



Trees and Development



Supplementary Planning Guidance



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Approved by Council
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CONTENTS

1.0	INTRODUCTION	PAGE 1
2.0	POLICY CONTEXT	PAGE 2
3.0	PROTECTION FOR TREES	PAGE 5
	3.2 Tree Preservation Orders	Page 5
	3.8 Conservation Areas	Page 6
	3.9 Planning Conditions	Page 6
	3.10 Covenants	Page 6
	3.11 Forestry Authority Controls	Page 6
4.0	PROTECTION OF TREES ON DEVELOPMENT SITES	PAGE 7
	4.1 Pre-Planning Application Stage	Page 7
	4.2 Planning Application Stage	Page 7
5.0	PLANNING CONDITIONS	PAGE 9
	5.1 Tree Protection	Page 9
	5.6 Tree Planting	Page 9
	APPENDIX 1 – CONTACTS	PAGE 12
	APPENDIX 2 – EXTRACTS FROM BS 5837: 1991 “GUIDE FOR TREES IN RELATION TO CONSTRUCTION”	PAGE 13
	APPENDIX 3 – EXAMPLES OF PLANNING CONDITIONS	PAGE 19
	APPENDIX 4 – TREE WORKS APPLICATION FORM	PAGE 21
	APPENDIX 5 – NATIVE TREES SPECIES	PAGE 24
	APPENDIX 6 – MONITORING SHEET	PAGE 25

1.0 INTRODUCTION

Background

- 1.1 The Eastbourne Borough Plan (1998) is currently being reviewed and the Draft Replacement Plan went on First Deposit in February 2001. The Plan will guide the development of the town to 2011.
- 1.2 Chapter 5 of the Replacement Plan "Urban Heritage and Townscape" includes a section on green landscape within the urban townscape of Eastbourne, recognising the valuable contribution trees make to the visual amenities of an area.
- 1.3 This supplementary planning guidance on trees and development is published in compliance with and expands on the policies contained in the Eastbourne Borough Plan (1998) and the First Deposit Draft of the Eastbourne Borough Plan (2001-2011). The document also consolidates guidance contained in the Eastbourne Townscape Guide (1994) and the Trees and Woodland Strategy (draft) (2000).
- 1.4 This document recognises the significant impact trees on private land have on the character of the town, and provides detailed information on ways to:
 - ensure the maintenance and protection of these existing trees,
 - encourage the complementary planting of new trees and,
 - ensure an appropriate balance is struck between the need for further development within the town and the impact this may have on trees and the landscape.

Consultation

- 1.5 This document is not a formal part of the Borough Plan. It is an informal policy document offering detailed advice on the policies in the Plan. This draft guidance has been published for consultation, to give developers, agents, tree surgeons and external organisations the opportunity to comment on its content. The comments received will be taken into consideration in producing the final version, which will be presented to Cabinet for Council approval.
- 1.6 The guidance will be taken into account as a material planning consideration when applications for planning permission are considered.

The Future

- 1.7 The supplementary planning guidance on trees and development and the processes used to ensure the effective implementation of the relevant Borough Plan policies will be monitored and reviewed throughout the Plan period.

1.0 POLICY CONTEXT

Structure Plan Policy

- 2.1 The East Sussex and Brighton & Hove Structure Plan covers the period 1991-2011. It is a requirement in the Plan that all development should conserve and sustain local landscape character. Opportunities to enhance local character should be taken and, in some areas, there may even be the opportunity to use necessary development to create appropriate new landscape character. In order to fully understand that character and provide appropriate advice at the local level, the Structure Plan recommends that landscape assessment work across the plan area should be carried out, and should form the basis of supplementary planning guidance.

Policy EN1 states:

" Development and change will be required to sustain, conserve and, where possible, enhance the character, local diversity and quality of the landscape and natural and built environment of the plan area including, where appropriate, the creation of new, equally good and distinctive local character. Features contributing to landscape character will be protected. A landscape assessment of the plan area will be carried out and advice provided as supplementary planning guidance for use in local plans."

