

TREES IN RELATION TO DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT



September 2009

Preface

This Supplementary Planning document (SPD) was adopted by Exeter City Council's Executive Committee on 15th September 2009.

The following supporting document was prepared:

- A Consultation Statement describing the consultation that was undertaken during the preparation of the document and the result.

The Supplementary Planning Document, the supporting document, relevant development plan and other documents referred to by the SPD and prepared by the City Council can be seen on the City Council's web site www.exeter.gov.uk or at the Council's Customer Service Centre, Civic Centre, Paris Street, Exeter.

Copies of the document and additional information can be obtained by contacting Catherine Jowitt on 01392 265226 or catherine.jowitt@exeter.gov.uk

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Introduction

Trees are an important part of the environment and their successful retention in new development is for the benefit of the whole community. Trees enhance landscape and townscape character, provide habitats for wildlife, and reduce the effects of pollution. They are positive elements in the cultural and economic life of the city and this document has been produced to assist all those involved with development to successfully integrate trees into the built environment. Following the principles outlined will ensure that as many good quality trees are retained and successfully incorporated as appropriate.

Purpose of the Supplementary Planning Document (SPD)

This SPD identifies the minimum information required by Exeter City Council when dealing with applications for works to protected trees and when considering a planning application on a site that contains or is adjacent to trees. The document will be subject to consultation prior to adoption by the City Council. Together with other documents the Council will rely on this SPD to determine planning applications and defend decisions at appeal. Applications will need to comply with this SPD in order to be successful.

Planning Policy

This SPD is designed so that it can be used in conjunction with both the Local Plan and subsequently the Local Development Framework. Policy DG1 and paragraphs 13.10 to 13.14 provide tree and Landscape policy in the Local Plan. This material will be replaced by the relevant Core Strategy policy and supporting text when this is submitted. Similarly, it will be amended in the light of any changes introduced by the Inspector's Binding Report.

CHAPTER 1 LEGAL FRAMEWORK

Prior to undertaking any work to trees within or adjacent to a development site it is advised you contact the Council's Design Assistant to ascertain if any trees are protected by Tree Preservation Orders, Conservation Area legislation or Planning Conditions. Email: Catherine.jowitt@exeter.gov.uk. [Planning Services](#)

Overview of Tree Preservation Orders

1.1 Trees can be protected by a number of statutory instruments, the most widely known are Tree Preservation Orders (TPO). A TPO can protect individual trees, groups, areas and woodlands. The legislation regarding trees is encompassed within Part VIII the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees) Regulations 1999. In addition to TPO's the Town and Country Planning Act makes provision for protecting trees within conservation areas.

1.2 Information regarding both TPO's and trees within conservation areas can be found within a publication entitled Tree Preservation Orders A Guide to the Law and Good Practice produced by Communities and Local Government.

1.3 An addendum sets out the Government's policy advice on changes to the Tree Preservation Order system. These changes include a mandatory standard application form and a fast-track appeals process administered by the Planning Inspectorate. The above changes arise from the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Amendment) (England) Regulations 2008, which came into force on 6 April 2008, and the Town and Country Planning (Trees)(Amendment)(England) Regulations 2008 that came into force on 1 October 2008. The following links can be used to download the publications referred to above.

[Tree Preservation Orders A Guide to the Law and Good Practice](#)

[Tree Preservation Orders A Guide to the Law and Good Practice Addendum](#)

1.4 The following link to the government website provides answers to frequently asked questions:

[Protected trees: A guide to tree preservation procedures](#)

Tree Preservation Orders

1.5 TPOs are formal, documented designations with the backing of national law. It is a criminal offence to carry out works to a protected tree without consent although specific exclusions do exist; professional advice is recommended.

- i) TPOs are made, and the files held, by the City Council
- ii) Any size tree can be protected, but the tree must have visual amenity, or the potential for future visual amenity
- iii) TPOs prevent pruning or felling, without consent from the Council
- iv) Applications to undertake work to a tree subject to a TPO must be on the standard form. Link: [Application form](#)

1.6 Following receipt of the completed form the tree/s will be inspected by the Council's Landscape and Tree Officer. A decision to grant consent or refuse consent will normally be made within eight weeks.

