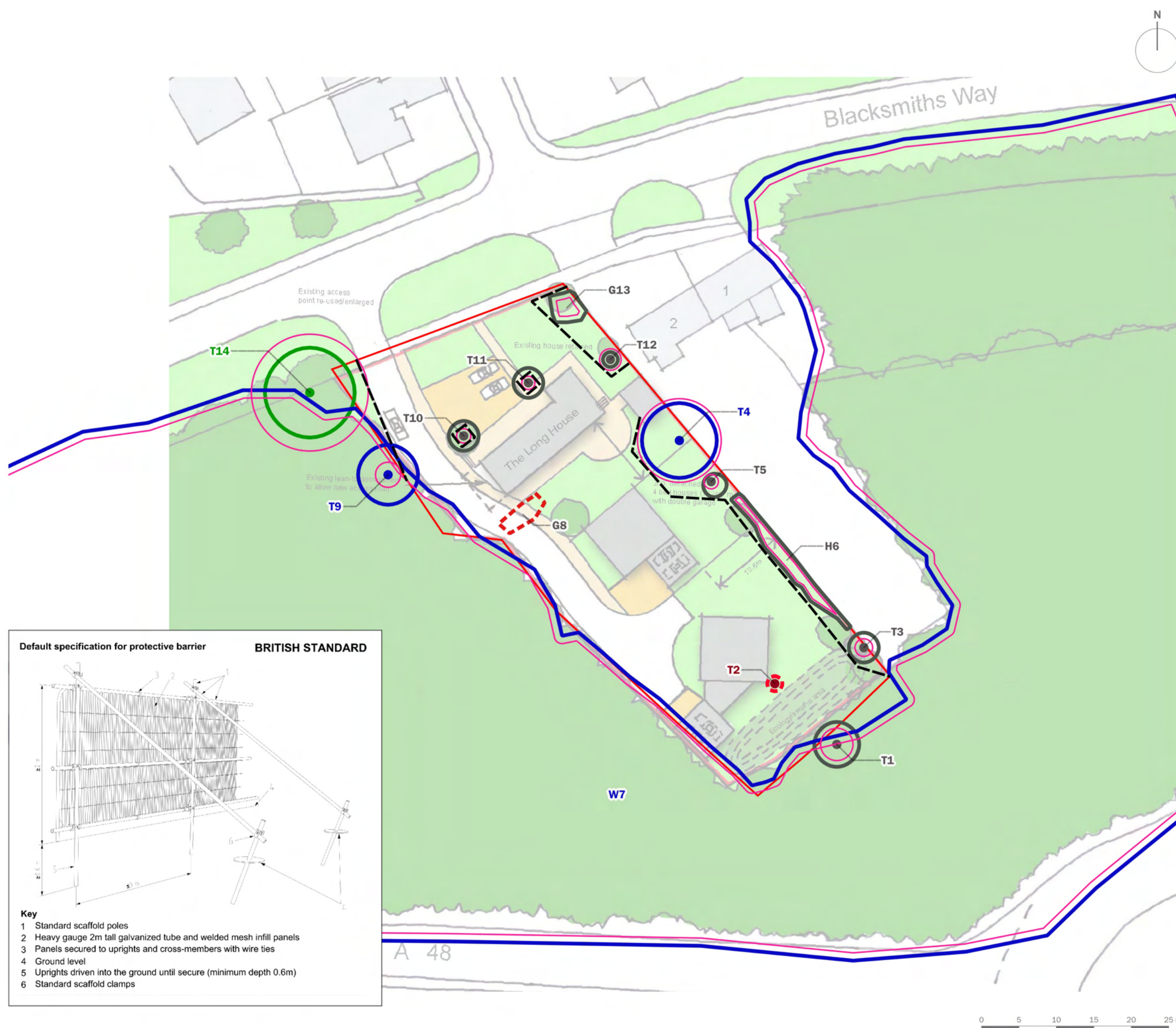


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Plan

Plan EDP 1 Tree Protection Plan
(edp7317_d002a 21 October 2021 JTF/DG)

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client	Neil Atherton		
project title	The Long House, Coedkernew, Newport		
drawing title	Plan EDP 1: Tree Protection Plan		
date	21 OCTOBER 2021	drawn by	JTF
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