

TREES & DEVELOPMENT

Introduction

1. Objective

Trees, woodlands and hedgerows are of great amenity and nature conservation value and are important features contributing to environmental and landscape quality. They are widely appreciated for enhancing both rural and urban environments and make a positive contribution to the scenic character and diversity of the landscape.

Trees also help to mitigate the impacts of development, environmental pollution and climate change. Their retention can be crucial to the maintenance of these qualities in a range of settings that vary from inner city environmental improvement schemes and conservation areas, tree lined streets and parks and designed landscapes in historic gardens. The retention of trees and woodland within new developments provides an immediate sense of maturity, to the benefit of a site and its surroundings, raising the overall quality of schemes and enhancing property values. Where trees are damaged and subsequently decline or die, or where inappropriate design leads to conflict, trees become a constant source of complaint and ultimately, any positive benefits are lost. Possible difficulties with root damage to structures and overshadowing will be taken into account following the tree survey.

These guidelines provide further clarification of the Development Plan natural heritage and environment policies and support the Council's aims of:

- retaining trees of landscape, biodiversity or amenity significance,
- encouraging new tree planting wherever appropriate within new development,
- promoting a substantial renewal of the city's woodland resource, and
- effectively managing existing trees and woodland.

2. Policy Context

Scottish Planning Policy (SPP)

states that "woodlands, hedgerows and individual trees, especially veteran trees, may have significant biodiversity value and make a significant contribution to landscape character and quality so should be protected from adverse impacts resulting from development."

TAYplan Strategic Development Plan 2012-2032

<http://www.tayplan-sdpa.gov.uk/>

TAYplan Policy 3: "Managing TAYplan's Assets" requires that development respects the regional distinctiveness and scenic value of the TAYplan area by safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains, carbon sinks and other assets.

Dundee Local Development Plan

<http://www.dundee.gov.uk/localdevplan/>

Policy 38 : Trees and Urban Woodland

The Council will support the establishment and enhancement of woodland, tree belts and corridors. New development should contribute to the expansion of tree planting and woodland development where appropriate and must ensure the survival of existing healthy mature trees through sensitive site layout both during and after construction. Where appropriate, development proposals must be accompanied by a tree planting and landscaping scheme which includes a supporting justification and sufficient map based material to document existing planting within the application site as well as new planting and maintenance arrangements

3. Statutory and Other Requirements

The Town and Country Planning (Scotland) Act 1997 as amended specifically charges Local Planning Authorities with the following duties:-

- 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 (Section 159); and
- to make such (Tree Preservation) Orders under (Section 160) as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

The British Standard, BS 5837:2012 Trees in Relation to Construction – Recommendations is the principal national document concerning trees and development. The standard provides recommendations on the principles to be applied to achieve a satisfactory relationship between trees and new development. The Dundee City Council will expect compliance with these recommendations.

Policy Guidance

4. General

The effects of trees on development, and of development on trees, must be adequately considered from the earliest stages of site layout and design. Development proposals must safeguard existing and future amenity, achieve a satisfactory juxtaposition between trees and proposed structures, and provide for the proper protection of retained trees through the construction phase. New development is expected to contribute positively to the protection and enhancement of the natural heritage and built environment and should, where appropriate, provide for the planting of new trees and woodlands. This includes a requirement to ensure replacement planting is of a sufficient size and quality, is well maintained to ensure successful establishment and has adequate space to grow to maturity. Where mature trees are lost this includes a requirement for replacement trees of at least heavy standard to be planted).

The Council will expect an applicant, with the exception of Householder Applications (see Appendix 2), to follow the procedure and recommendations laid out in **BS5837:2012 Trees in Relation to Construction – Recommendations**.

The **BS5837** recommendations can be summarised as follows:

Carry out a Tree Survey & Categorisation to identify trees within and adjacent to the site and those worthy of retention or otherwise.

Prepare a Tree Constraints Plan showing the physical and spatial requirements for retaining those trees

Use Tree Constraints Plan to design initial site layout, and identify areas for new tree planting

Assess the impact of proposals on trees

Achieve finalised site layout

Prepare a Tree Protection Plan showing tree protection measures, tree removal etc.

Planning Application Made

Planning Approval and Conditions

Prior to commencement of development construct tree protection fencing and Implement other identified protection measures to form a Construction Exclusion Zone

Ensure site supervision to maintain tree protection fencing and measures until removal of protection measures agreed

5. Site Survey and Analysis

Detailed and Outline Applications

5.1 Tree Surveys

Where there are trees with a stem diameter of 75mm or greater (when measured at 1.5 metres above ground level)

- Within the site or
- Within 12 metres of the site

A **Tree Survey** should normally be carried out.