- i) Applications are publicised by letter to local residents, site notices and/or published on the Council's web site.
- ii) If a tree is dead, dying or dangerous a formal application to the Council is not required but contractors or tree owners are advised to give five days notice of intended work.
- iii) Statutory Undertakers in certain instances are exempt from the necessity to apply to undertake work, for example when tree work is required in the interests of safety, and/or undertaking inspections, repairs or renewals. Statutory Undertakers are not exempt if tree work is required to construct site compounds or for the erection and or placement of site huts. ([See section 6.20](#) in the Tree Preservation Orders A Guide to the Law and Good Practice.)
- iv) The penalty for unlawful felling is a fine up to £20,000 and £2500 for unlawful pruning.
- v) If consent is refused an appeal can be made to the planning inspectorate. For more information contact

Environment Appeals Team
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Tel: 0117 372 8192

Email environment.appeals@pins.gsi.gov.uk

Website <http://www.planning-inspectorate.gov.uk/>

Guidance is available from [TPO appeal guidance](#)

Trees within Conservation Areas

1.7 Conservation areas are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. Designation as a conservation area brings under control works to trees as follows:

- i) Prevents pruning or felling of any tree over 7.5cm diameter, at 1.5m above ground level, (or 10cm if thinning to help the growth of other trees) without giving the Council six weeks prior notification.
- ii) Notification can take any form (a section 211 notice). It must describe the work proposed and include sufficient particulars to identify the trees.
- iii) The six weeks notification allows time for the Council to create a TPO if appropriate.
- iv) If a tree is dead, dying or dangerous notification to the Council is not required but contractors or tree owners are advised to give five days notice of intended work.
- v) Penalties for destruction of a tree are a fine up to £20,000 and £2,500 for unlawful pruning.

For additional information see [Chapter 9](#) in Tree Preservation Orders A Guide to the Law and Good Practice.

Hedgerow Regulations

1.8 Hedgerow Regulations can apply to most countryside hedgerows in England and Wales in particular it affects hedgerows which are 20 metres or more long. The legislation regarding hedgerow regulations 1997 is included within Section 97 of the Environmental Act 1995. If planning to remove a hedge or a section of hedge contact the Landscape and Tree Officer.

Planning conditions

1.9 Planning conditions are attached when planning permission (either outline or full) is granted and can cover a wide variety of activities and procedures. These can include restrictions regarding the future management and/or removal of trees, or may relate to protection of trees prior to and during development activity. Failure to comply with planning conditions may result in enforcement action. In a serious case the Council could apply for an injunction to halt work on the site.

1.10 Notwithstanding the above planning conditions are now not regarded as the best way to protect trees in the long term. The Council will now protect new and retained trees on development sites by the use of TPOs.

Felling Licences

1.11 A felling licence is required for the felling of a relatively low volume of wood. Five cubic metres of timber can be felled in any calendar quarter without a licence as long as no more than two cubic metres are sold. This amount of timber may equate to as little as two or three large oak trees. Failure to obtain a felling licence may result in fines and requirements for re-stocking. Further information is available from:

South West England Office
Forestry Commission
Mamhead Castle
Mamhead
Exeter
Devon
EX6 8HD

Tel: 01626 890666
Fax: 01626 891118
Web: <http://www.forestry.gov.uk/>

For additional information see [Section 6.28](#) in Tree Preservation Orders A Guide to the Law and Good Practice.

[Frequently Asked Questions](#) about Felling Licence Regulations.

Wildlife habitats

1.12 No works should contravene the Wildlife and Countryside Act 1981 (Section 1) as amended by countryside & Rights of Way Act 2000 (CROW Act) and must take into account any protected species including bats and nesting birds. An ecological evaluation should be carried out where it is likely that wildlife habitats may be present.

1.13 Wildlife sites should be protected and, whenever possible enhanced as promoted in the Natural Environment and Rural Communities Act 2006. Contact the Council and/or Natural England to assess and advise if the development has the potential to have an adverse impact on the wildlife features of the site. Trees should be inspected for wildlife, including bat surveys. Hedges and other wildlife sites are vulnerable to construction works. The Council and Natural England can advise if the development will have an adverse impact on the wildlife features of the site, and how to reduce or avoid these.

Covenants

1.14 Trees may be subject to covenants. They are private matters of no concern to the Council. People should seek private legal advice if they are concerned about covenants.

Civil matters

1.15 In exceptional cases works may be carried out without consent to prevent or abate a nuisance. Landowners should contact the City Council to discuss the works in order to avoid criminal liability.

CHAPTER 2 TREES AND DEVELOPMENT

British Standard BS5837: 2005 Trees in relation to construction

2.1 British Standard 5837:2005 is a key reference document with regard to trees and development. The following is an extract from the scope of the standard.

