

# Trees - Local Planning Policy and Effective Planning Conditions

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# What is a tree?

No legal  
definition

so

If it looks  
like a tree

.....?



# Trees – a special status in planning

- Trees protected for their public amenity value
- No legal definition of amenity
- Protection via TPO, CA and Conditions
- Supported and informed by legislation and policy
- ALL trees are material considerations in planning applications
- Reliance upon expert assessment



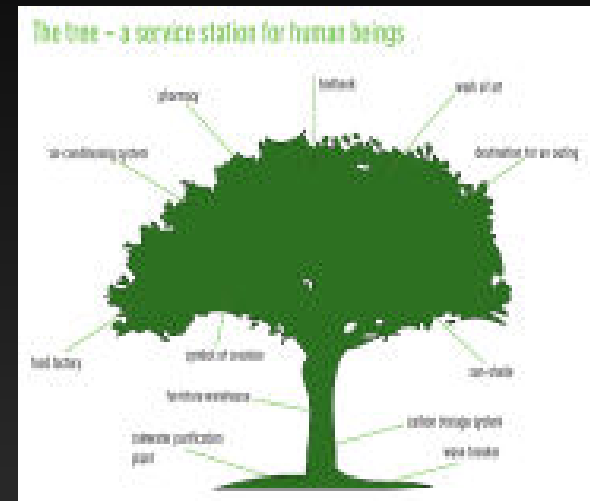
# National policy on trees

- Forestry & Woodlands Policy Statement 2013
- NPPF 2012 and NPPG silent on policies for trees other than veterans
- Defra 25 year Plan initiatives
- Draft NPPF 2018 does refer to trees



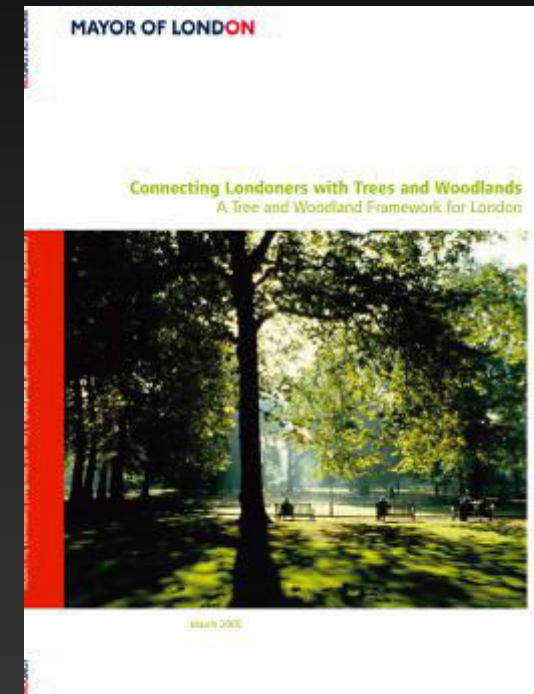
# Local Plan policies – establishing LPAs' attitude to trees

- Links to Green Infrastructure
- Use of SPDs
- Local Tree Strategies
- Good practice guidance and references
- Valuation standards and systems
- Development retention, planting and compensation mechanisms



# Policy - Local Tree Strategies

- Tree planting objectives – numbers, locations, types, quality
- Tree planting standards for new development
- TPO reviews
- Tree management and maintenance standards
- Public engagement proposals
- Valuation mechanisms (incl. ecosystem services)
- Valuation of public tree stock (incl. street trees)

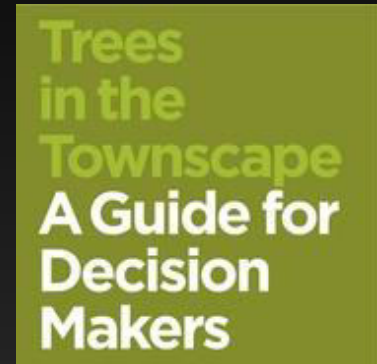


# Policy - Good Practice Guidance

Design guidance to promote trees

Use of references incl.