Local Plan Policy

- 2.2 The Conservation and Townscape chapter of the Eastbourne Borough Plan (1998) includes a section on "Trees in the Urban Landscape". Policies CT3, CT11 and CT12 seek to ensure retention of existing trees and other landscape features and require the replacement of any trees lost as a result of development. Policy CT4 demonstrates the Council's ongoing commitment to making tree preservation orders having regard to the value of a tree or woodland on its immediate locality, the value from distant views, the individual quality, age and rarity of species.

"The Council will continue to make tree preservation orders, using the above criteria. Once subject to a tree preservation order, permission will not be given for felling or severe lopping. In the exceptional circumstances where permission to fell such trees is granted, the Council will require the replacement of any tree by one or more trees on the same site or in the immediate vicinity."

- 2.3 The Urban Heritage and Townscape chapter of the Eastbourne Borough Plan 2001-2011, First Deposit Draft, includes a section on "Greening the Urban Landscape" which contains policies on preserved trees, tree planting and landscaping:

Policy UHT6 states:

"Once subject to a tree preservation order, permission will not be given for felling or severe lopping. In the exceptional circumstances where permission to fell such trees is granted, the Local Planning Authority will require the replacement of any tree by one or more trees on the same site or in the immediate vicinity."

Policy UHT7 states:

"The Local Planning Authority will require tree planting proposals on development schemes to follow the advice in the Eastbourne Townscape Guide."

Policy UHT8 states:

"The Local Planning Authority will require that all development proposals should seek to make improvements to the physical environment through site layout and landscaping. In preparing proposals for development, consideration should be given to landscaping which will include protection and incorporation of existing trees, hedges, shrubs and other natural features on site, including ponds, together with proposals for new planting. The following factors will be taken into account when considering landscape proposals submitted with an application:

- a) Planning applications should show species, siting, plant size, including girth of trees, and planting density of all trees and shrubs proposed. A clear indication should be given on submitted plans of existing vegetation retained and removed and all new planting (see also policy NE24);**
- b) Where development is to take place, a condition will be imposed requiring all landscape proposals to be approved by the Local Planning Authority before development commences;**
- c) Where appropriate, the Local Planning Authority will require that some landscaping works are carried out before work is started in order to help assimilate the development into the townscape;**
- d) Where appropriate, the Local Planning Authority will impose conditions on planning consents or require bonds to ensure maintenance of replacement landscaping for lost, removed or failed planting within a specified period;**

- e) **Where appropriate, usually in visually prominent locations, the Local Planning Authority will impose conditions requiring planting species to comprise of indigenous stock that conserve local distinctive character;**
- f) **That the existing biodiversity on the site is not detrimentally affected and schemes that enhance the biodiversity are preferred (see policies NE19, NE20, NE21, NE22 and NE23)."**

2.4 In addition to the above policies, the Eastbourne Townscape Guide (1994) provides guidance on tree preservation orders, conservation areas, planning conditions protection of trees on development sites and planting of new trees.

Guideline T1 (enforceable protection of trees by tree preservation orders, in conservation areas and by conditions) states:

"In all the above instances the Council will assess the importance of the tree or woodland using the following criteria:-

- a) **value to its immediate locality**
- b) **value from more distant views**
- c) **individual quality or as an integral part of a group**
- d) **age**
- e) **rarity of species**
- f) **condition**

Trees that are considered important to the site, street or area, will be expected to be retained."

Guideline T2 (protection of trees on development sites) states:

"When the Council give permission for the development of a site and there are trees requiring protection, it will normally require by condition the retention of the trees and measures for their protection during demolition and construction in accordance with the latest British Standards (currently BS 5837:1991)."

Guideline T3 (planting new trees) states:

"In conservation areas and on land adjoining listed buildings, the Council will normally expect new planting in locations visible from public areas to be of species that are common in Eastbourne."

Guideline T4 (planting new trees) states:

"Council will normally expect that planning applications with landscaping proposals give details of the height, species and location of new trees."