“This British Standard gives recommendations and guidance on the principles to be applied to achieve a satisfactory juxtaposition of trees, including shrubs, hedges and hedgerows, with structures. It follows, in sequence, the stages of planning and implementing the provisions which are essential to allow development to be integrated with trees”

2.2 People involved with planning and managing development sites that contain or are adjacent to trees should be aware of this British Standard and its content. Copies of the British Standard can be purchased from [British Standard 5837:2005](#)

2.3 Figure 1 within BS5837: 2005 is a flow diagram, summarizing planning for trees on development sites that should be followed. The chart clearly identifies the step by step process of integrating trees successfully into a development from initial land survey to first occupancy.

Flow Diagram

The following is a simplified version of the flow diagram summarising the principal steps to be followed

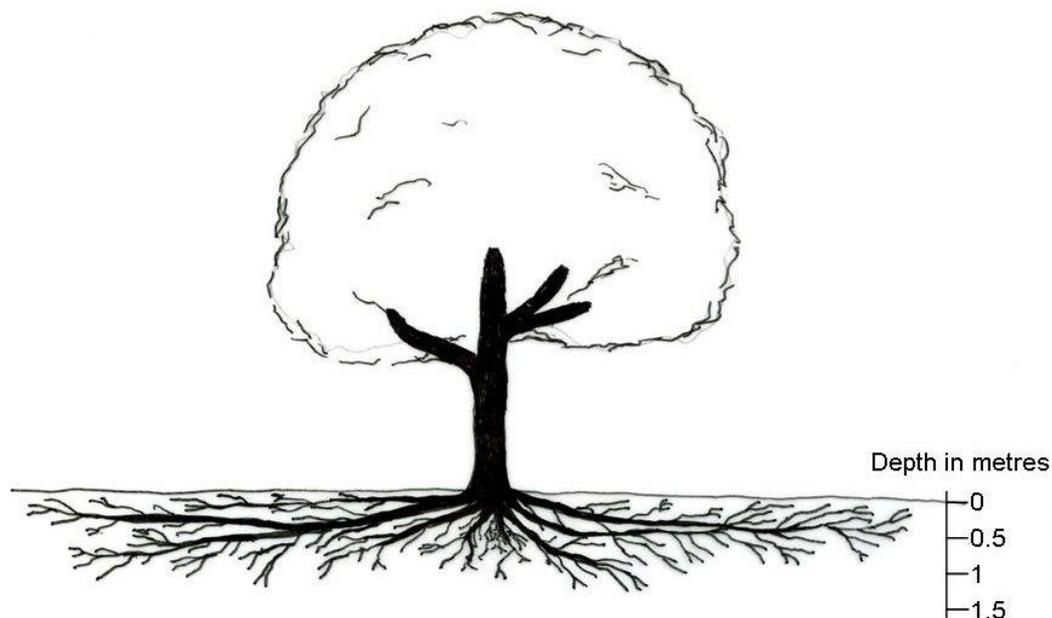


Rooting structure

2.4 Rooting structure is a key issue when dealing with trees and development. To ensure the survival of trees the British Standard Institute has introduced the concept of a Root Protection Area (RPA). The RPA is an area surrounding a tree that contains sufficient rooting volume to ensure the tree's survival and is represented in square metres. RPAs will need to be agreed with the City Council. (BS5837 2005 discusses the extent and form of a tree's root system.)

2.5 The following diagram represents the typical rooting pattern of a tree. Note that 90% of the tree's roots are usually located within the top 1m of soil and that roots may spread well beyond the canopy. Therefore, no works are allowed within the RPA. Even a small trench 0.5 metres deep to accommodate a cable or drain may lead to the loss of the tree. When work is proposed or is absolutely necessary within the RPAs of retained trees the proposals will only be considered if supported by an agreed robust and realistic Arboricultural Method Statement, following recommendations within BS 5837 2005.

Typical rooting structure of a tree



2.6 To successfully integrate trees into a development it will be a planning requirement to allow enough space in the design to allow trees to mature and flourish and to agree protection measures during the entire construction phase. Trees should be considered at the earliest design stage to allow them to be successfully integrated into new development, a survey of trees on and adjacent to the site should be one of the first steps in the design process.

How can trees be damaged?

Compaction of the soil

2.7 When soil is compacted, the soil structure is damaged by removing the spaces between soil particles preventing the exchange of gases and uptake of nutrients by trees. The storage of materials, including bricks, soil, gravel and cement, and the movement of vehicles can cause compaction. One vehicle movement can cause sufficient compaction to damage a tree. Compacted ground may alter soil drainage, resulting in the ground becoming waterlogged. The storage of materials and the movement of vehicles within RPAs will only be permitted when it is shown to be absolutely necessary and supported by an agreed robust and realistic Arboricultural Method Statement.

