

TREES AND PLANNING



The Government Standard



100%
people
driven

HOW ARE TREES PROTECTED?

- Automatically by being located within a conservation area
- A tree / group of trees are protected by a specific tree preservation order
- A planning condition on a planning permission

TREES IN CONSERVATION AREAS

- Automatic protection if the trunk is over 75mm or 3 inches in diameter (roughly an adult's wrist size) when measured at 1.5 metres height above ground level (roughly adult chest height)
- Works to fell or prune need permission
- 6 weeks to decide applications & failure to do so means automatic permission for the works
- If the Council wants to refuse the works it must serve a TPO on the tree

TREE PRESERVATION ORDER TREES

A Council can protect a tree / trees by way of a TPO if it is 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'

- Position / prominence / visibility.
- Rareness
- Age / life expectancy
- Historic value
- Threat

MAKING A TPO

Provisional order served on owner / those with an interest (28 day consultation minimum)

Consideration of any representations received
Council can:

- Confirm the order without modification
- Confirm with modification
- Withdraw the provisional order

REVOCAATION / MODIFICATION OF A TPO

- TPO's can be revoked if they are no longer required
- TPO's can be modified to add and delete trees
- Same process as making a TPO

WORKS TO TPO TREES

- Application needed to prune or fell
- If felling approved then a replacement can be conditioned
- Can serve a replacement notice if the condition isn't complied with
- Replacements must also be provided if a tree dies
- Unauthorised felling / works are an offence and those responsible are liable to prosecution (max £20k)

WORKS TO TREES

Common tree work operations



General information - The common operations described and simply illustrated here show some of your options.

An arborist should be able to help in defining the work that will be appropriate for the tree(s) and in line with British Standard BS 3998 - **Recommendations for Tree Work**.

- Please note that the entire branch system is known as the 'crown'.
- LPA approval is not required to remove **dead branches**.



Crown Thinning - This reduces the density of the tree's crown without changing the overall shape and size of the tree. Thinning reduces the amount of foliage and allows more light through the canopy or crown.

The amount of thinning proposed should be specified as a percentage (%) of the leaf area (usually no more than 30%).

- Useful for letting more light into gardens and windows



Crown Lifting - This means removing lower branches to increase the clearance between the ground and the crown.

Identify the branches you wish to remove, or specify a height above ground level to which you wish to "lift" the crown.

- Useful for allowing more light into gardens
- Prevents low branches obstructing paths, drives etc.



Crown Reduction - The tree crown is reduced by shortening branches, and so changes the overall size and shape of the tree. Reductions are usually carried out all round the outer parts of the crown to maintain a balanced shape, but seldom should it include cutting through the main stem.

The amount of reduction proposed should be stated in terms of the intended height and spread of the tree after pruning (rather than what percentage (%) of the overall crown is to be removed).

- Partial reduction may be useful for preventing branches contacting buildings, roofs and guttering

WORKS TO TREES

Acceptable Reasons for Works

- Dead, dying, dangerous
- Overhanging physical building
- Damage

Likely Unsuccessful Reasons

- Leaf litter / twig drop
- Tree sap / dew
- Bird mess
- Loss of light

Topping / pollarding of most tree species likely to be unacceptable unless tree has a history of being pollarded or the pollarding is taking place at the appropriate age for the tree.

PLANNING APPLICATIONS

Where there are trees on or adjacent to the site a **tree survey** is submitted (to British Standard)

1. Each tree is given a unique reference number, which is the first stage of the 11 point schedule for every tree in the area.
2. The scientific and/or common name of each species will be noted.
3. If there is a Tree Preservation Order or it has Conservation Area protection, it should be recorded.
4. Height of every tree in metres.
5. Stem Diameter (cm) measured from 1.5 above ground level.
6. The 'branch spread' to North, South, East and West.
7. Age class. Categorized as young, semi-mature, mature, over-mature, veteran.
8. Physiological and structural condition – documenting health and any defects.
9. Preliminary management recommendations.
10. Remaining 'useful life' of the tree.
11. A Tree Quality Assessment – this uses all the above data to categorise trees for removal or retention.

PLANNING APPLICATIONS

Tree Constraints Plan

This must show the following five things for each tree in the area:

1. Accurate position and crown spread.
2. Tree Quality Assessment.
3. Root Protection Area.
4. Future Growth Potential (crown spread and height)
5. Shade footprint throughout the day. Based on future growth potential

PLANNING APPLICATIONS

- The characteristics of trees on site may mean that the LPA serves a TPO on those worthy of protection
- If the development can take place without undue harm to the trees and provide for a satisfactory level of residential amenity, conditions will be placed on the planning permission so that the protected trees have physical fence protection around them during the build
- May also use conditions to control method of construction e.g. hand dug foundations, no dig access construction