2.5 Finally, the Council's Trees and Woodland Strategy (draft) (2000) seeks to:

- a) promote the importance of trees and woodland in enhancing the landscape of Eastbourne;
- b) provide for the long term continuity of trees and woodlands in the Borough in both public and private ownership;
- c) improve the town's environment; maintaining and improving the character and appearance of the town by actively undertaking and promoting tree planting and the care of trees;
- d) promote and improve opportunities for recreational use of the woodlands and
- e) promote greater community ownership and awareness of Eastbourne's Trees and Woodland.

2.0 PROTECTION OF TREES

- 3.1 Local Planning Authorities have a duty under the Town and Country Planning Act 1990 to ensure adequate provision is made for the preservation and planting of trees when granting planning permission. Existing trees can be protected by one of four ways:-

Tree Preservation Orders

- 3.2 Where a tree or group of trees on private land has significant public amenity value and/or is considered to be at risk from a proposed development, the Council can make and enforce tree preservation orders (TPOs).
- 3.3 Eastbourne has 70 TPOs (April 2001) covering individual trees, groups of trees and woodlands. When a TPO is made it is served on the owner of the land upon which the tree(s) is situated and the owners of land immediately adjoining the site. When an order is to be made on a development site, it is also served on the person(s) applying for planning permission and their agent(s).
- 3.4 Tree preservation orders prevent the cutting down, topping, lopping, uprooting, wilful damage or destruction of trees. The carrying out of any of the above is a criminal offence and anyone found guilty of such an offence is liable, if convicted in the Magistrate's Court, to a fine. (up to £20,000 as at 2001).
- 3.5 When works are required to be carried out to a tree(s) protected by a TPO, it is necessary to submit an application for consent. The permission of the Council is required before any works can commence. In completing the application form, reasons for the proposed tree works must be given and the tree(s) in question must be identified on a plan. In addition, applicants may choose to submit a report from a qualified arboriculturist or tree surgeon to justify the works proposed. Any proposed works are expected to be appropriate to the tree(s) and its (their) situation; permission will not be granted for works that would

adversely affect the tree(s), the visual amenity it (they) provide(s), or its (their) long term health and retention.

- 3.6 If permission is given to remove a tree, the Council will require the planting of a replacement of a similar size and species, on the same site or within the immediate vicinity. If permission is refused, an informative may be added to the decision notice indicating whether alternative works would be acceptable.
- 3.7 An application form for consent to carry out tree works is attached at Appendix 4 and details of recommended arboriculturist and tree surgeons working in the Eastbourne area can be obtained from the Arboriculturist Association, whose address and telephone number is listed in Appendix 1.

Conservation Areas

- 3.8 Trees in conservation areas are protected by conservation area legislation. Anyone wishing to carry out any surgery or felling of such trees, must submit an application as detailed in paragraph 3.5 above and give six weeks notice before work can commence. During this time the Council can consider whether or not it would be appropriate to make a TPO. In the meantime it is a criminal offence to cut down, top, lop, uproot, wilfully damage or destroy a tree within a conservation area. If the Council decide not to make a TPO, then consent will be granted for the proposed works and if an applicant does not hear from the Council after six weeks from the date of the submission of the application, work can proceed.

Planning Conditions

- 3.9 When a proposal for development is received by the Council, a question on the planning application form asks if any trees on the site are to be felled. If the Council considers that any existing trees make an important contribution to the site, street or area, a condition to retain them can be placed on the planning permission. More detailed information on planning conditions can be found in Part 5 of this guidance.

Covenants

- 3.10 A number of trees on land within Eastbourne are protected by covenants. These covenants are in place on Council owned land throughout the Borough as well as on the Ratton and Anderida Estates, in the north west region of the town. Any works proposed to trees protected by covenants will require the submission of an application for permission to carry out the works, as detailed in paragraph 3.5 above.

Forestry Authority Controls

- 3.11 In certain circumstances it will be necessary to apply for a licence from the Forestry Authority for the felling of trees. For further information as to whether a licence is required, the Forestry Authority should be contacted prior to the commencement of any work. Their address and telephone number are contained in the list of contacts in Appendix 1.