Excavations

2.8 Excavations within the RPA are likely to cause root severance. This may lead to loss of vigour, reduced uptake of water and nutrients, allow access for decay organisms and may compromise the tree's stability. Under exceptional circumstances, where excavation may be justified, hand digging will be required and the presence of an arboricultural consultant to supervise the works will be required on site.

Ground level changes

2.9 Both reduction and raising of soil levels can be detrimental even if this is only by a few centimeters. Reducing ground levels may sever roots, and can increase the drainage of a site thereby reducing water availability. Raising ground levels can cause compaction, and suffocate roots. There will be a presumption against the changing of ground levels within RPAs. Changing of ground levels within RPAs will only be permitted when it is shown to be absolutely necessary and supported by an agreed robust and realistic Arboricultural Method Statement.

Impact damage

2.10 This can be caused by machinery and includes torn branches, and damage to bark and trunk. Damaged areas of trees can allow the entry of decay organisms and reduced vigour. There will be a presumption against the movement of machinery and equipment within RPAs. The movement of machinery and equipment will only be permitted when it is shown to be absolutely necessary and supported by an agreed robust and realistic Arboricultural Method Statement.

Soil contamination

2.11 This can be caused by the spillage of oil, fuel and chemicals, mixing cement or other materials. To prevent leaching through the soil where significant tree roots can be found, all chemicals should be kept in a safe storage area down hill from trees at least 10m from the RPA. There will be a presumption against the storage of chemicals within 10m of the RPAs of retained trees and storage will only be permitted when it is shown to be absolutely necessary and supported by an agreed robust and realistic Arboricultural Method Statement.

Fires

2.12 Conducted and radiated heat as well as flames will damage trees resulting in the loss and damage to both major and fibrous roots, and damage to the trees vascular system under the bark even if the bark does not appear burnt. Keep fires a minimum of 10m from the outer crown spread of any retained trees or vegetation. If this clearance is not achievable, all waste must be disposed of off-site.

Protective Fencing

2.13 To ensure that roots are successfully protected RPAs will be required to be fenced off using fencing to BS 5837:2005 specifications as indicated below.

