

Trees

&

Development



Supplementary

Planning

Guidance



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1. Introduction

1.1. Purpose of the Guide

The purpose of this guide is to provide information to developers, landowners, agents, architects, arboricultural contractors and consultants, on the standards that East Devon District Council will expect from new development proposals in respect of trees.

This guide seeks to ensure that trees, existing and proposed new plantings, are afforded due consideration in the planning process so that they can be effectively and sustainably integrated into new developments.

1.2. Why are Trees an Important Consideration?

Trees are of vital importance to the East Devon landscape and are widely appreciated for enhancing the rural and urban environment. They make a positive contribution to the scenic character and diversity of the landscape, and provide vital habitat for dependent wildlife populations.

The retention of trees within new developments provides an immediate sense of maturity, to the benefit of the site and its surroundings, raising the overall quality of schemes and enhancing property values.

In situations where trees are needlessly damaged and subsequently decline and eventually die, or when inappropriate design leads to conflict, trees become a constant source of complaint and ultimately, any positive benefits are lost not only to the present householders, but to future generations.

1.3. How this Guide Relates to the East Devon ‘Treescape’ Today

The District of East Devon is well blessed in terms of its rural and urban tree cover. The majority of Devon hedgerows and banks contain large, prominent specimens which, thanks to successive sympathetic landowners, have been permitted to mature either unhindered, or have been subject to the ancient practice of pollarding in order to provide timber and fodder.

There are also a great many woodlands and forests dispersed throughout the district. Some are relatively newly created, having been planted purely for the production of timber, whilst others are classified as ancient woodland and as such provide a specialised habitat that supports a diverse range of wildlife.

East Devon's urban areas also contain significant numbers of large, mature trees, chiefly as a result of fervent planting during the Victorian era. However, all is not well, there is presently considerable pressures being placed principally on our urban trees in the form of new development. In fact, specific emphasis is placed on the maximised utilisation of urban areas for new development, areas that will undoubtedly contain significant populations of important trees.

As trees are delicate organisms that are extremely vulnerable to damage or disturbance during construction works, it is essential that suitable precautions are taken to provide adequate space for trees and to protect trees from damage throughout the development process. Consequently, the aim of this Supplementary Planning Guidance is to provide advice and examples of best practice, and to assist in the identification and successful retention of appropriate trees within development sites of all sizes.

This guide also sets out the information required by East Devon District Council to effectively assess and determine planning applications for developments that are likely to affect trees. Applications that do not provide appropriate or sufficient information may not be accepted or may even be refused, but will, at the very least, take longer to determine. Therefore, this guide will provide an initial starting point which will enable developers and East Devon District Council to work together and achieve best practice in terms of trees on development sites.



New development enhanced by successful integration of existing tree

2. The Legal Framework

- ◆ The **Town and Country Planning Act 1990 (section 197)** recognises the importance of trees and charges Local Planning Authorities (East Devon District Council) with a specific '*Duty*'.

'To ensure, whenever it is appropriate that, in granting planning permission for any development, adequate provision is made by the imposition of conditions for the preservation and planting of trees' and 'to make such (Tree Preservation) Orders..... as appear to the Authority to be necessary in connection with the grant of such planning permission whether for giving effect to such conditions or otherwise'.

- ◆ The **Town and Country Planning Act 1990** recognises the importance of Development Plan Policies. **Section 70(2)** of the Act states:

'In dealing with such a (planning) application, the Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations'.

- ◆ Section **54A** adds:

'Where in making any determination under the Planning Acts regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan, unless material considerations indicate otherwise'.

- ◆ Government guidance in the form of '**Tree Preservation Orders, A Guide to the Law and Good Practice (March 2000)**' requires that:

'Local Planning Authorities must include in their Plans, land use and development policies designed to secure the conservation of the natural beauty and amenity of the land'.

- ◆ And adds that:

'(Development Plans) should include policies on the measures that the LPA will take when dealing with applications to develop land, to protect trees and other natural features, and provide for new planting and landscaping'.

- ◆ **The Hedgerow Regulations 1997 (SI 1997/1160)**, implemented under **Section 97 of The Environment Act 1995**, require Local Planning Authorities, in determining planning applications, to consider the effects of proposed developments on hedgerows.

Planning Policy Guidance Notes (PPGs) are released by the Government to guide the planning process at Local Authority level.

- ◆ **PPG1 General Policy and Principles (February 1997)**, emphasises the contribution of the planning system to achieving sustainable development by *'protecting and enhancing the environment,'* and adds *'As the appearance and treatment of the space around buildings is often of comparable importance to the design of the buildings themselves, landscape design should be considered as an integral part of urban design.'*

- ◆ **PPG3, Housing (March 2000)** states that:

'Landscaping should be an integral part of new development and opportunities should be taken for the retention of existing trees and shrubs, and for new plantings.'

- ◆ **PPG7, (1997) The Countryside - Environmental Quality and Economic and Social Development**, advises that:

'New development should respect, and where possible enhance, the environment in its location, scale and design'.

- ◆ **PPG12, Development Plans and Regional Planning Guidance**, provides for locally adopted Supplementary Planning Guidance to be a material consideration in the determination of planning applications.

- ◆ **PPG15, 'Planning and the Historic Environment'** advises Planning Authorities to:

'Pay special attention to the desirability of preserving or enhancing the character or appearance of any Conservation Area, in exercising their Development Control functions'.

- ◆ **British Standard BS: 5837 "Guide for Trees in Relation to Construction"** gives detailed guidance on planning for, and achieving, the successful integration of existing trees and new planting with development.

- ◆ **The National Joint Utilities Group (NJUG) Publication No 10. 'Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees'.**

◆ **Policy D5 (Trees on Development Sites)** of the East Devon District Local Plan states:

Permission will not be granted for developments that would result in the net loss of trees or significant lengths of hedges/hedgebanks of amenity, historic or conservation value. British Standard 5837 will be taken fully into account in addressing development proposals. The District Council will require details as to how trees and hedges/hedgebanks will be protected both during and after construction, as a condition of any planning permission granted. No building or works will be permitted within five metres of the edge of the mature crown spread of essential trees that have been identified for retention. Only in exceptional circumstances where there is no other alternative and the appropriate information and methodology has been provided, in accordance with BS5837 and approved methods of construction, will ~~no~~ hard surfacing ~~or~~ drainage, underground ~~of~~ services or sub-soil works be permitted within this five metre exclusion zone .

Policy D5 (Trees on Development Sites) of the East Devon District Local Plan has been produced in order to ensure that trees on development sites, which have been identified as essential for retention due to their visual amenity importance, are afforded additional protection and consideration beyond that of **British Standard 5837 : ‘Trees in relation to construction’** during the planning process.