Tree surveys must be substantially in the form specified in 4.4 of **BS5837** and must accurately show all trees greater than 75mm in stem diameter plotted on a plan or plans of an appropriate scale with an accompanying schedule showing:

- the position of the trunk of each tree individually numbered for identification,
- crown spread and height of crown clearance above adjacent ground level,
- tree species, height and trunk diameter at 1.5 metres above ground level,
- an assessment of tree health/condition and age class,
- trees categorised in accordance with their quality and suitability for retention in accordance with BS5837 table 1.

On sites larger than domestic properties, or where several trees or more are present, trees should be identified by small uniquely numbered aluminium (or similar) tags to enable their clear and accurate identification.

Where access to a neighbouring property to survey trees cannot be obtained, the applicant should state the actual extent of any overhanging canopy and, for any tree which can be seen from the application site, provide an assessment of tree height and distance of the trunk from the application site boundary.

Note: Assessments of tree condition, their suitability for retention and the likely impact of development on trees should be carried out by a suitably qualified arboriculturist, independently of and prior to any specific design for development.

5.2 Tree Constraints Plan

Following the identification of trees suitable for retention, a Tree Constraints Plan should be prepared by an arboriculturist in accordance with section 5.2 of BS5837, for the purpose of informing the initial layout design. The Tree Constraints Plan should show the position of trees, the root protection area to be left undisturbed and protected as per Annexe D of BS5837, the ultimate crown spread of the trees, the extent of shading on the ground and the constraints the trees would pose due to their size, dominance, movement in strong winds, and concerns over safety. When submitted with a planning application, the Tree Constraints Plan should demonstrate how due regard was given to the retention of trees in the proposed site layout.

6. Design Considerations

6.1 Initial Design

Where the tree survey and categorisation have identified trees for retention, the layout of a site should have regard to the Tree Constraints Plan to ensure the design allows for the basic spatial requirements of those trees. The proposals should then be assessed having regard to more detailed design considerations.

6.2 Final Design

The finalised design will require assessment of the following detailed design considerations (guidance on these factors to be considered is provided in BS5837: Section 6 Arboricultural Implications Assessment).

- Not siting structures within the Root Protection Area.
- Ensuring buildings are sited well clear of ultimate crown spreads.
- The effect of the proximity of structures to trees on daylight to windows and garden ground, existing and future tree height and spread, concerns over dominance and safety, etc.
- Having regard to spatial and landscape character of the area (e.g. conservation area appraisals).
- The space required for construction work, access, scaffolding, storage of materials, etc.
- Infrastructure requirements, roads and services, soakaways, visibility splays, etc.
- Proposed level changes, both permanent and temporary.
- The effect on the amenity value of the trees.
- Opportunities for new tree planting.

6.3 Tree Protection Plan

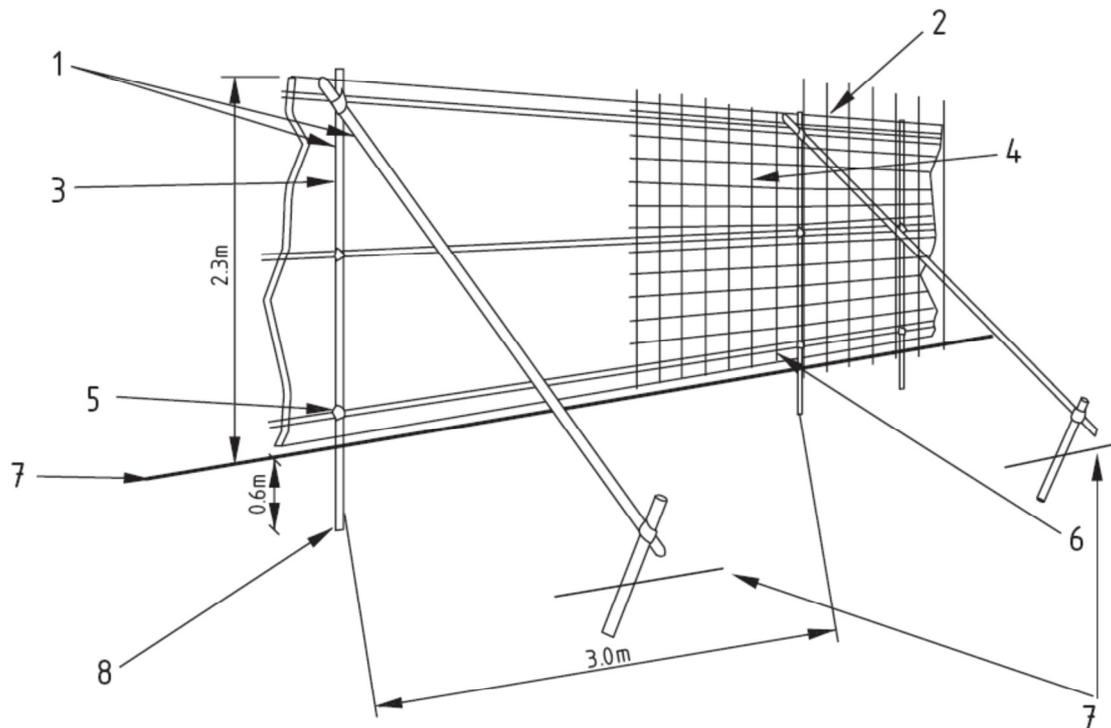
The only certain way to protect trees during development is to create a Construction Exclusion Zone around trees by erecting suitable fencing or barriers before work commences on site and maintaining these throughout the construction phase.