BS5837: 2005 Protective barrier

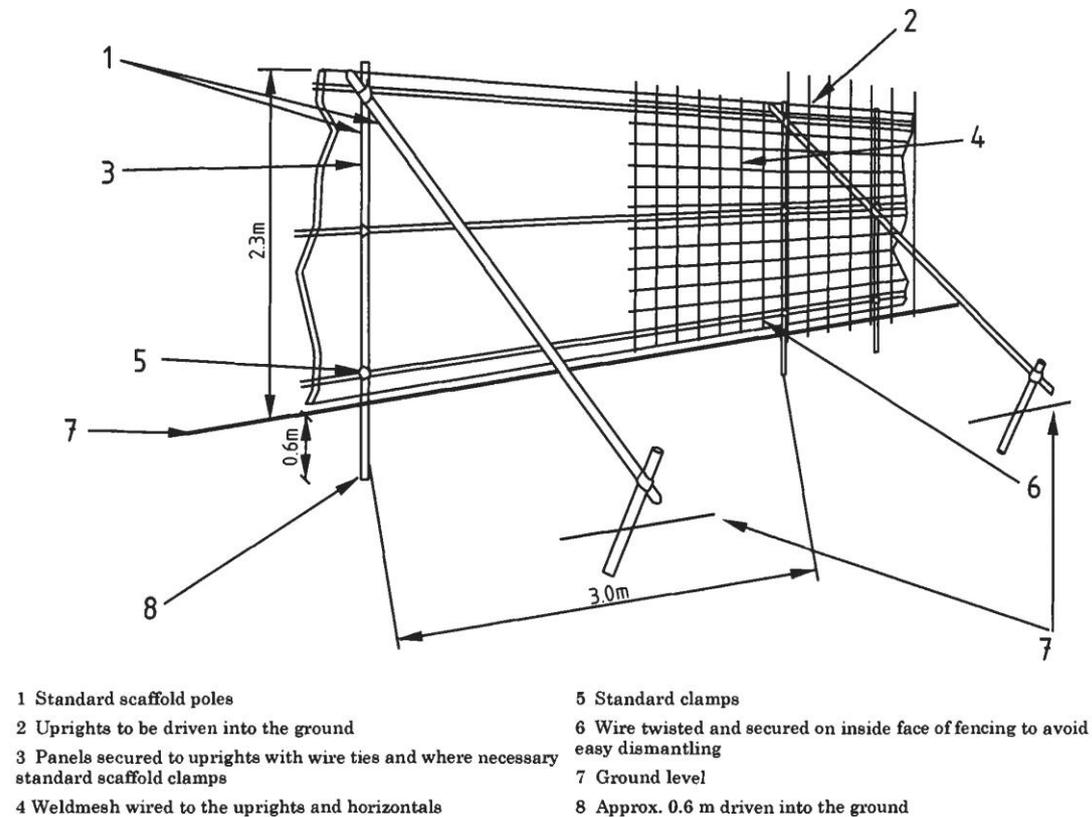


Figure 2 — Protective barrier

Surveys

2.14 A tree survey should be submitted as part of a comprehensive survey of a development site. Should a site survey require vegetation clearance to reveal existing features this is to be undertaken by hand held machinery. Mechanized flails may be used in areas outside the RPA of trees, taking care not to damage the soil structure within areas identified for new planting.

Quality of plans

2.15 All submitted plans and plans prepared for use during pre-application discussions must include the following

- Suitable, workable and recognized scale.
- North point.
- Key, all colours shown on the plan must be shown on the key

Existing site plan

2.16 To enable tree information to be seen within the context of other constraints, a site survey should be carried out covering the following:

- Existing buildings/structures.
- Existing hard surfaces.
- Water courses.
- Overhead cables.
- Underground services.
- Levels across the site.
- Location of all existing trees over 7.5cm in diameter measured at 1.5m above ground level within the site,
- All trees whose crown overhangs the site, or trees within a distance equal to 12 times their stem diameter (measured 1.5m above ground level) from the boundary, or 10 times their base diameter in the case of multi-stemmed trees.
- Accurate crown spread, if this is irregular it should be shown as such.
- Hedgerows and shrub masses, including a list of the woody species that they contain.
- Details of any features within hedges for example, banks or supporting walls.
- Wildlife features.
- Historical features.

Tree survey

2.17 A competent Arboriculturist (see BS5837: 2005 section 2.2) with experience of working with trees on development sites should undertake the tree survey in accordance with British Standard 5837:2005 "Trees in relation to construction".

2.18 The survey must show the location of all trees accurately, and include the following information, some of which may be presented on a separate table. The accurate submission of this information will allow for the full appraisal of the trees on the site, by both the developer and the Council.

- Reference number.
- Species.
- Height.
- Height of crown clearance.
- Crown spread of each tree (in relation to all four compass points).
- Diameter of the trunk measured at 1.5m above ground in millimeters on single stem trees and immediately above the root flare on multi-stemmed trees.
- Age class (e.g. young, middle age, mature, over mature, veteran).
- Assessment of the structural and physiological condition including trunk, crown and roots.
- Tree management recommendations.
- Trees to be felled as part of development proposal.
- British Standard category grading
- RPA

Identifying trees suitable for retention BS 5837:2005 Tree Categorisation

2.19 Table 1 within BS5837:2005 “Cascade chart for tree quality assessment” shows how trees should be categorised. Section 4.3 of the standard describes how the cascade chart should be used. Section 4.3.6 states that it should first be determined if a tree falls into the R (Remove) category. If a tree is in a satisfactory condition to be retained then consideration should be given to its inclusion into an A, B or C category. The Council regards pre application discussions as a useful process for both the applicant and the Council. For both sides to gain the maximum benefit from pre-application discussions the categorisation of trees, and a constraints plan should be agreed with the Council at an early stage.

2.20 It should not be assumed that C category trees that constrain development may be removed. The Council will consider each site individually and on its own merit, giving consideration to the surrounding landscape, and existing tree cover.