This policy, if applied correctly, will ensure that retained trees, which may be considered worthy of the formal protection afforded by a Tree Preservation Order, assimilate into a new development, avoiding potential conflict with future residents in terms of light loss or perceived threat.

Currently, **British Standard 5837** offers a high degree of guidance for the protection and retention of trees on proposed development sites. However, on completion of a residential development, pressure can be placed on the retained trees at the point when the dwellings become occupied. This pressure can be in the form of requests for pruning or removal, which can originate as a result of the inappropriate proximity of a tree to a dwelling and the effect of that tree on the inhabitants.

Although a tree may be perfectly safe and sound, to someone with little experience of living near trees, the fact that it is a large structure that moves around in the wind can cause anxiety and concern. Combine this with a tree in close proximity to a dwelling and the tree can soon become an object of fear and loathing, which the occupants of the dwelling can perceive as a real and direct threat to their lives and well being.

Policy D5 takes account of this potential circumstance and ensures that all new dwellings are located at a reasonable distance from a tree or trees, which have been identified as essential for retention due to their visual amenity importance.

East Devon District Council will be guided by the advice in these and other relevant documents, and by any subsequent amendments, in the determination of planning applications.

Trees on potential development sites may be protected by specific Tree Preservation Orders, or Planning Conditions on any planning consents. They may also be protected by growing within a Designated Conservation Area, or by the Forestry Act 1967 (as amended). To find out whether trees are protected, please contact the Arboricultural Service of the Planning Department of East Devon District Council.

Potential development sites may also be important habitats for species protected by the Wildlife and Countryside Act 1981, and by European legislation. Further advice on protected species can be obtained from officers of the Countryside Team of East Devon District Council.



Example of how not to build adjacent to trees !



Example of how not to excavate adjacent to trees !

3. Ways In Which Trees Can Become Damaged

New development, be it residential, industrial or agricultural, represents perhaps the greatest threat to the East Devon ‘Treescape’.

When developers are permitted to carry on regardless, ignoring all of the relevant guidance and advice, the eventual result is inevitably trees which are either severely damaged or killed. The initial damage is not usually visible and its effects not immediate, however over a period of time the damaged tree will go into a spiral of decline until either its structural integrity is compromised or it dies.

However, this need not necessarily be the case. Should new developments be constructed using the recommendations set out in this Supplementary Planning Guidance, in conjunction with the British Standards and Governmental advice and controls, suitable existing trees and other desirable natural features can be integrated into the proposed scheme, enhancing the development in terms of aesthetic, cultural and ecological benefits related to such amenities.



Spot the difference?

The tree on the left has matured undisturbed and therefore exhibits a natural lush crown that is an indication of good health and vigour. The tree on the right however exhibits symptoms consistent with significant root zone disturbance (sparse foliage and a relatively high degree of dead wood). This supposition is confirmed by the presence of the surrounding recent residential development.

3.1. Damage to Tree Roots

Potentially the greatest threat to any tree on a development site is as a result of damage to the roots. This type of damage is all the more worrying as it can take several years to become evident.

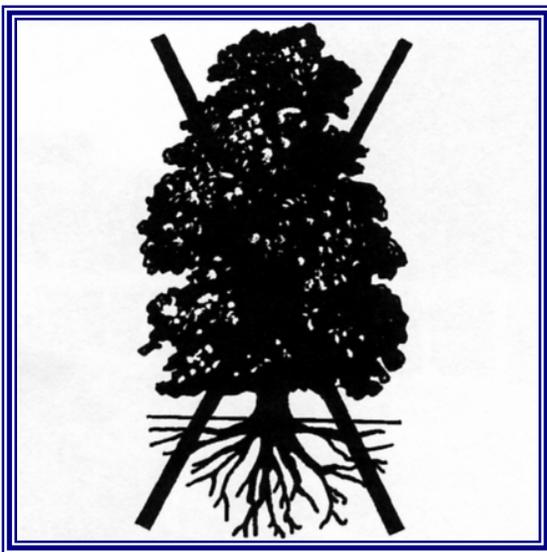
Tree roots generally consist of a mass of rapidly subdividing fibrous (feeding) roots, with a few larger structural (supportive) roots. The roots are likely to extend to at least the edge of the canopy and the vast majority of them will be found in the top 600mm of soil.

The smaller, fibrous roots provide moisture to the tree and are vital for the tree's health. These roots require oxygen in order to survive, which they find in the tiny pockets that exist throughout the upper layers of aerated soil.

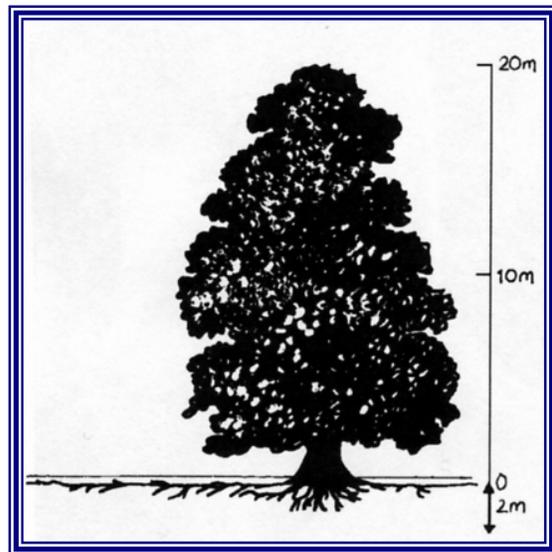
Compaction of the soil, whether by passing construction traffic and machinery over it or by increasing soil levels, will remove much of the oxygen from the soil and is likely to kill fibrous roots.

Any changes in level within the canopy area of a tree can have a seriously damaging effect on the trees future health.

Cutting of larger roots will not only kill the fibrous roots connected to them but can affect the stability of the tree and may result in the tree having to be removed on safety grounds. This can happen during excavation for footings, service trenches or for regrading.



Incorrect representation of a trees root system.



In reality, trees have relatively shallow but wide spreading root systems.

3.2. Impact Damage

Trees on development sites can often be damaged directly by physical impact with construction machinery. Being reversed into by delivery vehicles or having digger buckets entangled in the branches are amongst the most common problems.

Any damage to tree bark can create an environment in which fungi are able to infect the tree and cause decay, therefore compromising the trees future well being.

3.3. Chemical Damage

Many of the materials used on development sites are toxic to trees and must not be allowed to come into contact with either the tree itself or the ground. Such materials include cement, bitumen, diesel and hydraulic fluid. Safe storage of such materials is not just important for the protection of trees but may also be a legal obligation under other legislation.