- BS5837 – Trees and Construction
- BS3998 – Tree Works
- TDAG publications – *Trees in the Townscape*, *Trees in Hard Landscape*
- LI & TCPA – Green Infrastructure guidance
- HSE - Management of risk
- Forest Research – various publications
- Valuation systems – various



# Policy – Development Management mechanisms

Protection: 1 - avoidance, 2- mitigation, 3 - damage reduction, 4 - compensation

- Policies requiring maintenance of tree cover / biomass / natural capital, etc.
- Policies to enable xxx new trees to be planted to replace loss of x existing trees
- Policies setting out financial compensation for loss of existing trees
- Policies for new planting



# Case Study: Sefton Council

Policy in UDP – conforms with NPPF

Greenspace, Trees and Development SPD sets standards

- Residential: 3 new trees per new home
- Non-residential: 1 new tree per parking space or 50 sq. m
- Each tree lost: 2 new trees
- Commuted sum payment: £506.50 per tree

Green space strategy informs expenditure of monies received



## SDNPA DM Policy SD11: Trees, Woodland and hedgerows

1. Development proposals permitted where they conserve and enhance trees, hedgerows and woodlands.
2. Development proposals that affect trees, hedgerows and woodland must demonstrate that they have been informed by survey, an AIA, AMS, Tree Protection Plan, and include a management plan.
3. The felling of protected trees, groups of trees or woodland only permitted in exceptional circumstances. Where protected trees are subject to felling, a replacement of an appropriate number, species and size in an appropriate location will be required.
4. A minimum buffer of 15 metres will be required between the development and ancient woodland or veteran trees.
5. A proposed loss or damage of non-protected trees, woodland or hedgerows should be avoided, and if demonstrated as being unavoidable, appropriate replacement or compensation will be required.
6. Development proposals must demonstrate protection measures in place prior to any work on site, and opportunities for the restoration, enhancement or planting of trees, woodland, and hedgerows identified and incorporated

# Policy – Valuation systems

Policies can establish rationale for tree valuations and methods to be applied

Lifetime values:

- Helliwell
- CAVAT

Annual benefits (ecosystem services):

- i-Trees

# Information for planning applications

- Existing tree survey (to BS 5837)
- Development proposals with levels / sections
- Arb Impact Assessment
  - Arb Method Statement
  - Root Protection Areas
- New planting proposals

# Planning Conditions

Conditions need to meet six tests:

- 1 necessary;
2. relevant to planning and
3. to the development to be permitted;
4. enforceable;
5. precise and
6. reasonable in all other respects.

# Pre-commencement conditions

- Vital for protection of existing site assets to be retained -
  - Trees, landscape features, heritage assets, ecology
- Also for new plantings
- Effective prohibition of pre-commencement conditions imminent



# DM planning conditions re trees

Section 197 of the (1990 Planning) Act places **an express duty** on the local planning authority, **when granting planning permission**, to ensure whenever appropriate that adequate conditions are imposed to secure the preservation or planting of trees, and that any necessary tree preservation orders are made under section 198 of the Act.

# Planning conditions for tree protection (DM)

- Outline permissions – condition requiring details of trees to be retained (BS 5837)
- Detailed permissions - condition to secure tree protection during works
- Long term protection secured by TPO **not by condition**
- Expedient to secure temporary protection of existing trees by TPO