BS5837:2005 Table 1 - Cascade chart for tree quality assessment

TREES FOR REMOVAL				
Category and definition	Criteria			Identification on plan
<p>Category R Those in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management.</p>	<ul style="list-style-type: none"> • Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other R category trees (i.e. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) • Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline • Trees infected with pathogens of significance to the health and/or safety of other trees nearby (e.g. Dutch elm disease), or very low quality trees suppressing adjacent trees of better quality <p>NOTE Habitat reinstatement may be appropriate (e.g. R category tree used as a bat roost: installation of bat box in nearby tree).</p>			DARK RED
TREES TO BE CONSIDERED FOR RETENTION				
Category and definition	Criteria - Subcategories			Identification on plan
	1 Mainly arboricultural values	2 Mainly landscape values	3 Mainly cultural values, including conservation	
<p>Category A Those of high quality and value: in such a condition as to be able to make a substantial contribution (a minimum of 40 years is suggested)</p>	Trees that are particularly good examples of their species, especially if rare or unusual, or essential components of groups, or of formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands which provide a definite screening or softening effect to the locality in relation to views into or out of the site, or those of particular visual importance (e.g. avenues or other arboricultural features assessed as groups)	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)	LIGHT GREEN
<p>Category B Those of moderate quality and value: those in such a condition as to make a significant contribution (a minimum of 20 years is suggested)</p>	Trees that might be included in the high category, but are downgraded because of impaired condition (e.g. presence of remedial defects including unsympathetic past management and minor storm damage)	Trees present in numbers, usually as groups or woodlands, such that they form distinct landscape features, thereby attracting a higher collective rating than they might as individuals but which are not, individually, essential components of formal or semi formal arboricultural features (e.g. trees of moderate quality within an avenue that includes better, A category specimens), or trees situated mainly internally to the site, therefore having little visual impact on the wider locality	Trees with clearly identifiable conservation or other cultural benefits	MID BLUE
<p>Category C Those of low quality and value: currently in adequate condition to remain until new planting could be established (a minimum of 10 years is suggested), or young trees with a stem diameter below 150mm</p>	Trees not qualifying in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value, and/or trees offering low or only temporary screening benefit	Trees with very limited conservation or other cultural benefits	GREY
	NOTE Whilst C category trees will usually not be retained where they would impose a significant constraint on development, young trees with a stem diameter of less than 150mm should be considered for relocation			

Plans required for pre application discussions and planning applications

Root Protection Area Plan

2.21 This is a plan showing the RPA required by individual trees, quantified in square metres, usually shown as an area within a circle around the tree although the shape will depend upon its location.

2.22 The radius of the circle is calculated based on the diameter of a tree measured at 1.5m above ground level multiplied by 12, or 10 times their base diameter in the case of multi-stemmed trees.

2.23 To calculate the RPA for trees the following formulas should be followed

Number of stems	Calculation
Single stem tree	$\text{RPA (m}^2\text{)} = \left(\frac{\text{Stem diameter (mm) @ 1.5m} \times 12}{1000} \right)^2 \times 3.142$
Tree with more than one stem arising below 1.5m above ground level	$\text{RPA (m}^2\text{)} = \left(\frac{\text{Basal diameter measured immediately above root flare (mm)} \times 10}{1000} \right)^2 \times 3.142$
NOTE The 12x multiplier is based on NJUG 10 and published work by Matheny and Clark	

For successful pre-application discussions RPAs should be agreed with the City Council.

Buffer Zones

2.24 A buffer zone is an area beyond the crown spread of a tree within which building should not normally take place. There is no formula for defining a zone although its area and shape is worked out taking into account tree species, potential for future growth, orientation and topography. In all cases a buffer zone is required and must be agreed with the Council. Roads and underground services may be included within buffer zones but site planning must take account of the need to avoid any ground works within RPAs

The buffer zone will ensure:

- A good spatial relationship between buildings and trees, ensuring that trees or buildings do not dominate each other and that the visual amenity of trees is retained.
- A high quality outlook for the occupants of buildings
- Sufficient light levels, both direct and ambient
- That occupants are comfortable with the proximity of trees to buildings, avoiding perceptions of danger and of inconvenience from leaves, debris and honeydew.

2.25 When seeking to agree buffer zones with the Council consideration must be given to the following:

- Crown clearance above ground.
- Change of levels.
- Orientation of the site
- Whether the trees are evergreen or deciduous
- The number and species of trees
- The effect of trees on daylight (direct or ambient)
- The ability to construct the development without any unacceptable impact upon trees
- The need to protect the present and future visual amenity of the trees
- Sufficient space to allow trees to thrive

2.26 Section 2.26 will be amended to: Prior to submitting an application to construct any building close to the crown of a tree, applicants are advised to have agreed an appropriate buffer zone with the City Council, taking full account of the matters identified in 2.25. This includes commercial and industrial buildings.

Tree Constraints Plan

2.27 This is a plan combining RPAs and Buffer Zones and should be agreed at the earliest possible stage to allow pre-application discussions on development proposals to proceed.

Tree Protection Plan

2.28 This is a plan/document showing the final layout, including tree and landscape protection, arboricultural method statements, location of site huts, storage areas and access roads. Where it is absolutely necessary that construction takes place close to trees the plan should include an arboricultural method statement to minimise impact upon trees. Planning consent will not be issued without this plan. Note: An arboricultural method statement is a detailed description of work and construction techniques designed to minimise direct and indirect damage to trees. The advice of an arboricultural consultant and engineer should be sought when preparing a statement. It will require approval by the City Council.

