

Supplementary Planning Guidance Note

Trees on Development Sites

Purpose

The purpose of this leaflet is to help people to properly consider trees on construction sites in accordance with the current British Standard 5837 (Trees in relation to construction – Recommendations), local and national policy. The British Standard document is primarily used by tree specialists, architects and engineers and although available from the BSI (British Standards Institute) it is an expensive document and fully copyrighted. Mole Valley Council therefore offers the following outline guidance.

Introduction

Trees are an important component of the built environment, adding variety and structural diversity, softening the visual impact of buildings and hard surfaces. Trees create a more aesthetic living environment enhancing quality of life. Apart from their visual amenity value, trees provide shade screen cold winds, help to reduce noise and provide a habitat for wild life as well as the more general environmental benefits including 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 that trees provide 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, 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 the British Standard 5837 (Trees in relation to construction - Recommendations), which provides essential information on surveying, successful tree protection and retention on construction sites including useful advice on other matters regarding trees and development.

Local policies on trees are outlined in the Mole Valley Core Strategy and saved policies from the previous Local Plan. The key policies regarding trees are:

- ENV25 - Landscape Design of New Developments
- ENV53 - Trees in the Built up Areas
- CS14 - Townscape, Urban Design and the Historic Environment
- CS15 - Biodiversity and Geological Conservation
- CS16 – Open Space, Sports and Recreation Facilities

This guidance sets the requirements the Council will seek in order to maintain and enhance the contribution trees make to the quality of the built environment and which should be taken into account as a material planning consideration when applications are determined.

The Pre - Application Stage

It is advisable to contact the Council at an early stage so that your development proposals can be discussed prior to finalisation. 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 and including existing trees etc. are useful to assess the possible impact on trees. The Council will be as objective and transparent as possible when dealing with matters relating to trees on development sites.

It is often useful for a tree 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. However, smaller developments such as extensions and conservatories may however not justify the expense of a major tree implication study but independent advice should always be sought where important trees may be affected. The Council can provide a list of local tree consultants on request.

The Planning Application Stage

At this stage the development proposals 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 or around the site, the Council will have certain requirements concerning the arboricultural content of the application.

Information Required

- A tree survey should be submitted with the application. The trees should ideally be surveyed using the cascade system outlined in the BS 5837 and be accurately plotted on a plan. As recommended in the British Standard, all trees over 75mm in diameter at chest height should be surveyed and plotted along with established hedgerows, particularly if they are on or around the boundaries of a site and of importance for screening purposes. Larger shrubs may also merit plotting. Nearby trees on adjoining land with root protection areas encroaching in to the site should also be included.
- It will be necessary to indicate exactly which trees it is intended to remove, and to submit proposals for any pruning, especially if they are protected with a Tree Preservation Order (TPO) or within a Conservation Area. This can also avoid confusion and delays at a later stage.
- The positions of newly proposed 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 to ground levels in the vicinity of trees must also be shown.

It is useful to provide an indication of new landscaping proposals at the outset, particularly if the development entails 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 overcome potential problems for example where hard surfaces are close to trees.

Trees might be indicated as follows:

Retention Category	Colour Code	Description
(A) High	Green	Trees whose retention is most desirable
(B) Moderate	Blue	Trees where retention is desirable
(C) Low	Grey	Trees which could be retained until replaced
(R) Remove	Red	Trees to be removed

Table summarising BS5837 cascade 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 which trees to keep and suitable distances to buildings, structures and hard surfaces, the Council will use the current BS5837 as a starting point. Table 2 of the Standard recommends a minimum distance around a tree which should remain undisturbed and where tree protective fencing should normally be placed. These distances are calculated primarily to avoid unacceptable root damage and does not account for other factors that have a bearing on appropriate distances between trees and construction such as tree canopy spread or shading.

Minimum Recommended Distances for Protective Fencing Around Trees

Root Protection Areas (RPA) can be calculated as either an area or more simply a circle with 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 multiple stems. Each method has its own merits.

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

Summary of BS5837 Table 2 to calculate RPA in m²

In practice, appropriate distances of buildings from trees are likely to be in excess of the minimum recommendations in Table 2 and attention is drawn to Section 6 of the Standard.

