

## PROTECTING TREES ON DEVELOPMENT SITES

### Introduction

1. This appendix provides advice to applicants on planning applications involving trees on or adjacent to application sites. The identification and consideration of all existing trees at an early stage (before any site layout or design of buildings is carried out) can help prevent potential conflict during the planning application process and ensure the successful retention, protection and survival of trees.

### Policy context

2. The County Council is required, through Development Plan policies, to take into account the value of trees affected by development proposals and the potential damage any development may cause. In particular, Policies S2 and ENV7 of the Kent Structure Plan 1996 provide strategic support for the conservation and protection of existing trees and woodlands, and the planting of trees and new woodland.

**S2** The quality of Kent's environment will be conserved and enhanced, and measures will be taken to minimise, and where appropriate, mitigate, any adverse impacts arising from development or land use change.

**ENV7** It is policy to maintain tree cover and the hedgerow network in the County, and enhance these where compatible with the character of the landscape.

*(see Kent Structure Plan 1996 for full policies)*

3. The County Council must also adhere to the Town and Country Planning Act 1990. This legislation places a statutory duty on Local Authorities *"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 or planting of trees"*.
4. In addition to the above, three types of additional tree protection may apply to individual trees / application sites:

**Tree Preservation Orders (TPOs)** can be made by planning authorities under Section 198 of the Town and Country Planning Act; TPO's provide protection to individual trees or groups of trees that are of significant amenity value to the local environment; consent is required to lop, top or fell TPO trees, but any tree works related to a planning application do not need separate TPO consent; planning permission could be refused on the grounds of the loss of, or possible damage to, a tree(s) protected by a TPO.

**Trees in Conservation Areas** are protected under the Town and Country Planning Act 1990 and consent is also needed for works to such trees; but any tree works related to a planning application do not need separate consent; permission could be refused on the grounds of the loss of, or possible damage to, a valuable tree(s) within a Conservation Area.

**Trees protected by planning conditions** attached to a previous planning permission granted for the application site.

## The role of trees

5. Trees, woodlands and hedgerows, especially native species, are important features in the Kent landscape. They provide visual amenity, wildlife habitats, shade, protection from the wind, screening from noise or dust, soil stabilisation and wider climatic benefits. Damage to trees can be caused by physical injury to the trunk, crown or roots, soil compaction/smothering of roots, and exposure to the elements (e.g. by removing neighbouring trees), and is more likely to result during the construction phase, or where buildings are poorly sited or designed.

## Survey requirements

6. The potential impacts on trees of development proposals should be assessed before preparing a planning application. If trees are either growing or are in close proximity to land the subject of the proposal, a detailed Tree Survey should be undertaken. It is advisable to obtain appropriate professional advice to assist in this process and in any subsequent preparation of a Landscape Scheme. The box below outlines the requirements of a Tree Survey:

### Tree Survey

- Should be carried out in accordance with BS 5837 (1991) Section 5;
- Must be undertaken by a qualified arboriculturist;
- Plans should be at 1:500, 1:200 or lower scale;
- A 1:200 or 1:500 scale plan(s) showing the location of all existing trees on or adjacent to the site (both tree trunk and extent of crown spread), along with all existing hedgerows, prominent shrubs and woodland (plotted with at least all boundary trees shown). Trees should be individually numbered (e.g. T1, T2, etc).
- Details of tree specifications: species, age range, health/ condition, height, diameter at 1.5m above ground level (DBH) and existing ground level at the base of the tree;
- The desirability for retention (including the landscape potential), from an arboricultural point of view, of each tree, or group of trees, designated as per the requirements of BS 5837 (1991) Section 5.2.2, and any tree surgery that would need to be undertaken.

7. In addition to a Tree Survey, applicants should consider undertaking a Land Survey – compatible with BS 5837 (1991) Section 5) – to identify soft and hard landscape features and topographical features.

## Site planning

8. Once prepared, the Tree and Land Surveys should be used to inform the design of the proposed development, and to decide site layout, tree retention and new planting. Site layouts should seek to provide for the long term retention of as much of the existing trees, hedgerows and other vegetation as possible, particularly of trees identified as having significant current or future amenity value. Layouts should also allow adequate space around existing trees for future growth so that they will not outgrow their new conditions and become a nuisance. They should also take account of the effects of works associated with the development and its construction, such as access roads, site compounds, underground and overhead services. For further information and guidance, see Sections 6 and 7 of BS 5837 (1991).

## Development proposals

9. When submitting a planning application, copies of the Land and Tree Surveys should be provided. Any additional information should be included within the Supporting Statement – such as the existing and proposed site topography, levels, existing trees to be lost for development, trees to be lost for other reasons, and location and specification of tree protection fencing (to be accurately indicated on a site plan). Proposals for replacement planting can be included at this stage, or alternatively can be submitted later as part of a Landscape Scheme.

## Tree protection measures

10. Should planning permission be granted, this would normally include planning conditions relating to the protection of existing trees (and their roots) and other vegetation on the development site. The following specifications may be made:

### Exclusion zone

- All trees to be retained should be marked on site and protected during any operation on site by fencing in accordance with BS 5837 (1991);
- Fencing should normally be board on scaffold fencing and no roots should be cut during its erection;
- No works whatsoever should be carried out within the protected zone, even when the fencing is removed at the end of the contract;
- Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level.

11. Any arboricultural works required as a result of a development – which have been agreed by County Planning Authority – should be carried out by a competent Arboricultural contractor to the standards set out in BS 3998 (1989).

## Implementation of a planning permission

12. The applicant should ensure that all conditions attached to a planning permission are fulfilled. To ensure that existing trees to be retained are adequately protected, it is recommended all contractors / subcontractors are provided with a copy of the planning permission and are aware of the agreed tree protection measures. If necessary, supervision should be provided, preferably by the applicant's own Arboricultural advisor. Any protective fencing should be retained on site until the development is completed.

## Legal framework

- The Town and Country Planning (Trees) Regulations (1999)
- Department of the Environment Circular 36/78 *Trees and Forestry*
- Department of the Environment, Transport and the Regions publication *Tree Preservation Orders – A Guide to the Law and Good Practice* (2000)
- British Standard (BS) 5837 – *Trees in Relation to Construction* (1991)
- British Standard (BS) 3998 – *Recommendations for Tree Work* (1989)

## Contacts and Useful Information

Arboricultural Association ([www.trees.org.uk](http://www.trees.org.uk)) Includes approved consultants list.  
British Standards Institution ([www.bsi-global.com](http://www.bsi-global.com)) To obtain copies of BS's.  
Landscape Institute ([www.li.org.uk](http://www.li.org.uk)) Includes practice register.