3.4. Fire Damage

It is not uncommon during the initial site clearance works for contractors to burn unwanted materials such as packaging, wood and scrub vegetation rather than go to the additional expense of having such materials professionally removed from the site. Such operations may not only contravene Highway Regulations but are certainly poor practice in terms of the potential effect on the ecology. But perhaps the most harmful consequence of on site burning can be scorch damage to nearby trees identified for retention. Such damage can have a significant effect on a trees long-term health and well being. In addition, should the tree or trees concerned be the subject of formal protection, i.e. Tree Preservation Order, fire damage can be cited as harming or destruction in a Court of Law.



Deliberate, accidental or careless damage? If the injured tree is in a Conservation Area or is the subject of a TPO, the fine will still be the same!

3.5. Future Damage

Should a new development be poorly designed and inappropriate in terms of its relationship with existing trees, it is likely that future residents will perceive the trees as a nuisance or a threat and therefore be adverse to their presence, eventually seeking to have them either pruned or removed.

4. Preparing The Planning Application

The following guidelines set out the procedures and design criteria necessary to ensure the successful integration of existing trees and the planting of suitable new trees into new developments.

Compliance with its contents will ensure that sufficient information is submitted to enable the Local Planning Authority to determine in advance, the full long term effects of any new development on existing trees as well as other desirable natural features.

The format has been set out to follow the logical sequence by which development matters are generally processed, i.e. site surveys, development planning and organisation, obtaining planning permission and implementation.

Where the procedures set out in this document are followed, the speed of the decision making process will usually be improved.

Anyone proposing to develop a site that contains, or is in close proximity to trees, is strongly advised to acquire a copy of **British Standard BS5837 ‘Guide for Trees in Relation to Construction’**. This British Standard, which is accepted as best practice throughout the arboricultural industry, gives further detailed advice and information which should be used in conjunction with the East Devon District Council Supplementary Planning Guidance (Trees and Development).

Current Government guidance specifically encourages pre-application discussion and, where appropriate, on site meetings with the relevant Local Planning Authority officers. The Council’s Arboricultural Officers are available to provide advice on a wide range of arboricultural and landscape issues. Early co-operation between East Devon District Council and the Developer will help resolve any future potential conflicts.

EDDC Contacts for further Advice:

Arboricultural Officer - Tel: 01395 516551 (Ext.2069)

Landscape Officer - Tel: 01395 516551(Ext.2784)

Web Site: www.eastdevon.gov.uk/

4.1. Surveys

4.1.1. General Site Survey (Land Survey)

A general site survey or land survey should show all existing features in and around the site, detailing the **accurate** locations of all vegetation, structures, old buildings, watercourses, ponds, ditches, services, service runs, roads, driveways, walls and any areas of nature conservation interest. A detailed levels survey would normally be incorporated showing existing contours or spot heights throughout the site.

Land surveys will be expected to meet the requirements of **Section 5** of the **British Standard BS5837 Guide for Trees in Relation to Construction**, and should follow the standard drawing convention within **British Standard BS1192 Part 4 (1984), Recommendations for Landscape Drawings**.

It is suggested that plans be drawn at a minimum scale of 1:200 and be accurate to within 0.5 metres. Where appropriate, large complex areas should be broken down into manageable sections.

4.1.2. Tree Survey

Many planning applications involve development proposals on sites that contain, or are in close proximity to trees. Where developments are likely to affect existing trees, **East Devon District Council will require the submission of a detailed Tree Survey**, drawn up in conjunction with the General Site Survey (Land Survey). The Tree Survey should plot the accurate locations of all existing trees (with a stem diameter greater than 75mm measured at 1.5m above ground level), shrubs and hedges, including those on adjacent land which may be affected by the development, and should detail the following information in plan or tabular form:

- ◆ The species, height, trunk diameter (measured at 1.5m above ground level) and the accurate canopy spread of each tree. (Plans must define actual crown spreads rather than using illustrative circles).
- ◆ The condition and vigour of each tree including details of any relevant defects and any necessary, or proposed remedial works.
- ◆ The age class of each tree, together with an assessment of future life expectancy and potential for future growth.
- ◆ The current and potential future amenity value of the trees.
- ◆ The “desirability for retention” of each tree, or group of trees, designated as per the detailed requirements of **British Standard BS5837 Section 5.2.2**.

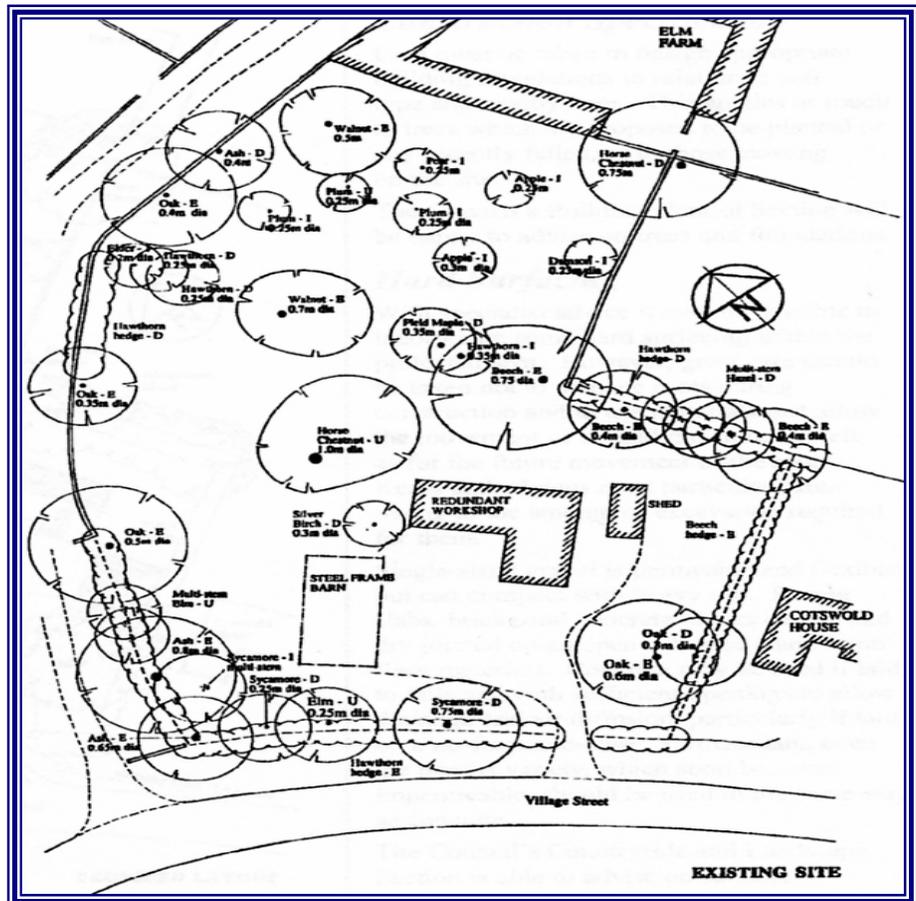
- ◆ The suitability of each tree within the context of the proposed land-use for the site (residential, industrial, etc.).
- ◆ A clear indication of which trees are to be retained, and those which are proposed for removal.

