

# Supplementary Planning Guidance Note

## Trees on Development Sites



## Introduction

Trees are a vital and integral component of the built environment, adding variety and structural diversity and softening the visual impact of buildings and hard surfaces. By enriching our surroundings and creating a more aesthetic living environment, trees are instrumental in enhancing quality of life. Apart from their visual amenity value, trees provide shade, help to absorb noise and provide a habitat for wild life. The more general environmental benefits of trees include the filtering of air borne pollutants and the net production of oxygen. When considering proposals for development, it is important to take into account the effect such proposals may have on existing trees, and to explore the opportunities for new planting.

Trees are particularly vulnerable on development sites, and may be affected either immediately if removal or pruning is necessary to accommodate a development, or in the longer term as a result of disturbance during the development process or pressure to remove or prune trees from the occupants of new buildings. The benefits trees provide from an amenity and more general environmental perspective are well documented, and the Council endeavours to ensure that an appropriate balance is struck between the need and desire for further development within the District and the impact this may have on trees and the landscape.

The legal framework within which the Council operates is provided by the Town & Country Planning Act 1990 (as amended by the Planning & Compensation Act 1991) and

associated regulations<sup>1</sup>, and the Council is further guided in its approach by government guidance notes and circulars, British Standards and other relevant guides. Of particular relevance to trees on development sites is British Standard 5837<sup>2</sup>, which provides essential information on surveying and tree protection and includes useful advice on other matters pertaining to trees and development.

The Council's policies on trees are outlined in the Mole Valley Local Plan<sup>3</sup>. In brief, the key policies relating to trees are as follows:

\* Policy ENV25 - Landscape Design of New Developments

\* Policy ENV53 - Trees in the Built up Areas

\* Policy ENV54 - Tree Preservation Orders and Trees in Conservation Areas

This Supplementary Planning Guidance Note provides a more comprehensive resume of the particular requirements the Council is likely to have regarding trees on development sites. It also details the ways in which the Council will seek to maintain and enhance the contribution trees make to the quality of the built environment. It has been produced in accordance with government advice on Supplementary Planning Guidance Notes<sup>4</sup> and will be taken into account as a material planning consideration when applications are determined.

## The Pre - Application Stage

It is desirable for contact to be made with the Council at an early opportunity

so that proposals regarding development may be discussed. It is often productive for a site meeting to take place with the Council's Tree Officer at this stage, and plans indicating the broad nature of the development are useful to assess the possible impact on trees. The Council aims to foster sound working relationships with applicants and their agents, and strives to be as objective and transparent as possible when dealing with matters relating to trees on development sites.

It is usually necessary for an arboricultural consultant to be involved at the pre - application stage to carry out a full survey of trees on and immediately adjacent to the site. The consultant will then normally advise on tree related matters throughout the planning application process and liaise with the Council's Tree Officer as necessary. The Council maintains a list of local arboricultural consultants, which is available upon request.

### **The Planning Application Stage**

This is the stage at which the proposals for development are formally brought to the attention of the Council by way of an outline or full planning application, and at which a decision from the Council is sought. If trees are present on and/or immediately adjacent to the site, the Council will have certain requirements concerning the arboricultural content of the application.

### **Information Required**

\* A full tree survey will need to be submitted with the application. The trees should ideally be surveyed using the criteria and classification system outlined in BS 5837 and must be

plotted with accuracy on a plan. As recommended in the British Standard, all trees over 75mm in diameter at breast height should be surveyed and plotted. Established hedgerows should also be plotted, particularly if they are on/adjacent to the boundaries of a site and of importance from a screening point of view. Certain large shrubs such as laurels or Magnolias may be of sufficient size and overall significance to merit plotting.

\* It will be necessary to indicate exactly which trees it is intended to remove, and to submit proposals for any pruning of trees.

\* The positions of all buildings, structures (such as walls and fences) and hard surfaces in relation to the positions of the trees must be clearly indicated, along with the intended positions of all drains and services if this information is available. Any alterations of ground levels in the vicinity of trees must be shown.

It is useful if the Council is provided with an indication of landscaping proposals at the outset, particularly if the development would entail the removal of trees. It might, for example, be proposed that the removal of a significant landscape tree be compensated for by the planting of a semi-mature specimen. It is also advised that any other additional information be included at the planning application stage. This may include detailed proposals for tree protection during the development process and proposals to ameliorate potential problems (e.g. with hard surfaces in close proximity to trees).