The council will wish to consider the following points:

- The safety of the trees with regard to their proximity to buildings. Factors such as tree species, size, age, condition and past pruning will have a bearing.
- The likelihood of the trees causing damage to property in the future. The Council's Building Services or the National House Builders Council (NHBC) may also require increased foundation depths or alternative construction techniques in close proximity to trees to avoid potential damage to foundations from subsidence on shrinkable clay soils due to trees abstracting ground water and alternative foundation designs may therefore be required.
- Inconveniences likely to be experienced in proximity to trees such as shading of light and falling leaves, twigs and honeydew. Where sunlight is concerned the building aspect and orientations of trees will be considered especially if the trees are directly to the south and around to the west where they would cast shade for most of the day and into the evening.
- 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 especially if they are young and have the potential to greatly increase their size.

It is not possible to provide rigid guidelines on suitable distances of buildings from trees, as every case will have its own particular circumstances 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 where non-residential buildings such as garages are concerned.

It may be possible for hard surfaces to be closer to the trees than the minimum recommended distances for protective fencing 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 12. Whether hard surfaces can be constructed 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 tree specialist (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.

Section 5.2.4 of BS 5837 states that the minimum recommended distance for protective fencing on development sites may be reduced on one side of 'open grown trees' by up to 20%, if 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 recommended minimum protective fencing distance.

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 need for a TPO will be considered at the pre-application consultation or planning application stages.

Planning Conditions

If consent is granted for development near to trees, planning conditions will be used to safeguard trees during the development process. The recommendations given in BS 5837 for protecting trees during construction works should be 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.

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 1995vi.*
- *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 12.*
- *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.*

- *No development related works (including demolition) shall take place on site until a tree impact assessment and site specific tree protection method statements, in accordance with the current British Standard 5837 and Arboricultural Practice Note 12, has been submitted to and approved in writing by the LPA.*
- *The approved method statements submitted in support of the application shall be adhered to in full in accordance with the approved plans and may only be modified subject to written agreement from the LPA. [Site specific information relating to the demolition of (address) shall also be required.]*
- *This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.*

Tree Preservation Orders

Planning conditions are used to protect trees on development sites in the short term. Tree Preservation Orders protect trees in the longer term. The Council may make Tree Preservation Orders at various stages of the development process, but will usually do so at the pre-application or early application stages if it is felt that important trees are under threat.

All 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. Following agreement the removal of and works on certain of the trees may be acceptable.

Landscaping Schemes

Landscaping is an important part of any new development as it softens the visual impact of buildings giving the development a more established feel. Government planning policy guidance stresses the importance of good design in the planning process, and indicates that new landscaping of spaces between and around buildings should be considered as an integral part of urban design. It is important to design in such space at an early stage to ensure the landscaping, especially large structural trees can be accommodated in a sustainable way so that the trees can grow on without interfering with buildings or needing to be pruned.

Landscaping proposals should be brought to the attention of the Council as early as possible and may be submitted in support of a planning application to demonstrate that there would be no 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. It is also possible to source and plant established hedges such as Beech.

Maintenance is also an important part of any landscaping scheme, especially on larger developments involving communal areas, and it is vital that provision is made for adequate maintenance during the early years 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 provides useful guidance on landscape scheme design, implementation and maintenance.

The Development Stage

The Council will wish to ensure that 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 tree consultant to supervise the works and provide specialist arboricultural advice on site is encouraged and may well be required by condition. Section 9 of BS 5837 provides information on how damage to trees during construction work may be avoided including tree protective fencing, ground protection low invasive or no dig surfaces and foundations. A list of local consultants can be provided on request.

The Council's Tree Officer will liaise with the applicant/agent and specialist tree 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. On larger developments a condition requiring contemporaneous supervision and monitoring will be required to be satisfied during the construction process in order to clear the condition on completion of the development.

Further guidance may be obtained from:

The Planning Tree Officer
Mole Valley District Council
Pippbrook
Dorking
Surrey
RH4 1SJ

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E-mail: planning@molevalley.gov.uk