Surveys should be prepared with professionally qualified Arboricultural input and should be available before any detailed design decisions are made in relation to the development proposals. Where hedgerows or lengths of hedgerow are to be removed to facilitate developments, sufficient information should be submitted to allow the Local Planning Authority to:

- ◆ Assess whether the proposed removals fall within the scope of the **Hedgerow Regulations 1997**.
- ◆ Assess whether the hedgerows to be removed are 'important' by virtue of the **Hedgerow Regulations 1997**.

Where development proposals adjoin woodland, normally only the woodland edge trees will need surveying. Where development is proposed within a woodland, all the trees will need to be surveyed. Trees on some sites may form the basis of locally important wildlife habitats or enhance other adjoining valuable habitats. In such cases, qualified ecological advice should be obtained and where appropriate, an evaluation report added to the survey information.

Figure 1 (Right) is an example of an acceptable tree survey. Here the trees have been allocated categories based on their health, condition, life expectancy and the contribution they could make to the final appearance of the development.



4.2. The Design of the Development in Relation to Trees

4.2.1. Brief to Developers

Developers should anticipate the need to accommodate trees within a development, whether through the retention of existing trees, tree planting directly, or through the provision of sufficient private space for future occupiers to carry out their own planting. Due deliberation should be given to the requirements of trees by all members of the multi-disciplinary development team throughout the design stages. Developers are encouraged to produce layouts or development site master plans for discussion, prior to the submission of details at the application stages. Such plans should be prepared with professionally qualified arboricultural and landscape design input. In general, site layouts will be expected to:

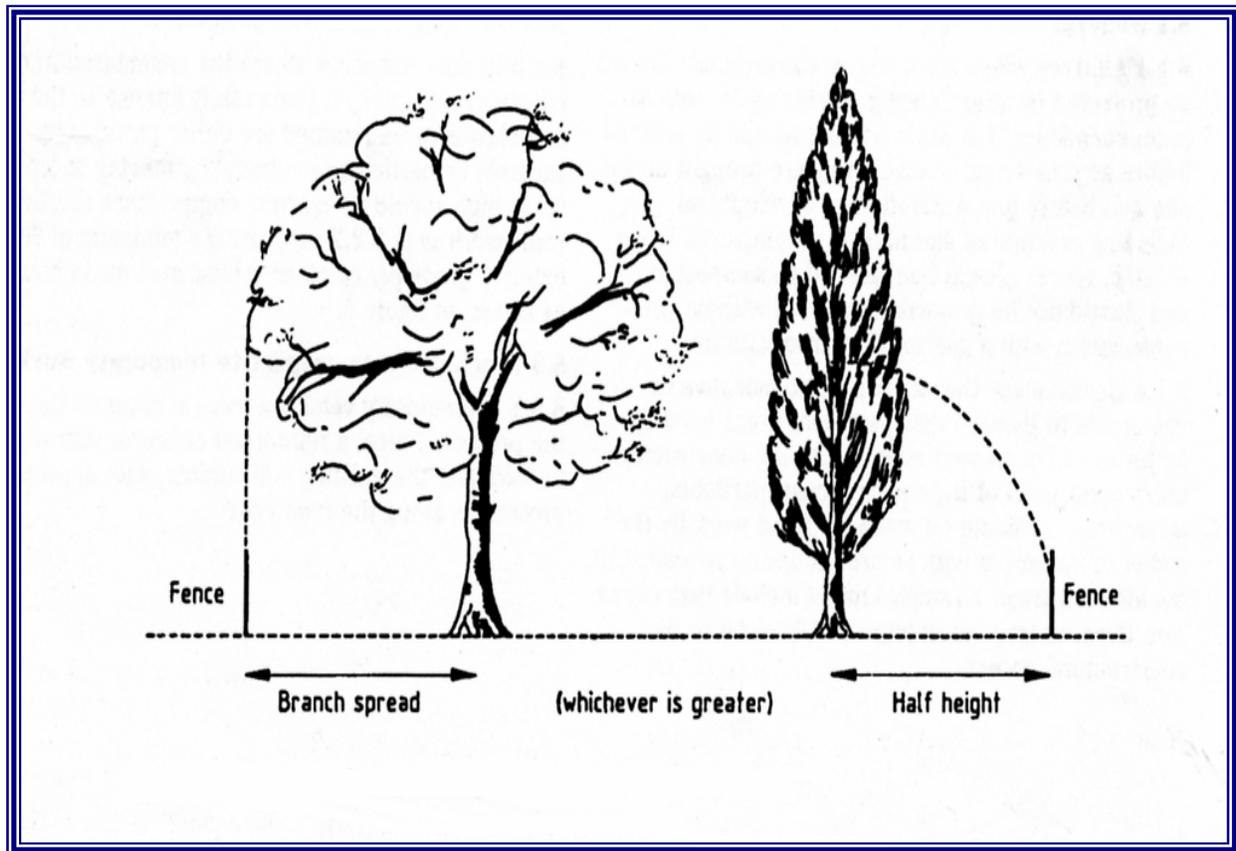
- ◆ Provide for the retention of as much of the existing tree cover as is practicable. The allocation of space for trees must be assessed in terms of the overall landscape of the area. Continuity and long-term sustainability of tree cover are important criteria to be considered.
- ◆ Make adequate provision for the long-term retention of trees, groups of trees or areas of woodland which are identified as having significant current or potential future amenity value. **British Standard BS5837 Guide for Trees in Relation to Construction** recommends that:

'Preference should be given to retaining the high and moderate category trees.'

- ◆ Provide for the retention of as much of the existing hedgerow cover as is practicable.
- ◆ Ensure the long-term retention of all 'Important Hedgerows' (**Hedgerow Regulations 1997**).
- ◆ Allow appropriate space for new planting.
- ◆ Ensure that where proposals include the felling of existing trees, landscaping schemes make provision for sufficient replacement planting to offset adequately any resulting loss of amenity.
- ◆ Include sufficient information to allow for a full, detailed assessment of the short and long-term arboricultural and landscape implications of the development proposals to be made.