Category	Colour Code	Description
(A) High	<b>Green</b>	Trees whose retention is most desirable
(B) Moderate	<b>Blue</b>	Trees where retention is desirable
(C) Low	<b>Grey</b>	Trees which could be retained until replaced
(R) Remove	<b>Red</b>	Trees for removal

*Table summarising BS 5837 method of classifying trees on a development site. This is a convenient guide to use when surveying trees. Sub categories are listed in Section 4.3.1 of the Standard*

### **Retention of Trees and Appropriate Distances for Construction**

In deciding upon which trees it is appropriate to retain and suitable distances of buildings, structures and hard surfaces from these trees, the Council will use BS 5837 as a starting point. Table 2 of the standard indicates the minimum recommended distance around a tree which should remain undisturbed, which corresponds to the distance at which protective fencing should normally be erected. It should be noted that this distance has been calculated primarily to avoid unacceptable root damage and takes no account of other factors which have a bearing on appropriate distances between trees and construction.

#### **Minimum Recommended Distances for Protective Fencing Around Trees**

This can be calculated as either an area or more simply a radius equal to 12 x the tree stem diameter at breast height (1.5m) for single stem trees and 10 x the basal diameter for trees with more than one stem.

$$RPA (m^2) = \left( \frac{\text{stem dia (cm) @ 1.5m x 12}}{100} \right)^2 \times 3.142$$

*Summary of BS5837 Table 2 to calculate RPA in m<sup>2</sup>*

In practice, appropriate distances of buildings from trees are likely to be in excess of the minimum recommended distances specified in Table 2 of BS 5837, and in this regard, attention is drawn to Section 6 of the Standard. Factors the Council will wish to consider include the following:

\* The safety of the trees in the context of their proximity to buildings. Factors such as tree species, size, age, condition and past pruning regimes will all have a bearing on this.

\* The likelihood of the trees causing damage to property in the future.

\* Inconveniences likely to be experienced in proximity to trees such as the blocking of sunlight and the fall of leaves, twigs and honeydew. Where the blocking of sunlight is concerned, the aspect of the buildings and the relative orientations of trees and buildings will be taken into consideration.

\* The way the trees are likely to be perceived by the new occupants of buildings. Experience suggests that occupiers of residential properties will be uncomfortable living within certain distances of trees, and the Council would not wish to permit development at distances whereby the trees would be likely to come under pressure to be severely pruned or removed.

\* The future growth potential of the trees.

It is not possible to provide rigid guidelines on suitable distances of buildings from trees, as each case will have its own particular set of circumstances. In terms of a minimum requirement, however, it is rarely appropriate to build any part of a residential dwelling under the current canopy of a tree. There may be scope to relax this rule of thumb where non-residential buildings such as garages are concerned.

As regards hard surfaces in the vicinity of trees, it may be possible for these to be closer to the trees than the minimum recommended distances for protective fencing given in BS 5837 if certain requirements can be met. The British Standard gives advice on avoiding unacceptable root damage to trees when constructing hard surfaces (Section 11), as does AAIS Arboricultural Practice Note 1 1996<sup>v</sup>. The feasibility of constructing hard surfaces in close proximity to trees without causing unacceptable root damage will depend on a number of

factors, including the ground levels and the type of hard surface proposed. A method statement from an arboricultural consultant, indicating how damage to tree roots will be avoided, should ideally be submitted with the application if hard surfaces are proposed at distances less than those recommended in Table 2 of BS 5837. This also applies with structures requiring foundations such as walls, in which case the method statement should provide details of foundation design.



*Inadequate protective fencing leads to tree roots being damaged*

In reference to the minimum recommended distance for protective fencing on development sites, Clause 5.2.4 of BS 5837 states that the distance may be reduced by up to 20% on one side if it is deemed acceptable. It is sometimes assumed that the distance may be reduced by 20% in the majority of cases, but in practice, it is rarely appropriate for construction involving excavation to occur within the full recommended minimum distance for

protective fencing given in Table 2 of the British Standard.

