

## 3 Protecting Trees On Development Sites

### Introduction

Trees are of vital importance to the character and diversity of the landscape of the Borough and greatly enhance both our urban and natural environments. Failure to fully evaluate the impact on trees of a development at the earliest opportunity may result in loss of tree cover. This may not be an immediate loss but could happen over time due to stress imposed on trees by the construction process, and through pressures for pruning or removal by new or subsequent owners of the new development.

The purpose of this guidance note is to provide information to developers or land owners or their agents on the minimum standards that will be demanded by Tunbridge Wells Borough Council for trees on or adjoining new development sites to prevent unnecessary tree loss. These standards are over and above any legislative requirements imposed by Tree Preservation Orders or Conservation Area designation and apply to all trees regardless of protective status that may be affected by a planning application.

### The Legal Framework

The Town and Country Planning Act 1990 places a 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’.

This is reinforced by other planning legislation and guidance:

- Town and Country Planning (Trees) Regulations 1999;
- Local Plan Policies EN1 and EN5;
- Department of the Environment Circular 36/78 Trees and Forestry; and
- Department of the Environment Transport and Regions publication Tree Preservation Orders – A Guide to the Law and Good Practice (2000).

### Survey Requirements

Before submitting planning applications on land on which trees are either growing or are in close proximity to, a developer should commission detailed land and tree surveys. It is suggested that plans be drawn to a minimum scale of 1:200.

The Land Survey should follow the standard drawing convention within British Standard 1192 Part 4 (1984 Recommendations for Landscape Drawings). The drawing shall show to within 0.5m the location of all existing trees on or within 12m of the works, which have a stem diameter of 75mm or more when measured at 1.5m above ground level. Where woodland is within a site, the woodland should be accurately plotted with all of the boundary trees shown. If the proposed development is within woodland, all of the individual trees within 12 metres of the works need to be plotted. If the woodlands are outside the site boundary, the woodland edge (i.e. the crown spread) should be shown. Hedgerows and other vegetation should also be accurately plotted.

The tree survey should be carried out to the guidance contained in Section 5 of BS 5837:1991 Guide for Trees in Relation to Construction and may include both plan and schedules but should contain the data required according to Para 5.2 of BS 5837:1991 as follows:

- Individual tree numbering. Group numbers may be acceptable where trees are growing together, unless the development impacts upon any of the trees in the group, in which case they need to be individually numbered;
- A schedule showing species, age, vigour, condition and diameter at breast height (1.5m), the accurate crown spread of the trees and their suitability for retention as per para 5.2.2 of the Standard;
- Plan and/or schedule showing minimum distance for protective fencing where abutting or otherwise affected by the development; and
- A full specification for work deemed to be required for the trees must be given, and where felling is recommended as part of the development proposal and no other reason, this should be made clear in the comments section of the tree table.

#### **Development Proposals**

The survey information shall be provided to the developer's project team who can then design the development in the light of the existing tree cover. This should also include requirements for access, provision for drainage, site compounds, storage, temporary haul roads and service routes, details of which should be submitted with the planning application. The design and installation of services should meet with the requirements of National Joint Utilities Group Publication 10 Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees and BS: 5837 Figure 3. Any resulting short or long-term implications for trees and hedges that are to remain must be carefully assessed and full details submitted as part of any planning application.

In general, site layouts will be expected to:

- Take full account of the guidance in BS 5837:1991;
- Provide for the retention of as much of the existing tree cover as practicable. The allocation of space for trees must be assessed in terms of the overall landscape of the area; continuity and long-term sustainability are important criteria that should 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; and
- Provide for the retention of as much of any existing hedgerows and other vegetation, such as grassland, heathland or scrub, as possible.
- Allow appropriate space for new planting to provide for a natural succession of retained trees or woodland and to compensate for any immediate or future predicted loss of tree cover.