3.0 PROTECTION OF TREES ON DEVELOPMENT SITES

Pre-planning application stage

- 4.1 Prior to submitting a planning application on a site where trees are present, or are on immediately adjoining land, it is advisable to contact the Council to arrange a site meeting with officers to discuss the development proposals, assess the possible impacts on the trees and suggest possible amendments. On major development sites it is also deemed essential that landscape proposals are considered at an early stage of the planning process, to ensure full integration of the green and built environment. Consideration should be given to retaining as much of the sites natural assets as possible, as this will help the development blend into the surrounding streetscape. The new development should therefore be planned around the vegetation.

Planning application stage

- 4.2 At the full or outline planning application stage, the Council will require the submission of a full tree survey if there are any trees either on or immediately adjoining the development site. The survey should be carried out in accordance with the criteria and classification system outlined in British Standard (BS) 5837 (1991) "Guide for Trees in Relation to Construction" and should accurately identify all trees and hedgerows on site, their condition, height and crown spread. It will also be necessary to indicate which trees are intended to be removed and to submit proposals for any remedial tree surgery work.
- 4.3 The positions of all buildings and structures (including walls and fences) and hard surfaces in relation to the positions of the trees must be accurately plotted, along with the intended positions of drains and services, both above and below ground. Any alterations to ground levels in the vicinity of the trees must also be shown.
- 4.4 When considering trees for retention it is important to consider their ultimate size and consequently their proximity to the development. Orientation is also important as excessive shading of windows, may lead to requests from new owners to carry out pruning or even felling to overcome the problem. In deciding upon which trees it is appropriate to retain and the acceptable distances of buildings, structures and hard surfaces from these trees, it is recommended that applicants use BS 5837 as a starting point. The standard indicates the minimum recommended distance around the tree that should remain undisturbed to avoid unacceptable root damage. In practice acceptable distances

of buildings from trees are likely to be in excess of the minimum recommended.

- 4.5 The feasibility of constructing hard surfaces in close proximity to trees without causing unacceptable root damage will depend on the ground level and the type of surface proposed. A method statement should therefore be provided indicating how damage to tree roots will be avoided, if hard surfaces are proposed at distances less than those recommended by BS 5837. This also applies to structures requiring foundations, such as walls, in which case, the method statement should provide details of foundation design. Reference should also be made to the Arboricultural Advisory and Information Service Practice Note 1 (1996), when constructing hard surfaces.
- 4.6 Tree roots are usually found within the top 600mm of soil extending radially for distances frequently in excess of the tree height. All parts of the root system are vulnerable to damage. The factors most commonly causing damage to roots are compaction of the ground, changing soil levels, raising of water levels, covering of the root area with impervious surfaces and spillage of contaminants including petrol, diesel, oil, lime or cement.
- 4.7 Applicants must ensure that statutory undertakers are made aware of those areas where services cannot be laid because of the proximity of tree roots. Where any new development will require significant additional underground servicing, they shall be accurately shown on the application drawings and thereafter, when provided on site, shall be laid in ducts, to prevent future access to the services resulting in significant damage to the roots of the existing and proposed trees. In order to minimise danger, the mechanical excavation of trenches must cease as soon as a tree root is first encountered. The trench should thereafter be hand dug, leaving tree roots of 40mm or more in diameter intact, bridging the trench. Trenches must be filled in by hand as soon as possible after the excavation, to prevent roots drying out and dying.

5.0 PLANNING CONDITIONS

Tree Protection

- 5.1 When planning permission is granted for development, conditions can be attached, to secure a protective zone around trees to be retained, for the duration of the construction period, in order to avoid disturbing the important ground area above the trees roots. Where a group of trees are to be retained, they should be protected as a group.
- 5.2 The zone will vary depending on the age, size and vigour of the tree. This assessment will need to be made by an expert and BS 5837 suggests minimum distances from the centre of the trunk ranging from 2 metres radius for a young tree of less than 200mm trunk diameter, to

12 metres radius for a mature tree with a trunk in excess of 750mm diameter (diameters measured 1.5 metres above ground level).