4.2.2. Existing Trees – Avoiding Damage

The layout of any development should be designed with detailed reference to the General Site Survey (Land Survey) and the Tree Survey. Consideration should be given to ensuring that trees and hedges, which have been identified for retention, are not directly or indirectly damaged by the proposed works. A minimum area around each tree, or group of trees and hedges, should be identified by reference to the Tree Survey data, and to **British Standard BS5837**.



In addition, due consideration must be given to **Policy D5 (Trees on Development Sites)** of the East Devon District Local Plan which states that:

No building or works will be permitted within five metres of the edge of the mature crown spread of essential trees that have been identified for retention. Only in exceptional circumstances where there is no other alternative and the appropriate information and methodology has been provided, in accordance with BS5837 and approved methods of construction, will ~~no~~ hard surfacing, ~~or~~ drainage, underground of services or sub-soil works be permitted within this five metre exclusion zone .

Tree Protection or 'Exclusion' Zones, will be expected to remain undisturbed for the duration of the development. **Site layouts should therefore be designed to avoid any construction works within the identified exclusion zones** and should make adequate provision for sufficient working space.

It is important to emphasise that all servicing details (such as drains, trenches and cables) must be designed to avoid these 'no-go areas.' Conditions will be imposed that will preclude any works within such exclusion zones, unless such works have received full written approval from the Local Planning Authority, prior to commencement. Such proposals would require detailed construction specifications and accompanying method statements.

Where 'minimal dig' or 'no-dig' engineering treatments, using geotextiles and/or cellular confinement systems, are proposed for new areas of hardstanding within defined exclusion zones, the Council will normally require a site-specific, detailed construction specification/method statement to be submitted in support of the planning application. Where such proposals are deemed acceptable, East Devon District Council will expect provision to be made for qualified arboricultural supervision of all works within the agreed exclusion zones.



Which came first? The tree or the shed!

The long-term implications of any construction work within the exclusion zones should also be carefully assessed in relation to **Table 2 of British Standard BS: 5837 "Guide for Trees in Relation to Construction"**. New structures, drains, services, walls, paths, driveways and areas of hard-standing should be sited or designed so as to avoid direct damage from future growth of the bole and main structural roots of retained trees.

4.2.3. Existing Trees – Avoiding Future Discord

Tree Preservation Orders: A Guide to the Law and Good Practice (March 2000)

Advises:

'Incoming occupiers of properties will want trees to be in harmony with their surroundings without casting excessive shade, or otherwise unreasonably interfering with their prospects of reasonably enjoying their property. Layouts may require careful adjustment to prevent trees which are to remain from causing unreasonable inconvenience to future occupiers, leading inevitably to requests for consent to fell'.

Development layouts, even if not affecting trees directly, may not be acceptable if it is considered that they would result in undue pressures, in the short or long term, for felling or excessive pruning of important trees.

Site layouts that merely avoid the exclusion zones may not, therefore, necessarily be adequate. Other factors must be taken into account in ensuring that trees, which are to remain, can reasonably be retained to maturity, thereby providing maximum amenity benefits with minimum maintenance requirements.

In considering the juxtaposition of trees and buildings, site layout designs will be expected to ensure that trees which are to remain are given adequate space including sufficient allowance for future growth, without the need for excessive or unreasonable pruning. The predicted mature height, branch spread and crown form of individual trees should therefore be assessed in conjunction with site factors such as aspect, topography, soil conditions and exposure (The ultimate mature size of any individual tree will be dependent on site specifics and a qualified assessment should be sought).

Site layouts must ensure that on attaining maturity, trees will not dominate buildings, inevitably leading to concerns about safety and ultimately to requests to fell or heavily prune. Site layouts must ensure that trees will not cause unreasonable obstruction of direct sunlight, or daylight to properties.

Factors requiring detailed deliberation include:

- ◆ Individual species characteristics.
- ◆ Potential for future growth
- ◆ Garden size and layout
- ◆ The aspect of the tree from the building

- ◆ Building to tree clearances
- ◆ Building orientation
- ◆ The positioning and size of windows, especially in habitable rooms.

Site layouts should ensure that garden areas are of adequate size, are large enough to enable normal domestic use and can reasonably accommodate the trees, including allowance for future growth. Garden areas should normally be sufficient to allow reasonable extension of the main dwelling and other permitted development rights without reducing the amount of usable garden space to unacceptable levels.

Site layouts must ensure that due consideration is given to the pruning requirements of retained trees, (full details should be included in the Tree Survey). Where pruning regimes, present or future, are recommended as a way of reducing the adverse effects of trees on a development, the Council will carefully assess whether such proposals are consistent with prudent arboricultural management, are likely to meet the suggested long term objectives and whether they are reasonable, enforceable and can practically be implemented. All tree works will be expected to comply with current arboricultural best practice, and meet the requirements of **British Standard BS3998 (1989) Recommendations for Tree Work**.

4.2.4. Site Access and Incorporation of Services

The provision of permanent and temporary site access is an important part of the layout design stage, and full detail will normally be required in support of any planning application.

For safety reasons, site access layouts and visibility splay clearances may require the removal or pruning of trees and hedges. Where there is such a likelihood, applicants will be expected to liaise with the appropriate Highway Authority, and seek clear guidance of their requirements, prior to submission of an application. In general, permanent and temporary site access designs will be expected to minimise tree and hedgerow removals, and ensure the long-term retention of all important trees and hedges.

The need to make provision for temporary site access must be given due consideration. Sites may require temporary access for long or wide loads and provision may be required for unusually high vehicles or plant. The need to provide adequate operational space within the site, for specialised heavy plant (including cranes and piling rigs) must also be considered. Any resulting short and long-term implications for trees and hedges, which are to remain, must be carefully assessed, and full detail submitted as a part of any planning application.

Drainage and service layouts must be designed in such a way as to allow for installation and future maintenance without adversely affecting trees and their root systems. The provision of common service trenches may help to minimise potential conflicts. Full details of service layouts should be submitted with any planning application. Service layout

planning and installation should be carried out in accordance with the requirements of **The National Joint Utilities Group (NJUG) Publication No 10. ‘Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees’.**

4.2.5. New Tree Planting – General Principles

Tree Preservation Orders: A Guide to the Law and Good Practice (March 2000)

States:

'Tree planting provides for the future amenity of a site and its surroundings, supplements existing tree cover or enhances areas where tree cover is sparse'.

The aim of this section is to provide the necessary guidance to ensure that new tree planting on development sites contributes to the creation of a high level of amenity, and an attractive environment, and relates to the character of a site and its surrounds.