#### **Avoiding Direct Tree Loss or Damage**

The layout of any development should be designed with reference to the general survey and to the detailed tree survey. A minimum area or 'exclusion zone' around each tree, group of trees or hedge should be identified by reference to the tree survey data and to Table 1 and Figure 2 of BS 5837:1991.

As a minimum the following will apply to exclusion zones:

- It is expected that, unless otherwise approved, the exclusion zone will remain completely undisturbed for the duration of the development;
- They will be protected by fencing in accordance with Para 7.5 and Section 8 of BS 5837 prior to commencement of works on site;
- Where development proposals include construction works within the identified exclusion zones, or where it is felt that there is a need to intrude into the exclusion zone, then the Council may request the submission of appropriate detailed construction specifications and method statements to determine the short and long-term impacts on the tree(s). Where such proposals are deemed acceptable, the Council will expect provision to be made for qualified arboricultural supervision of all works within the agreed exclusion zone; and
- The provision in Para 7.5.5 of BS: 5837 for a reduction of the exclusion zone by up to 1/3 on one side only will only apply in specific circumstances (to be agreed with the Local Planning Authority), and only when accompanied by a detailed justification.

N.B. Information on the presence of historic/veteran<sup>1</sup>, unusual or commemorative trees should also be given.

Where driveways are to be constructed within the rooting zone of trees, the guidance in Arboricultural Practice Note 1 – Driveways Close to Trees is to be followed. Any tree work which is necessary for the proposed development to proceed must be identified at this stage and comply with the requirements of BS 3998:1989 Recommendations for Tree Work. This will enable the proposal to be properly assessed by the Council.

#### **Avoiding Future Conflict**

Even if the layout proposals do not directly affect trees at the construction stage, they may not be acceptable if they would result in undue pressures being placed on the trees in the future, resulting in excessive or unreasonable pruning.

It is therefore important to consider the potential of trees on the site, and to take into account their likely future growth – Arboricultural Research and Information Note 84/90/ARB – Ultimate Spread of Trees Commonly Grown in Towns is useful on this.

To avoid future conflict between trees and development:

- Trees must not dominate buildings to the extent that there will be fears for safety and therefore requests to prune or fell;
- The site layout must ensure that trees will not cause unreasonable obstruction of direct sunlight or daylight to properties; and
- Garden areas must be of a size that can reasonably accommodate the trees, including allowance for future growth.

#### **Statutory Controls**

Tunbridge Wells Borough Council, as Local Planning Authority, has the duty to make Tree Preservation Orders where necessary to safeguard the amenity of the local environment. This may include the serving of Tree Preservation Orders (TPO) prior to or after the receipt of planning application proposals or after the development is completed to protect new planting.

The type of TPO response is likely to be determined by the importance of the site, the development proposals and the level of information provided to the Local Planning Authority with the proposal.

<sup>1</sup> Veteran tree: a tree that is of interest biologically, culturally or aesthetically because of its age, size and condition.

On sites where due regard to the trees has been paid and/or they are not considered to be put at risk by the development, it is likely that no TPO will be made. In serving a TPO, the Local Planning Authority will be guided by the Local Plan and DETR Tree Preservation Orders – a Guide to the Law and Good Practice.

#### **Implementation**

Set out overleaf is a flow chart reproduced from BS 5837:1991 and is a guide for the planning for trees on development sites. It shows at which point in the process a survey should be sought, and when various works should take place in regard to the construction process. Following these guidelines will ensure a systematic approach to development and trees, and reduce the incidences of unnecessary damage to trees resulting from lack of protection or poor project management.

Where planning approval has been given the implementation and maintenance of tree protection measures may be inspected from time to time by the Council with powers of enforcement being exercised where necessary to ensure compliance.

Tunbridge Wells Borough Council will expect developers not only to obtain the appropriate professional advice during the application stage, but will also expect adequate supervision of construction by the developers' own arboricultural advisor.