### **Planning Conditions and Tree Preservation Orders**

Local Planning Authorities have a duty under the Town & Country Planning Act 1990 to ensure that they make adequate provision for the preservation and planting of trees when granting planning permission by imposing conditions and making Tree Preservation Orders. The Mole Valley Local Plan (para. 5.2.2) states that *'The Council will wish to ensure that adequate protective measures are made for the preservation of trees of amenity value during construction on development sites by attaching conditions to planning permissions. The need for a TPO will be considered at the planning application stage or pre-application consultation stage'*.

### **Planning Conditions**

If consent is granted for development in the vicinity of trees, planning conditions will be used to safeguard trees during the development process. The recommendations given in BS 5837 regarding the protection of trees during construction works should be noted and adhered to, and these recommendations form the basis of specific planning conditions. Conditions will also be used to ensure that appropriate landscaping is undertaken (including new tree planting) and to ensure the short term retention of trees, large shrubs and hedges where these are perceived to be important for screening or other purposes.



*Protective fencing round trees to be retained on a development site, in accordance with the recommendations given in BS 5837*

Typical planning conditions include the following:

- \* Prior to the commencement of any construction work, protective fencing shall be erected around each tree or tree group to be retained in the vicinity of the development operations in accordance with the recommendations given in British Standard 5837 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority.
- \* No trenches or pipe runs for services and drains shall be sited within 4m of the trunk of any trees retained on the site or on land adjoining, unless agreed in writing beforehand by the Council. All such installations shall accord with the advice given in the National Joint Utilities Group publication no. 10 1995<sup>vi</sup>.
- \* No burning shall take place in a position where the flames could extend to within 5 metres of foliage, branches

or trunk of any tree or tree group to be retained on the site or land adjoining, having regard to the size of fire and wind direction.

\* Hard surfaces within the minimum recommended distances for protective fencing from trees given in Table 2 of BS 5837 shall be constructed in accordance with AAIS Arboricultural Practice Note 1.

\* All pruning of trees necessary for the planning consent to be implemented shall be carried out in accordance with British Standard 3998.

\* Trees to be retained, as detailed in the approved plans and schedule, shall be retained for a minimum period of five years. No pruning of retained trees, other than in accordance with the approved plans and schedule, shall take place without the prior written approval of the Council. All pruning works shall take place in accordance with British Standard 3998 (Recommendations for Tree Work). If any retained tree dies or is removed, a replacement tree shall be planted as specified by the Council.

\* No development shall take place until a landscaping scheme has been submitted to and approved by the Council, including planting of trees, shrubs and herbaceous plants and areas to be grassed. The landscaping shall take place in the first planting season after commencement of the development, unless otherwise agreed in writing by the Council, and shall be maintained for a period of five years, such maintenance to include the replacement of any trees and shrubs that die.

### **Tree Preservation Orders**

Although planning conditions may be used to protect trees on development sites in the short term, Tree Preservation Orders are the appropriate means by which trees are protected in the longer term. The Council may wish to make Tree Preservation Orders at various stages in the development process, but it is usually expedient to make them at the pre-application or early application stages.

In deciding upon which trees to protect, the Council is guided by the relevant policies in the Local Plan and the DETR guide on Tree Preservation Orders published in March 2000<sup>viii</sup>. The concept of public amenity is central to the application of the tree protection legislation, and in practice, it is the larger trees of greatest significance in terms of visual amenity which are most likely to be protected. Trees should normally be visible from a public place to be protected, although where development sites are concerned the Council is obliged to consider the amenity value of the trees in the context of the proposed development in addition to their current amenity value.

When a Tree Preservation Order is made, it is served on the owner of the land upon which the trees are situated and the owners of land immediately adjoining this. In the case of a development site, it is also served on those who have an interest in the property, including the applicant (if not the owner) and the agent. The implication of a Tree Preservation Order is that an application to the Council is necessary for any works on the protected trees (subject to certain

exemptions<sup>vi</sup>) and the consent of the Council is required before any works can proceed. If felling of or works on protected trees are proposed as part of a planning application and are necessary for a planning permission to be implemented, a separate tree works application is not necessary.

Tree Preservation Orders are used where appropriate to ensure that development takes place within the parameters of good landscape design and with due regard for the contribution trees make to the built environment. In some cases, the presence of protected trees may limit the scope for development. Under certain circumstances, all of the trees of landscape significance on prospective development sites may initially be protected to give the Council an element of control whilst discussions are taking place and the proposals for development are being considered. In the light of discussions, and as the application process proceeds, removal of and/or works on certain of the trees may be agreed.