CHAPTER 3 THE PLANNING PROCESS

Pre-application discussions

3.1 The City Council places great importance on pre-application advice. Prospective developers should contact the City Council at the earliest stage to obtain constructive advice and to identify the key issues with regard to trees that need to be addressed. For major applications a protocol is in place.

Design and Townscape

3.2 Trees to be retained on a development site should be integrated into the layout so that they make a positive contribution to the townscape and to ensure a satisfactory spatial relationship between buildings and trees. Large trees, or trees with significant growth potential should normally be located in public areas where they may be an asset to the townscape, rather than in small private gardens, where they may be less appreciated and cause amenity problems. In many circumstances, particularly in the case of rows or large groups of trees, it will be appropriate to arrange buildings to face trees with access roads located between trees and buildings as in the example below at Gras Lawn. Roads may be located within buffer zone that allows efficient use of spaces that, otherwise, have to be kept clear of development.

3.3 When considering the layout of a development, trees should be integrated into the overall design concept and space should be agreed with the City Council that allows retained trees to flourish. Space should be sufficient to allow for the planting of large new trees or groups of trees in key visual locations. Both retained and new trees should be considered as part of a landscape framework. Designs which resort to trees and other landscape features being restricted to awkward, left-over pieces of land are unlikely to achieve planning permission.



Gras Lawn

3.4 When giving consideration to the size and orientation of private gardens the City Council will give significant weight to the position of trees. Any requirement for a particular size of garden will exclude the space under the crown spread of a tree to be retained.

3.5 The boundaries within a development are particularly important in defining the character of a site. Where a boundary includes trees or consists of a hedgerow including trees, particular consideration must be given to how the boundary is defined or reinforced. Boundaries involving significant foundations or changes in levels will not be permitted owing to the damage that may be caused to trees. Layouts which include rear gardens backing onto rows of trees should generally be avoided because of the difficulty in designing appropriate boundaries.

3.6 A minimum of 10% of the development area is required to be provided as Public Open Space (POS) (Exeter Local Plan First Review para 13.44). This space is required to be adopted by the City Council and should be capable of being used for recreation; for example to play football, fly kites, picnic and exercise. Proposals for open space which include significant tree cover, particularly including trees that are dressed closely to the ground, resulting in unusable space, will not be acceptable. However, because there may be landscape advantages in retaining or providing trees in open space, their inclusion is not entirely ruled out. Developers should discuss at an early stage proposals for open space which include trees.

Submitting planning applications involving trees

3.7 The Council has a validation checklist for both outline and full planning applications. Copies of the validation checklist help notes and application forms can be downloaded from the following link.

[Planning Application Forms](#)

3.8 To allow registration, applications must include a tree survey and details of arboricultural implications, including tree constraint plans, tree protection plans and arboricultural method statements. Where there is a possibility of the final development layout being amended, draft arboricultural method statements may be acceptable.

3.9 All required information must be supplied at the time of making an application. Validation and registration will be delayed if information is missing or if plans are incorrect.

Planning conditions

3.10 Owing to the above there will be few tree related planning conditions.

Monitoring/liaison with and by ECC and/or arboricultural consultants

3.11 Prior to the commencement of work on site, developers are advised to engage the services of an Arboricultural Consultant to monitor the erection of protective fences and ensure all work undertaken in proximity to trees complies with the tree protection plan and method statements agreed with the Council. Dependent on the site and work program it is advised the Arboricultural Consultant visits on a regular programmed schedule but should be available to visit and assist the developer as and when required or when unforeseeable problems arise.

3.12 The Arboricultural Consultant should record visits and recommendations on a monitoring form. The Council will request sight of forms to ensure compliance with the Tree Protection Plan and associated Method Statements. The Council encourages self-monitoring together with monitoring and random inspections by the Council's Arboricultural Officer

ARBORICULTURAL CONSULTANT SITE MONITORING FORM

Client contact details:

Site:

Ref:

LPA Tree Officer:

Consultant:

Date of inspection:

Accompanied by site manager

Site currently active

Previous actions complied with

INSPECTION DETAILS:

Any signs/evidence within the RPA of:

Ground contamination

Changed soil levels

Excavations

Vehicle movements

Cement washings

Material storage

Water run off

Ground compaction

Unauthorised tree works

If yes to any of the above provide details:

CONDITION OF FENCING:

Erected according to approved details

Protective signs present

Fencing in place/intact

Upright poles in ground

Bracing & clamps in place

Any signs of breach

ADDITIONAL NOTES including action taken/required:

Date of next inspection:

Copied to client

Copied to Site manager

Copied to LPA

Review of TPOs and new TPOs on development sites

3.13 On completion of development the Council will review existing TPOs to ensure retained and newly planted trees are adequately protected. The Order may be modified to reflect any trees felled during the development process and to include newly planted trees. Where no existing TPO exists a new TPO may be issued to protect newly planted trees.