Flow Chart – Planning for Trees on Development Sites

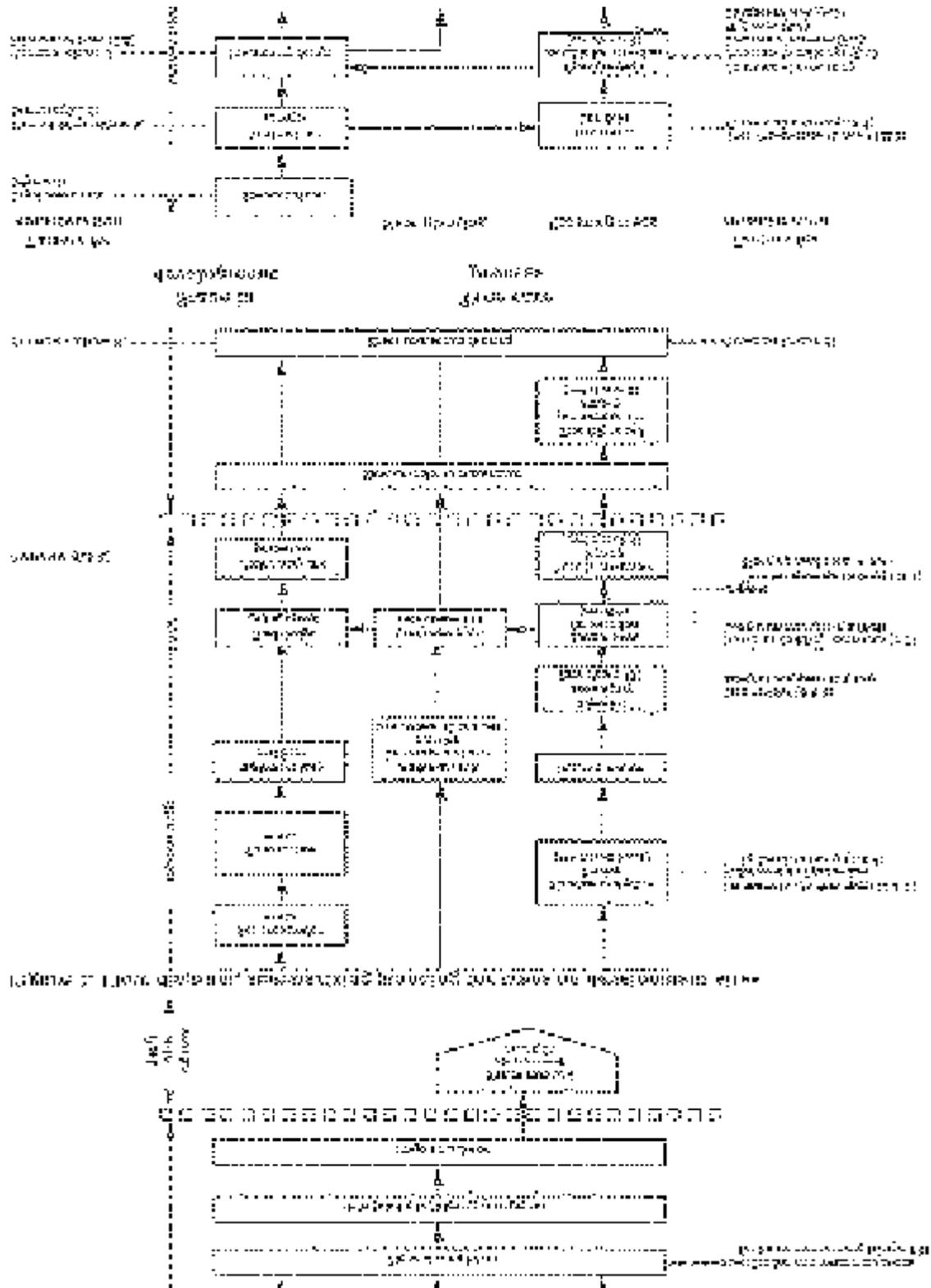


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Landscape and  
Nature Conservation

Protecting Trees on  
Development Sites

# Part 3

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BOROUGH COUNCIL  
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