- 5.3 Once defined the area should be sacrosanct and protected with a stout fence, to a height of 1.2 metres and no development shall commence on site, until all of the necessary protective fencing has been erected. (Examples of protective fencing as recommended by BS 5837 are provided in Appendix 2) The fencing should be strong and suitable for local conditions, commensurate with the degree of activity on site. Under no circumstances should any storage of materials, vehicles or the stationing of temporary buildings be permitted within the protected area. Should temporary access be required within the protective area, written approval must be obtained from the Planning Authority. Once development commences on site, it is recommended that a fortnightly monitoring sheet be filled in by the developer, to ensure a regular dialogue is maintained with the Council, regarding the progression of the scheme. Completion of such a form will ensure Officers are kept up to date with the development, identify any potential problems and anticipate the demand for site meetings (copy of monitoring sheet is attached at Appendix 6).
- 5.4 When using cranes, diggers, other equipment with booms or other high sided vehicles, extra care must be taken to avoid accidental damage to the aerial parts of the tree(s). Access routes around the site should be defined to avoid such damage.
- 5.5 The heat from a fire can cause irreparable damage to a tree. No fires must be lit where the flames could extend to within 5 metres of the trunk, foliage or branches.

Tree Planting

- 5.6 In addition to conditions to secure the retention of existing trees, they can be attached to the granting of planning permission to secure the planting of new trees. Details of the landscaping scheme for a proposed development should be submitted with the planning application. The Council will expect to see good and appropriate landscaping with the use of native species or other species that are particular to Eastbourne, in order to retain and enhance the character of the local environment. (Details of native species are contained in Appendix 5)
- 5.7 Young trees come in many shapes and sizes but the most popular sizes are:

Transplants: These are used for woodland or block planting and are usually 350-450mm in height and are bought bare rooted or in root trainers.

Standards: These are 2.5-3.0 metres in height with a clear stem. They have a stem crown ratio of 2:1, with a stem girth between 80-100cm. These are more expensive than transplants and are used in parks or highway planting of individual trees. These can be purchased as bare root or containerised/root balled.

Semi-mature: These are large trees with a height of 6-9 metres and a stem girth of 200-750cm and are relatively expensive. They are mainly purchased root balled and are used for prestigious developments where an instant tree effect is desired.

- 5.8 The planting time for bare root trees is best carried out in the dormant season between October and March, but with root balled or containerised stock, the planting can be carried out at any time (although periods of frost and waterlogged soils should be avoided).
- 5.9 The first step is to excavate the planting pit. This should be large enough to allow the tree's roots to spread outwards without any hindrance, and the depth should also be sufficient to allow the tree to be planted at its original level indicated by the soil mark on the stem. The walls and base of the pit should be forked over to aid drainage and aeration. The top soil should be separated from the sub-soil. If the top soil is of poor structure or quality, it should be exchanged for one that is good quality and weed free. No fertilizer, grass clippings or manure should be used at this time. This is better carried out in the following growing season.
- 5.10 Before placing in the pit, the tree should be provided with a stake which is not of such a height so as to interfere with the tree branches. The stake will keep the tree secure whilst it is becoming established.
- 5.11 The tree should now be placed in the pit and the soil backfilled, gradually firming each layer with the heel of the boot, avoiding damage to roots. Between layers, the tree should be shaken to avoid air pockets around the roots. The tree can then be attached to the stake with a tree-tie and spacer. The spacer will prevent chafing of the bark provided it is altered as the tree grows.
- 5.12 A mulch of bark chippings or a plastic mulch mat should be placed to cover a 2 metre diameter area around the tree, to prevent competition from grass and weeds claiming the moisture. The tree should be well watered after planting, the weed free zone should be maintained and the stake tie should be regularly checked. This basic maintenance is especially important during the first two to three years.
- 5.13 The implementation of all landscaping schemes must be adequately supervised by the developer's appropriately qualified agent, to ensure proper implementation in accordance with the agreed specification.

- 5.14 Some examples of standard planning conditions used to ensure the protection of trees during construction period and to secure new planting in a development are attached at Appendix 3.