- ◆ Tree planting should be recognised from the outset as an integral part of any development scheme and should be purposefully designed to complement the proposed features of the development, and those existing features intended for retention. On sites which have no trees whatsoever, it is especially important to plan for the planting of trees as part of the development.
- ◆ Tree planting will be expected to contribute, on an effective scale, to the conservation or enhancement of the landscape, providing an overall environmental benefit in terms of public amenity and nature conservation.
- ◆ Tree planting schemes should be appropriate for the intended use of the development and will be expected to contribute to the establishment of a well-structured framework of diverse ages, sizes and species with the potential to be managed constructively over decades or even centuries.
- ◆ Developers should recognise the functional role of tree planting in enhancing the physical characteristics of a development through providing shelter, screening, enclosure, softening the harsh outline of buildings, defining space or directing routes and views, or simply in ‘lending enchantment’ to the visual amenity of an area.
- ◆ Particular attention should be given to the use of tree planting in enhancing public areas within developments and views into sites from surrounding public viewpoints.
- ◆ In locations where nature conservation objectives are recognised, planting schemes will be expected to maximise the benefits to wildlife, through the use of a range of native trees and shrubs suited to the ecology of the locality. Due consideration should be given to layout configuration, planting density, choice of species, species mixes, proportions and edge characteristics. Such schemes should always be prepared with input in the form of professionally qualified ecological advice.

4.2.6. New Tree Planting – Avoiding Future Discord

Tree Preservation Orders: A Guide to the Law and Good Practice (March 2000)

States:

'Landscaping should be designed to complement the development, without reducing the occupants' enjoyment, so reasonable daylighting and other requirements should be observed.... the likely future growth of trees in relation to the development should be given due consideration.'

New tree planting should aim to make the optimum long-term use of allocated space without causing unreasonable future inconvenience to occupiers. In order to ensure that new trees do not interfere with buildings to such an extent that unsightly, heavy pruning or removal becomes necessary, the following factors will require attention:

- ◆ There should be careful choice of species and siting to ensure maximum long-term amenity benefits and minimum future conflict.
- ◆ Decisions regarding species and siting should be taken based on an assessment of the potential dimensions and growth habit at maturity, which will give an indication of whether future pruning requirements are likely to be acceptable.
- ◆ Careful siting of new trees with reference to **British Standard BS: 5837 “Guide for Trees in Relation to Construction”**, will ensure that future root damage to structures, drains, services, walls, paths and drives is prevented, or at least kept within acceptable limits.
- ◆ The inclusion of professional Arboricultural consultation into the landscape design stage is strongly recommended, whenever new tree planting is proposed.



Example of developments characterised by the presence of fine and notable mature trees

5. Submitting The Planning Application

5.1 Required Information

Tree Preservation Orders: A Guide to the Law and Good Practice (March 2000)

States:

'..... applicants should ensure that applications are properly presented, containing all the information needed for a decision, and they should provide additional information promptly when reasonably requested.'

It is essential that all relevant information pertaining to the assessment of trees and landscaping on a site is submitted with the planning application.

Where a development is likely to affect existing trees, on or adjacent to a site, the applicant will be expected to give due regard to the full range of construction related activities with potential to cause damage to trees, and will be expected to forward all the relevant detail necessary for the Council to make an accurate assessment of the short and long term arboricultural implications of the proposals.

Where proposed construction works are deemed likely to compromise the structural stability or long term health of trees and hedges, which are not subject to any legal controls, and are situated outside the site, applicants will be expected to liaise with the respective landowners. Removal of or damage to such trees may require the prior consent of the owner.

Where the Council feels that insufficient detail has been forwarded in support of any application, the following supplementary information may be requested, prior to determination.

- ◆ Land/tree survey (including tree maintenance programme)
- ◆ An arboricultural implication study
- ◆ Tree protection measures
- ◆ Detailed hedgerow survey

- ◆ Ecological Survey
- ◆ Full levels survey (which should include existing and proposed spot levels at tree bases and around crown extremities. Cross sectional diagrams may be required in certain cases)
- ◆ Drainage detail
- ◆ Detailed service layouts
- ◆ Soft and hard landscaping treatments
- ◆ Permanent/temporary access arrangements
- ◆ Construction specifications and related method statements
- ◆ Detailed internal layouts of properties, including slab levels

Note:

Permitted development (**Town and Country Planning General Development Order 1995. Statutory Instruments 1995, No 1813**) which affects protected trees or hedgerows, may still require a formal application for consent under the **Tree Preservation Order, Conservation Area or Hedgerow** legislation. East Devon District Council's Officers are available to provide detailed, technical advice on such matters, and it is advisable to discuss Permitted Development proposals with them, prior to the commencement of any works.



**Example of appropriate new tree planting –
However, existing mature oak tree is exhibiting indications of decline
due to the raising of soil levels over the root-zone**

6. Implementation

6.1. Tree Surgery Operations

This section refers to any tree felling, transplanting or tree surgery works, recommended as part of the Tree Survey, which may be necessary prior to or during implementation of an approved planning permission, or which may be required upon completion.

All Tree Work Schedules and Specifications should be detailed, precise and accurate, be drawn up in accordance with current arboricultural best practice and with the requirements of **British Standard BS3998 (1989) 'Recommendations for Tree Work'** and should contain sufficient levels of detail for an accurate assessment of the full implications of the proposals to be made.

Tree Surveys and Tree Work Specifications submitted in support of planning applications must be clearly annotated as being 'For Information Only' and 'Not for the Purposes of Planning Control'.

Planning Conditions may be used to ensure that tree work schedules are approved by East Devon District Council prior to implementation. Additionally, in some cases a full tree/woodland maintenance programme and related method statement may be required to be submitted for approval.

The Council expects all Tree Work operations to be carried out to the highest standards and will apply Planning Conditions and use Tree Preservation Orders, where necessary in order to ensure that such standards are maintained.

The development of any site will not be considered complete until all retained trees have been re-inspected by a qualified Arboriculturalist, and any remedial works recommended have been completed. The Council recommends the use of qualified Arboriculturalists, with appropriate levels of expertise, qualifications and insurance cover, and promotes the use of Arboricultural Association approved Consultants and Contractors.

Copies of Directories are available from: The Secretariat, Arboricultural Association, Ampfield House, Romsey, Hants. SO51 9PA. A list of local consultants and contractors is also available, on request, from East Devon District Council Planning Reception.

6.2. Implementation of Tree Protection Measures

The increased risks presented to the health and well being of trees on development sites has been comprehensively dealt with in Section 3 and 4.2.2.

However, due to the excessive pressures placed on trees during any development process, it is worthwhile dwelling further on this subject within this section.