Once the layout proposals have been finalised, fencing and other protective measures should be shown on a Tree Protection Plan.

The Tree Protection Plan should be in the form set out in Section 7 of BS5837 and should ideally consist of a single scaled drawing and as few supporting documents as possible to include details such as the following:-

- The finalised site layout.
- The trees selected for retention, removal or pruning.
- The precise location of fencing and other protective measures to provide a Construction Exclusion Zone no less than that recommended in Table 2 of BS5837, 2012.
- The type of fencing (which shall be in accordance with Figure 2 of BS5837, 2012 unless agreed otherwise).
- Details and locations of existing and proposed access points, structures, services, changes in existing ground levels or surface materials (temporary or permanent) and any operation which unavoidably has to take place within the Construction Exclusion Zone with the measures to be taken to prevent or reduce potential damage to trees.

- That the protective fencing shown will be erected prior to any development commencing onsite to the satisfaction of the Head of Planning and not be taken down or altered without his written agreement.
- That the fencing will display signs to clearly identify the area enclosed as a Construction Exclusion Zone with no unauthorised access.
- The developer, prior to work commencing, will nominate and advise the Head of Planning of the person who will act on his behalf and be responsible for ensuring the implementation of the Tree Protection Plan.
- Areas of structural or proposed landscaping to be protected from construction operations to prevent soil structure being damaged or polluted.



- | | |
|--|--|
| 1 Standard scaffold poles | 5 Standard clamps |
| 2 Uprights to be driven into the ground | 6 Wire twisted and secured on inside face of fencing to avoid easy dismantling |
| 3 Panels secured to uprights with wire ties and where necessary standard scaffold clamps | 7 Ground level |
| 4 Weldmesh wired to the uprights and horizontals | 8 Approx. 0.6 m driven into the ground |

Figure 2 — Protective barrier

7. Information to Accompany Planning Applications

A planning application must include sufficient information to enable the case officer to assess accurately the effects of the proposals on any trees growing on or close to the site. The level of detail required depends on the type of application.

7.1. What Information is Required?

Householder Applications: If any tree would overhang the proposed development or would be closer to it than a distance equal to half the tree height, these must be shown on the plans. The tree species (if known) and approximate position of the trunk and branch spread must be indicated. The case officer will then assess if more detailed information is required.

See Appendix 2 for householder applications checklist.

Other Planning Applications: Where there are trees with a stem diameter of 75mm or greater (when measured at 1.5 metres above ground level) either

- Within the application site, or
- Within 12 metres of the application site,

Normally a Tree Survey should already have been prepared and this should be submitted with the planning application.

Where trees are present and suitable for retention, then

- The **Tree Constraints Plan**, and
- The **Tree Protection Plan**, both of which will already have been prepared, should be submitted.

See Appendix 1 for planning applications checklist.

This information is an integral part of the site development assessment and will help determine the location, form and density of the proposals. Failure to include these details may delay or prevent the assessment and determination of a planning application.

