

Trees in Planning – what the planning service can do to manage and increase trees through the development process

This note has been prepared to set out how the planning system, and particularly Cornwall's Planning and Sustainable Development Service, approaches the protection of trees, the loss of trees, the planting of new trees and planning for significant increases in tree cover across Cornwall. We now often refer to canopy cover as this includes hedges as well as trees.

Trees provide numerous benefits to our residents many of which will become more significant under climate change (such as water management, air quality and cooling through shade) and they are very much in the public consciousness – particularly when tree cover is perceived to be at risk of being lost. The planning system has a role to play when looking at trees and canopy cover in three main ways:

- To plan ahead for significant increases in canopy cover through long term planning, putting in place new policies (and where possible helping to find funding) to increase canopy cover, working with the Forest for Cornwall,
- To ensure that new developments maintain and increase tree cover and hedges and provide long term benefits of such canopy cover for residents,
- Where the powers exist and action is proportionate, to prevent trees being felled.

1. Ensuring that new development maintains and increases tree cover.

When proposals come to Cornwall Council for development, the need to preserve trees and take appropriate opportunities to increase tree cover is seen as a priority when assessing the proposals. To support this outcome the planning service will encourage developers to demonstrate the appropriate level of professional arboricultural input reflecting current best practice and national guidance.

At Pre-application – we ensure that the importance of retaining tree cover is emphasised and layouts are influenced at the earliest stages of development planning. This includes involving forestry staff in relevant pre-application discussions.

At application stage - We assess the importance of trees to sites and promote the retention of trees and the planting of new ones in schemes. Where specialist advice is required during applications, we engage with forestry colleagues to promote better schemes and more appropriate planting. We use our policies for biodiversity net gain and will use the Cornwall Canopy Calculator in line with the imminent policy in the Climate Change DPD to secure more trees, hedges and woodlands in development.

We impose Conditions - to make sure that new planting is both sustainable and can be enforced, and to prevent the unnecessary loss of trees. Where trees have been felled within areas that we can control (including Tree Preservation Orders & Conservation Areas) we require them to be replaced. A recent project followed this up and resulted in the planting of an additional 1000 plus trees across Cornwall. The lessons from this project are helping us explore how to better control replacement tree requirements and implementation and will be repeated to ensure that trees are being planted and to ensure establishment of replaced trees.

During the master planning for major new CC led developments we seek appropriate forestry expert advice. Major new developments at West Carclaze and Langarth have prioritised the protection of trees and hedges and the planting of tens of thousands of new ones in addition. We are exploring with our Forestry colleagues how we create the best conditions to plant the right trees in the right places and how they will be looked after in the future. These sites will help us find the best way of increasing canopy cover in other developments.

2. To plan ahead for significant increases in tree cover

It is simply not the case that planning allows the loss of trees with no reference to wider strategies or the Climate Emergency. Our policies and practice are continually evolving. We are currently progressing the following initiatives:

- **Climate Emergency DPD** – including a new canopy provision and minimum canopy cover policy requirement, one of the first in the country, to help ensure that tree and hedge losses are minimised, and new planting is secured.
- **Design Guide** – includes guidance setting out what good, realistic and sustainable tree retention and planting looks like in development proposals.
- **Forest for Cornwall** – planning can help deliver more trees in the right places. This includes new design requirements to help deliver street trees and prevent the loss of existing trees.
- **Nature Recovery** – we are supporting the development of the Nature Recovery Strategy and networks for Cornwall and will use these to identify opportunities to promote tree planting as part of any new Local plan
- **Tree working group** – Our delivery team is helping to ensure that master planning for new development retains and provides new trees and hedges in masterplans and the Council's own development proposals.
- **Neighbourhood Planning** - Planning has also worked with Forestry to develop guidance and resources for NDP groups to use in identifying ways of protecting and increasing tree numbers in parishes. The guide may be found at: - [Wildlife Trees and Woodland Guide note \(cornwall.gov.uk\)](#)
- **Spatial planning and Place Shaping work** will continue to examine how any other policy or strategy requirements might help protect and increase canopy cover in the future.

3. Protecting trees to prevent them being felled

Larger areas of trees are protected to some extent through the Forestry Act and the requirement to ensure felling licences are in place. However, many trees remain unprotected and may be lost to normal use of land for agriculture and other uses.

Where there is reasonable concern that trees of importance are likely to be felled, the Council can consider the merits of creating a Tree Protection Order (TPO), or imposing conditions on a planning permission requiring that trees are maintained. Cornwall Council uses TPOs where there is a real threat of felling to protect important trees or groups of trees and takes action against those who illegally harm protected trees and woodlands. These trees continue to require management, with work to protected trees & woodlands requiring permission, enabling the Council to directly control the impact on the trees. Such requirement ensures that protected trees are managed well and retain their value to residents. Where trees have to be removed due to defect or disease, we insist upon replacements in species that offer the most benefits.

Conservation Area rules also mean that notice must be given of the intention to fell or work upon trees with a stem diameter which is bigger than 75 mm measured at a height of 1.5 metres above ground level on the main stem. Our choice here is to agree the loss or place a Preservation Order on the tree. These applications are carefully considered on a case by case basis and consulted on with the Parish, Town or City Council. Wherever possible we negotiate good practice and or the planting of a replacement tree to make up for any lost.

As noted above the Forestry Commission has statutory powers in relation to large scale tree removal, woodland creation and management and the Planning Service and Forestry Team liaise with them where our work crosses over in respect of tree felling and securing the appropriate management of woodlands.

It is important to recognise that it is not always possible or advisable to save all trees in our landscapes and townscapes. Trees need to be carefully maintained to ensure that they have the best possible opportunity to thrive and continue to deliver benefits. A [joint statement](#) by the Environment and Planning & Sustainable Development Services was issued in September 2020. This note provides guidance on the proper use of Tree Preservation Orders.

Our ambition is that when development of a site does change existing tree cover, negotiation with developers and the application of new planning policies create a net increase in canopy cover and associated benefits across the site and protect other trees and hedges by ensuring that they are included in the design and master planning of the scheme