Trees on development sites are particularly vulnerable to disruption during the construction process, and damage is often irreparable leading to decline and death. Tree root systems are especially sensitive to construction damage. Such damage is not usually deliberate and is more often than not due to a lack of understanding of how easily trees can be harmed by nearby activities.

Some important facts about trees and their root systems:

- ◆ Most of a tree's roots are within the top 600mm of the soil surface where the levels of moisture, oxygen and nutrients necessary for survival are found.
- ◆ The health of a tree's root system is vital to its long term well being, and any activity which affects the soil structure, damages or kills the fine roots, or which alters the balance of moisture, oxygen and nutrients within the rooting zone, will affect the whole tree.
- ◆ Damage or severance of main structural roots, as well as killing off the distal portions of the fine root system may also affect a tree's stability, rendering it dangerous.
- ◆ The fine, fibrous root system is equally important in terms of structural stability. The mass of soil particles bound together by the fibrous roots, creates a structural counter balance to the above ground portions of a tree. Structural stability may also be impaired by excavation within the rooting zone, even where major roots have not been severed.

Potentially damaging operations include:

- ◆ Excavation within the rooting zone.
- ◆ Raising or lowering of ground levels.
- ◆ Compaction of the soil by construction works, by site machinery or vehicles, and by the storage of materials and debris.
- ◆ The dumping or spillage of toxic materials.
- ◆ The installation of impermeable surfacing.
- ◆ Direct damage to trunks and branches by construction vehicles.

- ◆ Fires built closer than 20 metres from the base of any tree.

East Devon District Council will normally require a detailed Tree Protection Scheme to be submitted for approval, which will be expected to make provision for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. (The submission of a Tree Protection Scheme, in support of a planning application, is preferable on all sites).

Tree Protection Schemes will be expected to address the following issues:

- ◆ Protective fencing should be positioned so as to enclose as large an area around each tree, group of trees and hedgerows as is practicable, and must contain at least the area of the exclusion zone previously identified by reference to **British Standard BS: 5837 “Guide for Trees in Relation to Construction”** and the Tree Survey.
- ◆ The type of protective fencing should be appropriate for the degree of construction activity. (A number of suggested protective fencing construction specifications are detailed below and overleaf).
- ◆ The positioning of protective fencing must ensure that the development can be implemented without intruding into the exclusion zones.

Examples Of Acceptable Fencing Specifications

1.2m High Chestnut Paling

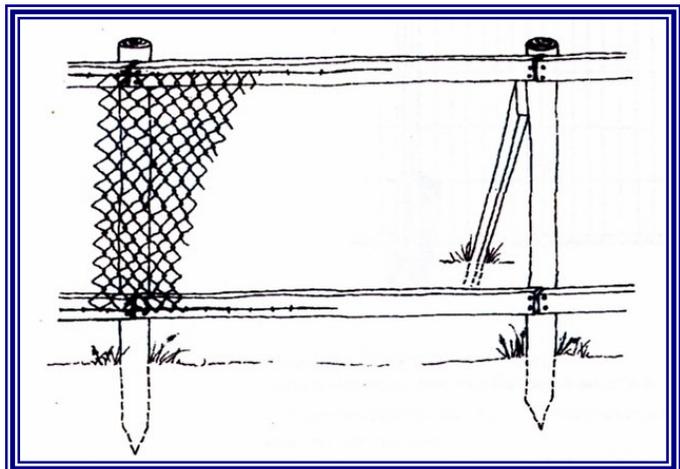
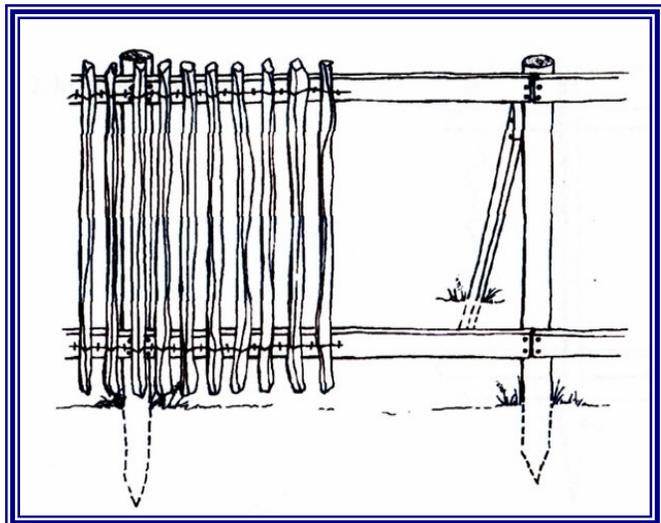
Posts – 75 – 100mm round top fence posts. 1.8m high at 2.0m spacings, securely driven in by 0.6m.

Top & Bottom Rails – 50mm x 75mm softwood, nailed to uprights.

Support Struts – 50mm x 75mm softwood, securely nailed to uprights at every third post, at each corner or change of direction.

1.2m High Chain Link

As per Chestnut Paling but chain link covering.



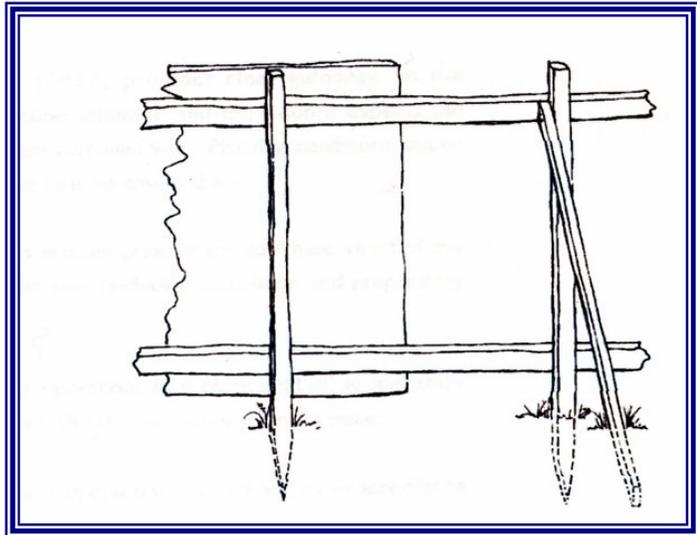
2.4m Close Board

Posts – 100mm x 100mm 3.5m driven in to 1m depth at 2.5m spacings.

Top & Bottom Rails – 50mm x 75mm softwood, twice nailed to uprights.

Support Struts – 75mm x 50mm softwood securely nailed to upright at every third post and at each corner or change of direction.

Plyboard – 2.4m high, minimum 20mm thick plyboard, securely affixed to timber frame.