8. Receiving Planning Permission

Where Planning Permission is issued it will be subject to planning conditions requiring the implementation of the approved Tree Protection Plan. This means

- Appointing and advising the council of the persons(s) to be responsible for implementing the Tree Protection Plan and monitoring the maintenance of protective fencing and other tree protection measures, prior to development commencing.
- The approved Tree Protection fencing must be erected before work starts on the site (unless otherwise agreed by the Council).
- No alteration to Tree Protection fencing and no activity to take place within Construction Exclusion Zone during the development, unless with the written consent of the Council. The CEZ contains the root protection area and other ground not to be damaged.
- Agreeing the removal of fencing with the Council on the completion of development.

Planning Conditions may also be used to control tree pruning and felling or other work to ensure that development does not lead to the unnecessary harm, or removal of trees.

9. Other Information

9.1 Tree Preservation Orders and Trees in Conservation Areas

The Council, as planning authority, has a duty to have regard to the preservation and planting of trees when granting planning permission and the likely effect of development proposals on trees is a material planning consideration. The Council may place a Tree Preservation Order (TPO) on land with trees that is, or may become the subject of development proposals. A TPO makes it a criminal offence to lop, top, cut down, uproot, wilfully damage or destroy a tree unless carried out with the consent of the Council as planning authority.

The existence of a TPO can not in itself prevent the development of land taking place, but ensures that the removal or cutting of trees does not take place until the Council has had an opportunity to assess any proposals. An order can also be used to give effect to measures to protect trees during development.

If the Council has granted detailed planning permission on a site where there is an existing TPO, or it makes a new TPO which affects a site with detailed planning permission, no further express consent is required for the cutting, lopping and felling of those trees specifically identified in the consent to be felled. Trees in conservation areas have a similar level of protection to those under a TPO and also may only be cut, lopped, or felled when necessary implementing a detailed planning consent. In both cases, only the tree work consented to can be carried out and no more.

If you input an address in the Council's "My Dundee - Local Information Portal" at <http://www.dundeecity.gov.uk/forms/my-dundee.php> you can discover if there is a Tree Preservation Order affecting it. Alternatively you can visit <http://www.dundeecity.gov.uk/forms/tpo.php> for the same information and a map showing all Tree Preservation Orders.

To find out if your property lies within a conservation area you should input the address in the Council's "My Dundee - Local Information Portal" at

<http://www.dundeecity.gov.uk/forms/my-dundee.php> and select the My Planning tab.

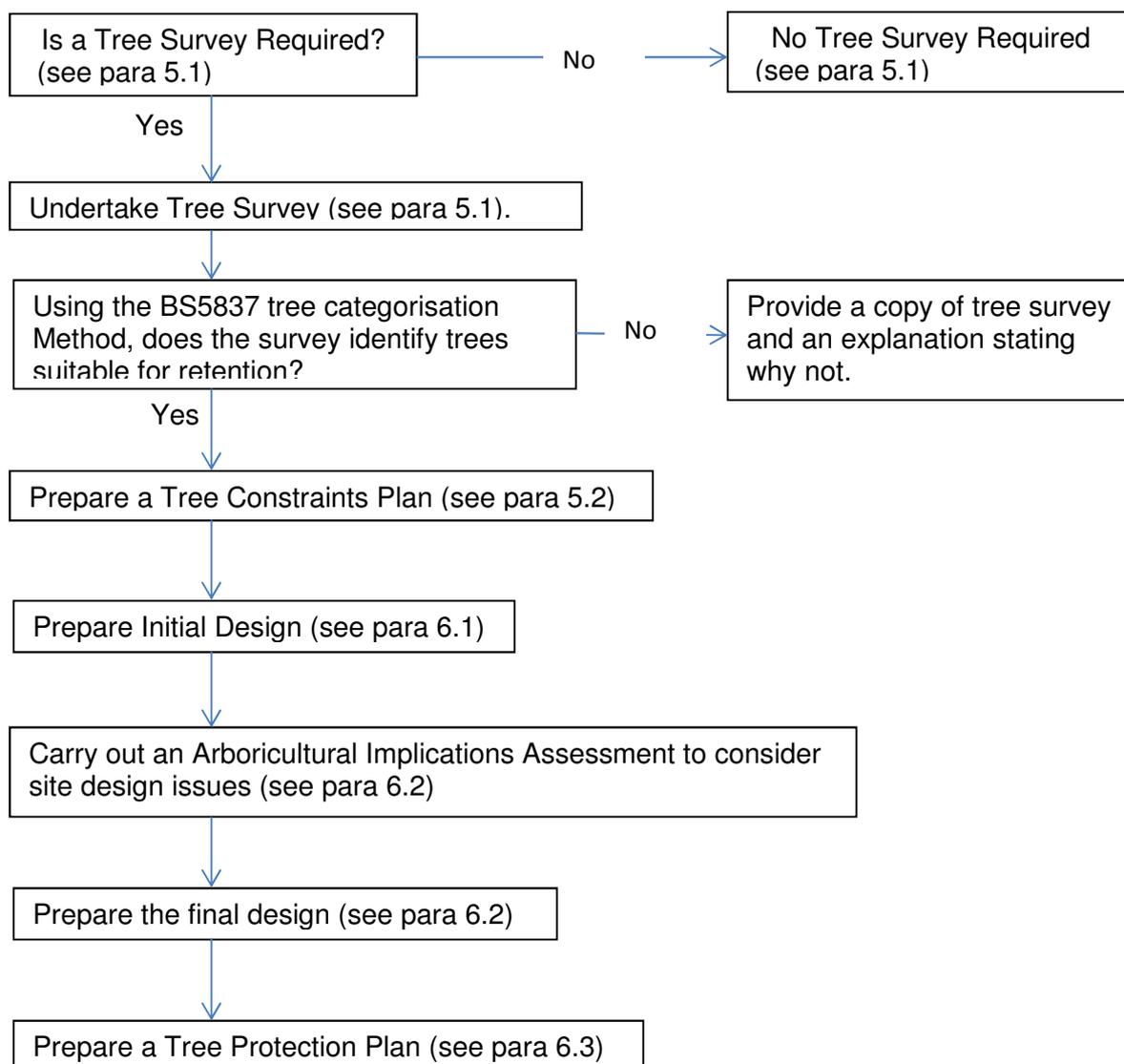
9.2 Forestry Commission Felling Licences