### Landscaping Schemes

Government planning policy guidance stresses the importance of good design in the planning process, and indicates that landscape design - in terms of catering for the appearance and treatment of spaces between and around buildings - should be considered as an integral part of urban design<sup>x</sup>.

It is sometimes the case that landscaping proposals are not forwarded to the Council until it is necessary to clear a condition on a

planning Consent. It is, however, preferable for landscaping proposals to be brought to the attention of the Council at as early a stage as possible, and landscaping proposals may be submitted in support of a planning application to demonstrate that there would not be an overall loss of tree cover. The Council will consider any proposals to compensate for the loss of existing trees on a development site, and as the availability of and expertise to plant larger trees expands, there are increasing opportunities to provide instant landscape impact with new planting on development sites. To make full use of these opportunities, the early involvement of an arboricultural consultant is encouraged.



*Landscaping is an important part of any new development, softening the visual impact of buildings and giving the development a more established feel*

Maintenance is an important part of any landscaping scheme, and it is vital that provision is made for adequate maintenance during the early years of the development when the new trees and other plants are becoming established. A planning condition will usually be employed to require that the



landscaping scheme be maintained for a period of five years, to include the replacement of any trees which die.

Section 13 of BS 5837 provide useful guidance on landscape scheme design, implementation and maintenance.

### **The Development Stage**

The Council will wish to ensure that each development takes place in accordance with the terms of the planning consent and with due regard for all planning conditions relating to trees. The continued involvement of the arboricultural consultant at this stage is encouraged to supervise the works and provide specialist arboricultural advice on site. Section 9 of BS 5837 provide information on how damage to trees during construction work may be avoided.

The Council's Tree Officer will liaise with the applicant/agent and arboricultural consultant as necessary to ensure that all works which may affect trees are undertaken in a satisfactory manner and to discuss any further tree related issues which may come to light as works on site proceed. If difficulties are experienced at any time during the construction process in complying with conditions relating to trees (e.g. in maintaining the distances for protective fencing in accordance with BS 5837) and it is desired that the terms of any conditions be modified, it will be necessary to obtain the written agreement of the Council.

The Council will use its powers of enforcement where necessary to ensure compliance with the terms of a planning consent and any associated conditions.

### **Queries**

Further advice may be obtained from:

Tree Officer  
Mole Valley District Council  
Planning Dept.  
Pippbrook, Dorking,  
Surrey RH4 1SJ

Direct Line Tel: 01306 879286  
Fax. 01306 879180  
E-mail:  
planning@molevalley.gov.uk

### **Useful Contacts:**

Arboricultural Advisory & Information  
Service  
01420 22022  
www.treedadvice.service.org.uk

Arboricultural Association  
01794 368717 www.trees.org.uk

British Standards Institute  
020 8996 9001

DCLG  
for Communities & Local Government  
020 7944 4400  
www.communities.gov.uk

National Joint Utilities Group  
020 7963 5720

### **References:**

<sup>i</sup> Town & Country Planning Act 1990  
Planning & Compensation Act 1991  
Town & Country (Trees) Regulations  
1999

<sup>ii</sup> British Standard 5837 2005 Trees in  
Relation to Construction

<sup>iii</sup> Relevant MVDC Local Plan Policies:  
Trees in the Built up Areas (Policy as  
yet un-named)

Policy ENV51 - Tree Preservation  
Orders and Trees in Conservation  
Areas

iv Planning Policy Guidance (PPG)  
Note 12: Development Plans and  
Regional Planning Guidance

v Arboricultural Practice Note 1 1996 -  
Driveways Close to Trees.  
Arboricultural Advisory and Information  
Service.

vi National Joint Utilities Group  
Publication No.10 April 1995 -  
Guidelines for the Planning, Installation  
and Maintenance of Utility Services in  
Proximity to Trees.

vii British Standard 3998 1989.  
Recommendations for Tree Work.

viii Tree Preservation Orders - A Guide  
to the Law and Good Practice 2000.  
Department of the Environment,  
Transport and the Regions.

ix Planning Policy Guidance Note  
(PPG) 1: General Policy and Principles

*This Supplementary Planning Guidance  
was formally endorsed by the Council's  
Policy Committee on 5th December  
2000, following a period of consultation  
as recommended in PPG12.*



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