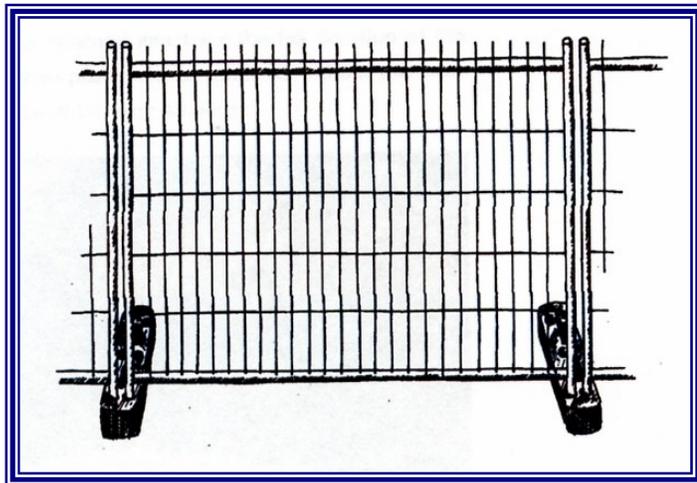


2.1m Heras

- ◆ 2.1m high weldmesh Heras Fencing

- ◆ Individual panels butted together and fixed with three clamps to each joint

- ◆ Each panel supported by a 45° scaffold tube strut, from the top rail of the panel back into the exclusion zone

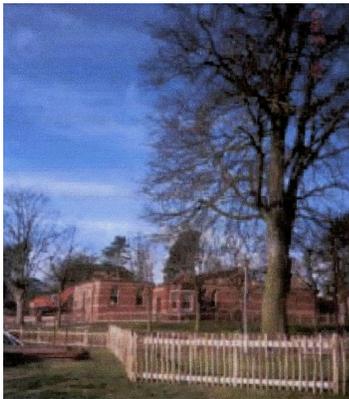


- ◆ The base of the fence panels supported in a concrete or rubber base (as supplied with the fence panels). The base pinned securely to the ground by 0.7m length of scaffold tube fixed to form a 'T' to the top of the vertical tube, therefore preventing movement of the base

- ◆ No fixing made to any tree, and all possible precautions taken to prevent damage to tree roots when locating posts

British Standard BS5837 provides clear guidance on the implementation of tree protection schemes, and East Devon District Council expects the contents of this document to be complied with. Planning conditions and/or legal agreements will normally be used to ensure that:

- ◆ The protective fencing is erected prior to the commencement of any construction works on the site, (including demolition and preparatory site clearance).
- ◆ No development or other operations take place until all preparatory works required by the Tree Protection Scheme are in place.
- ◆ All subsequent development operations are carried out in accordance with the approved scheme.
- ◆ No development operation or construction activity which could potentially cause damage to trees or hedges is permitted within any area designated in the approved scheme as being fenced off or otherwise protected.
- ◆ The protective fencing is retained intact for the full duration of the development, and is not re-positioned or removed without the prior written approval of the Local Planning Authority.



6.3. Supervision and Arboricultural Method Statements

On sites where trees are considered to be particularly vulnerable to damage, and where additional safeguards are felt necessary, a Planning Condition requiring the submission and approval of a detailed ‘Method Statement for Arboricultural Works’ may be attached to the planning approval. In addition, it may also be considered expedient to require that a professionally qualified Arboricultural Consultant be appointed by the developer in order to oversee and monitor all works relating to trees. Such Planning Conditions will be expected to address the following:

- ◆ Timing and phasing of all arboricultural works in relation to the proposed development.

- ◆ Implementation, monitoring, supervision and maintenance of the Tree Protection Scheme.
- ◆ Implementation, monitoring and supervision of the approved Tree Work Specification.
- ◆ Implementation, monitoring and supervision of any approved development works or construction activities within the defined exclusion zones.
- ◆ Provision for regular monitoring of ongoing development operations to ensure full compliance with the approved Tree Protection Scheme and Arboricultural Method Statement for the duration of the development.
- ◆ The setting up of an agreed framework for maintaining appropriate levels of communication between all involved parties.
- ◆ Provision for qualified arboricultural supervision.

Note:

Planning Conditions and/or legal agreements will be attached to Planning Permissions to ensure full compliance with the approved Arboricultural Method Statement. Failure to comply with the terms of the approved Tree Protection Scheme or the approved Method Statement for Arboricultural Works or any other conditions or legal agreements imposed on a planning consent, or any other action which results in the loss of or damage to trees or hedgerows which have been specified for retention, may result in enforcement proceedings, and where appropriate, prosecution under the relevant sections of the **Town and Country Planning Act 1990; Town and Country Planning (Trees) Regulations 1999 (as amended), Town and Country Planning (Trees in Conservation Areas) Regulations 1975 (as amended), and the Hedgerow Regulations 1997.**

6.4. Landscape Schemes

Planning conditions, and/or legal agreements, will normally be used to ensure that tree planting schemes are planned, implemented and maintained to provide maximum long term environmental, aesthetic and amenity benefits. The submission of a full, detailed landscaping scheme, in support of a planning application, is preferable on all sites. East Devon District Council expects sufficient information to be provided, to judge the value of tree planting schemes. Consideration should be given to augmenting proposals with cross-sections, projections or illustrative drawings. The minimum levels of information required for new tree planting proposals are as follows:

- ◆ An accurate, detailed planting plan and schedule.
- ◆ A comprehensive list of species and a stock specification.

- ◆ Detail of planting densities and spacings.
- ◆ Individual locations of all specimen trees and shrubs.
- ◆ Clear indication of existing trees specified for retention and those for removal.

The long-term aims of a scheme can only be achieved if the landscaping succeeds. The Council will pay particular attention to the practical measures that are proposed as part of any scheme, to ensure the successful establishment of new planting. Tree planting schemes will, therefore, be expected to include the following provisions:

- ◆ Preparation of the planting environment (including decompaction and drainage) should be at least to the standards set out in **British Standard BS4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces)**.
- ◆ All plant material provided will be expected to comply with and be planted in accordance with the requirements of: **British Standards BS3936 Specification for Nursery Stock, BS5236 Cultivation and Planting of Trees in the Advanced Nursery Stock Category, BS4043 (1989)**
- ◆ **Recommendation for Transplanting Rootballed Trees and BS4428 (1989) Code of Practice for General Landscape Operations (excluding Hard Surfaces)**, as appropriate.
- ◆ Final planting positions for new trees will be expected to take account of the requirements of **BS5837. A Guide for Trees in Relation to Construction**.
- ◆ The inclusion of a detailed maintenance schedule in accordance with the requirements of BS4428 (1989) Code of Practice for General Landscape Operations (excluding Hard Surfaces).

Trees & Development

Supplementary planning Guidance

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