The Forestry Commission is the Government Department responsible for forestry in Great Britain. The Forestry Act (1967), as amended, requires landowners to apply to the Forestry Commission for a licence for the felling of growing trees. Outwith gardens, churchyards, orchards or designated public open spaces a Felling Licence may be required for the felling of trees and advice should be sought from the Forestry Commission, Central Scotland Conservancy Office (see appendix 4). No felling licence is required to fell trees where carrying out development authorised by planning permission. The approved planning permission should specify tree felling and should also be recorded on the map/plan.

Appendix 1

Applicants Checklist (Detailed and Outline Applications)

You may find it helpful to use the following flowchart and checklist to assess what specific tree matters you should consider in preparing your application and to **return it to show what information you are submitting** in support of your planning application.



Attach to application:

Details accompanying this planning application (tick which is applicable)

- (No Tree Survey Required). Please provide brief explanation.
- Tree Survey & categorisation.
- Tree Constraints Plan.
- Tree Protection Plan.
- Additional Tree Protection Method Statements.

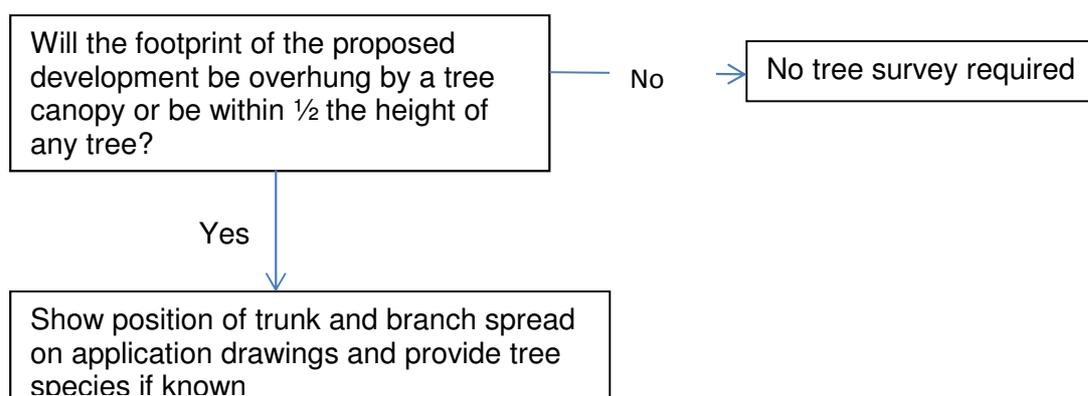
Appendix 2

Householder Applications

If any tree would overhang the proposed development or would be closer to it than a distance equal to half the tree height, these must be shown on the application plans. The tree species (if known) and the position of the trunk and extent of branch spread must be indicated. The case officer will then assess if more detailed information is required.