# Tree retention #1

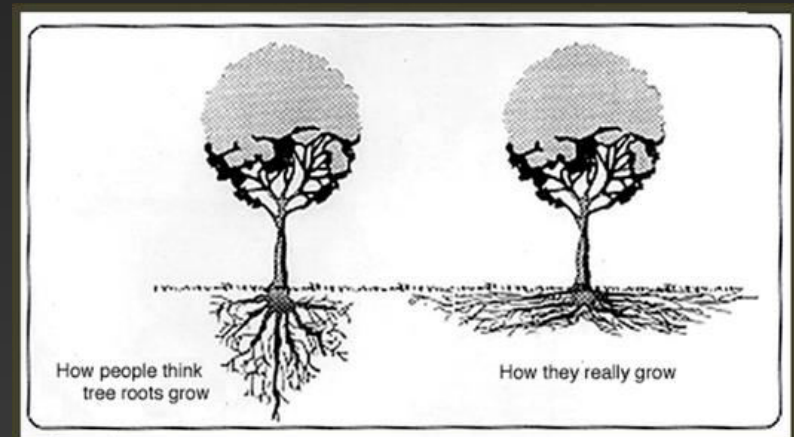
## Practical considerations:

- Suitability of tree post-development
- Characteristics, health and future growth



# Tree retention #2

Service runs; excavations;  
access, working areas &  
storage; sight lines for  
highways; CCTV &  
lighting requirements;  
daylight; sunlight;  
overlooking

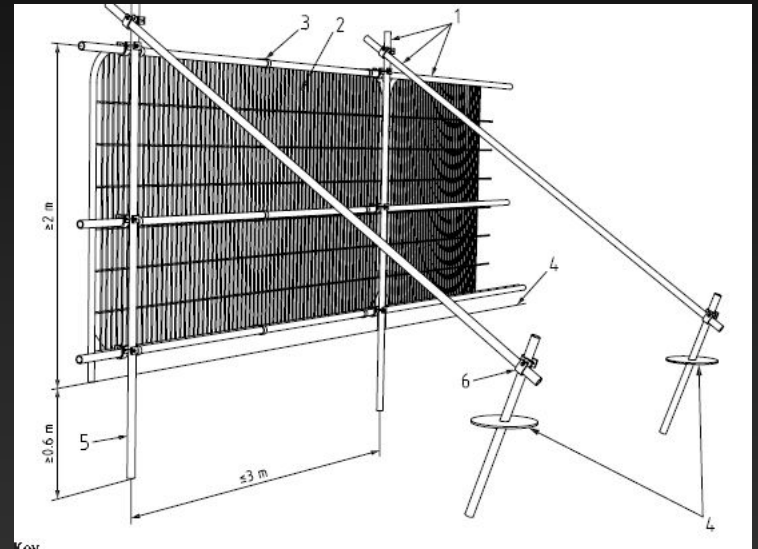


# Tree protection

BS5837 protection – only effective during site operations.

Requirements:

- Details of trees to be retained and RPAs
- Details of tree protection methods and defined Construction Exclusion Zones
- Site supervision



# New tree planting

Tree establishment depends on:

- Choice of stock
- Preparation
- Transportation, handling & storage
- Site preparation
- Planting
- Aftercare
- Management



# New tree planting conditions (DM)

2 stages essential – see Circular 11/95 Model Conditions re landscape

1. Design – to include full details of planting proposals, incl. specifications and timings (*to be discharged pre-commencement?*)
2. Implementation – to be carried out in accordance with approved details (*to be discharged post-completion*)
3. (optional) Management Plan – for woodlands, communal areas etc.

# TPO Conditions

Apply to consents for work:

- Standard of workmanship (BS 3998)
- Replacement plantings (other than like for like)
- Special circumstances (e.g. advance replacements)



# TPOs – a tree management tool

To be used for long-term tree protection

New and retained trees on development sites will have public amenity value – so worthy of TPOs?

Conditional TPOs – applied prior to planting, effective after planting

(see TPO Regs 2012, Schedule, Regulation 3(1), Form of Tree Preservation Order, 4. Application to trees to be planted pursuant to a condition)

# Highway trees – special considerations

- Use policy to establish value of street trees
- Engage with Highway Authorities re street tree management
- Consider unadopted streets with TPO street trees
- Consider designation of verges / central reservations / car parks as public open space with commuted sums for tree maintenance



**“A fool sees not the same tree that a  
wise man sees.”**

**William Blake**