CHAPTER 4 LANDSCAPE WORKS

4.1 In order to be registered, full planning applications which involve physical development must include a comprehensive landscape plan including hard and soft features. Trees will frequently be a requirement of any landscape scheme and these must be planted prior to the occupation of buildings. Prospective new owners of properties should be made aware of all landscape plans and tree planting which may affect the new property. In considering landscape schemes the Council will pay particular attention to the space allowed for planted trees to become full-sized specimens without causing nuisance to built structures, occupants and highway movement.

4.2 Developers will be required to agree the landscape plan at an early stage to ensure that the foundation design of buildings takes account of the effect of tree and shrub growth on ground conditions

4.3 Tree planting should be designed as part of an overall townscape concept. Trees should be used to define space, frame views and create attractive places such as avenues and squares. The planting of a single large specimen tree as a feature may be effective in defining a space such as a square or circus, or terminating a view. Trees should be used to complement the overall design not be used in mitigation for poor townscape or architecture.

4.4 There should be a clear rationale for the choice of species of tree. A large site, for example, may require a hierarchical landscape plan whereby the broad structure is defined by larger species and the more intimate spaces, closer to buildings, planted with smaller, more ornamental trees and shrubs. Random planting of multiple species will seldom produce a scheme that will be acceptable to the Council. Areas of single species planting appear more natural and are easier to establish and maintain. Using a limited number of species for particular locations can characterize different areas of a development.

4.5 Early strategic planting may be beneficial prior to the development commencing to lessen the visible impact of development.

4.6 To protect the soil structure, prevent soil compaction and soil contamination during development. There will be a presumption that areas of proposed soft landscape and tree planting are to be enclosed with BS 5837:2005 fencing which must be shown on the tree protection plan.

4.7 To avoid damage to retained trees during work to prepare ground for new planting, all landscape plans, relating to works within RPAs must be accompanied by a method statement to be approved by the Council detailing how work will be undertaken. The use of machinery within RPAs will not be permitted.

4.8 To ensure their successful establishment all trees must be container grown (see Section 2.5 BS3936-1 1992). The quality, standard and method of planting must be shown on the approved landscape plan. The selection and sourcing of trees must usually be agreed with the Council immediately after consent has been granted. On strategically important sites where tree establishment is considered essential, this may involve the Council's nominated officer and a representative of the applicant visiting and selecting trees growing at an agreed nursery at the applicant's expense. This will be formalized within a Section 106 agreement. The successful establishment of trees with excellent form and structure will remove developers' requirements to carry out replacement planting.

4.9 Planning conditions will continue to be used to secure the successful maintenance of all landscape schemes. Accordingly details of planting specifications and post planting maintenance must accompany any submitted landscape plan.

Appendix

i) Contacts

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Email: admin@trees.org.uk
Web: <http://www.trees.org.uk/>
- The Tree Advice Trust (formerly known as the Arboricultural Advisory and Information Service).
Alice Holt Lodge, Wrecclesham, Farnham, Surrey, GU10 4LH
Tel. 09065 161147 (Premium rate calls charged at £1.50 per minute)
Email: admin@treehelp.info
Web: <http://www.treehelp.info/>
- Devon and Cornwall Constabulary
Partnerships Architectural Liaisons Officer, Devon and Cornwall Constabulary,
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- British Standards Institution
389 Chiswick High Road
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W4 4AL

ii) Useful References:

- British Standards Institute - BS 5837:2005 "Trees in relation to construction".
- British Standards Institute - BS 3998:1989 "Recommendations for tree works".
- British Standards Institute - BS 8206, Part 2: 1992 "Lighting for buildings".
- Buildings Research Establishment 1998, "Site layout planning for daylight and Sunlight: A guide to good practice".
- National House Building Council NHBC 2003, "Chapter 4.2 - Buildings near trees".
- The Tree Advice Trust (AAIS) Arboricultural Practice Notes (APN 1) 1996, "Driveways close to trees".
- The Tree Advice Trust (AAIS) Arboricultural Practice Notes (APN 5) 1999, "Shaded by trees".
- Department of Environment Transport and the Regions 2000, "Tree Preservation Orders: A Guide to the Law and Good Practice".
- Communities and Local Government "Tree Preservation Orders: A Guide to the Law and Good Practice Addendum".

Acknowledgements

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