Householder Checklist

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Attach to application

Tick which is applicable:

- The footprint of the proposed development will **not** be overhung by a tree canopy or be within 1/2 the height of any tree – no tree survey required with application.
- The footprint of the proposed development will be overhung by a tree canopy or be within 1/2 the height of a tree or trees and these trees are shown on the application drawings.
- An additional schedule of tree information is submitted.

Appendix 3

Tree Preservation Orders & Trees in Conservation Areas

1. Making a Tree Preservation Order

The Council will, where appropriate, consider using TPOs to secure the preservation of trees which satisfy the following criteria:

- Trees must be of sufficient stature and be prominently located so that they can be described as being of amenity value to the public at large. In considering the amenity value of trees, their importance as a wildlife habitat will be taken into consideration.
- Trees must be in sound condition with a significant life expectancy.

- The Tree Preservation Order when made must be enforceable (i.e. circumstances should not exist which significantly prejudice the existence of the tree)

2. Tree Preservation Orders

All of the following provisions apply to trees covered by a Tree Preservation Order:

- (a) The making of a TPO will imply a strong presumption against any form of development or change to use of land which is likely to damage the trees or woodlands or otherwise severely prejudice their future long term existence.
- (b) In the case of new development no development will be permitted within a zone measured 10m from the edge of the tree canopy or 20m from the trunk of the tree whichever is the greater.
- (c) The removal of trees for arboricultural reasons (e.g. wind damage, fungal decay, etc.) will not imply that the space created by their removal can be used for some form of development. Trees so removed should be replaced by specimens of the same species, or alternative species as approved by the planning authority, which are capable of achieving the same stature as the original trees. Accordingly, the same requirement as laid down in (b) above will apply.
- (d) Unless specified otherwise, every tree which is removed after receiving the necessary consent will be replaced by an appropriate number of specimens of the same or similar species.
- (e) Deciduous trees planted as replacements will be of a size not less than trees as defined in BS 3936 Part 1 1980, unless the trees form part of a woodland, in which case suitably sized whips (deciduous) and/or forest transplants (conifers) will be acceptable in accordance with standard forestry practice.
- (f) Consents for tree work other than felling will be conditional on the work being undertaken in accordance with BS 3998 : 2010 "Recommendations for Tree Work". Operations normally referred to as lopping or topping are considered prejudicial to the amenity of the area in which the trees are located and will not receive approval.
- (g) Deviation from or relaxation of, any of the foregoing requirements will only be at the discretion of the planning authority and only after an unavoidable need has been established.

3. Conservation Areas

Mature trees (>75 mm diameter at breast height) within conservation areas are considered by the Council to have a similar value to those covered by Tree Preservation Orders. In the case of new development proposals affecting trees in conservation areas, allowance should be made for an undeveloped zone measured 10 metres from the outermost edge of the tree canopy or 20 metres from the bole of the tree whichever is the greater.

4. General Requirement

Development proposals must take account of all existing trees, whether or not they are covered by TPO, indicating on the application plans their position, canopy spread and provision made for their protection during construction work and long term retention.

Appendix 4

Useful References

BS 5837:2012 : Trees in Relation to Construction – Recommendations
BS 3998:2010 : Recommendations for Tree Work
Visual Amenity Valuation of Trees and Woodlands (Arboricultural Association)
Tree Survey and Inspection (*Arboricultural Association*)
NHBC Standards Chapter 4.2 Building Near Trees : October 1992
NJUG (National Joint Utilities Group) Publication 10 (1995)

CONTACTS

Duty Planning Officer

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Email: development.management@dundeecity.gov.uk

Forestry Officer

Environment Department, Dundee City Council, 353 Clepington Road, Dundee, DD3 8PL
Tel. 01382 433793

Advice on Tree Issues

Email: eric.hamilton@dundeecity.gov.uk

Arboricultural Association

Ampfield House, Romsey, Hants. SO51 9PA
Tel. 01794 368717

Web: www.trees.org.uk

Produces a range of publications on tree care and tree management

British Standard Institution, BSI Scotland

Quality House, 2000 Academy Park, Gower Street, Glasgow, G51 1PP
Tel. 0141 427 2825

Web: www.bsi-global.com

Forestry Commission

Perth and Argyll Conservancy
Algo Business Centre
Glenearn Road
Perth
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Conservator: Syd House

Tel 01738 442830

Email: panda.cons@forestry.gsi.gov.uk