

CARLISLE CITY COUNCIL

Report to:- **Carlisle City Council**

Date of Meeting:- 10th November 2009

Agenda Item No:-

Public

Title:- **TREES AND DEVELOPMENT SUPPLEMENTARY
PLANNING DOCUMENT**

Report of:- **Head of Planning and Housing Services**

Report reference:- **DS.92/09**

Summary:-

The Draft Trees and Development Supplementary Planning Document has been the subject of consultation. The consultation responses have been considered and amendments proposed to the draft. The responses and amendments have been considered by Executive at its meeting on the 26th October 2009 and resolved to refer the draft Supplementary Planning Document as amended by Report DS.86/09 to Council to consider adoption. A revised document is attached.

Recommendation:-

That City Council adopt the Trees and Development Supplementary Planning Document as part of the Local Development Framework.

Contact Officer: Chris Hardman

Ext: 7190

Alan Eales

Head of Planning and Housing Services

28 October 2009

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Executive Report DS.86/09

1. BACKGROUND INFORMATION AND OPTIONS

- 1.0 The draft Trees and Development Supplementary Planning Document was approved by City Council for consultation. A six week consultation was undertaken and the document has been amended to take account of the comments made. The revised document has been considered by Executive and was made available to Economy and Environment Overview and Scrutiny Panel. Executive at its meeting on the 26th October 2009 resolved to refer the amended document to City Council to consider adoption.
- 1.1 The Executive Report (DS.86/09) and a revised version of the Supplementary Planning Document are attached.

2. CONSULTATION

- 2.1 Consultation to Date.
Public consultation took place during a six-week period ending the 24th April 2009. This has resulted in 27 respondents raising a number of issues.
- 2.2 Consultation proposed.
No further consultation is proposed.

3. RECOMMENDATIONS

That City Council adopt the Trees and Development Supplementary Planning Document as part of the Local Development Framework.

4. REASONS FOR RECOMMENDATIONS

The adoption of this supplementary planning document will provide up-to-date planning guidance for residents and businesses and expand upon planning policies of the Local Plan.

5. IMPLICATIONS

- Staffing/Resources – This work has been resourced from within the Local Plans and Conservation section
- Financial – Contained within existing Local Plans and Conservation budgets.

- Legal – The SPD has been produced using the Town and Country Planning (Local Development) (England) Regulations 2004 to comply with the provisions of the Planning and Compulsory Purchase Act 2004.
- Corporate – The SPD will help meet the environment priority by ensuring that people's local environment is protected.
- Risk Management – If the SPD is not adopted there may be an inconsistent interpretation of the planning policy and this therefore provides clarity.
- Equality and Disability – Any issues arising in relation to equality or disability are dealt with on the merits of each case as and when applications for planning permission are required.
- Environmental – The SPD concentrates on environmental issues relating to development and trees and hedgerows.
- Crime and Disorder – Any issues arising in particular schemes will be taken into account on the merits of individual applications and circumstances. Issues arising from CCTV and street trees are referred to in the accompanying Designing Out Crime SPD.
- Impact on Customers – This guidance improves the information available to customers of the planning service on the implications of its planning policies and the intended result will be improved design of development and better protection of trees.

Alan Eales
Head of Planning and Housing Services

REPORT TO EXECUTIVE

PORTFOLIO AREA: Environment and Infrastructure

Date of Meeting: 26 October 2009

Public

Key Decision: Yes

Recorded in Forward Plan: Yes

Inside Policy Framework

Title: Trees and Development Supplementary Planning Document
Report of: Head of Planning and Housing Services
Report reference: DS.86 /09

Summary: Report DS62/09 Trees and Development Supplementary Planning Document was considered by the Executive on the 1st September 2009, following responses made to the Consultation on the Draft. The Executive resolved to approve the Report and that it be made available to the Environment and Economy Overview and Scrutiny Panel for their consideration. The Environment and Economy Overview and Scrutiny Panel resolved not to consider the Report. The Trees and Development Supplementary Planning Document is therefore brought back to the Executive with the final version attached at Appendix 1.

Recommendations:

It is recommended that the Executive recommend to Council that the Trees and Development Supplementary Planning Document be adopted as part of the City Council's Local Development Framework.

Alan Eales
Head of Planning and Housing Services

Contact Officer: Alan Eales

Ext: 7170

Appendix1

REPORT TO EXECUTIVE

PORTFOLIO AREA: Environment and Infrastructure

Date of Meeting: 1 September 2009

Public

Key Decision: Yes

Recorded in Forward Plan: Yes

Inside Policy Framework

Title: Trees and Development Supplementary Planning Document
Report of: Head of Planning and Housing Services
Report reference: DS.62/09

Summary: This report sets out the process which has been undertaken in the production of this Supplementary Planning Document (SPD) and includes a summary of the main consultation responses received and the amendments that could be made to the document as a result.

Recommendations:

That the responses to the consultation and officers advice on amendments to the SPD be made available for consideration by Environment and Economy Overview and Scrutiny Panel. Any additional information arising from that process is to be reported to Executive.

Alan Eales
Head of Planning and Housing Services

Contact Officer: Charles Bennett

Ext: 7535

Note: in compliance with section 100d of the Local Government (Access to information) Act 1985 the report has been prepared from the following papers: City Council Report DS.89/08

1.0 BACKGROUND INFORMATION AND OPTIONS

- 1.1 The Trees and Development SPD is an update of the Trees on Development Sites Supplementary Planning Guidance which the City Council adopted in June 1998.
- 1.2 The Carlisle District Local Plan 2001-16 contains policy CP3 Trees and Hedges on Development Sites. It has been recognised that additional guidance was required to update and expand on the 1998 guidance. This document provides that additional information.
- 1.3 City Council approved the document for consultation and a six week consultation period was undertaken. The consultation draft version of the SPD (text only) is attached at Appendix 2.
- 1.4 The consultation responses have highlighted a number of issues which require further clarification within the document. These are:
 - Hedges – Hedges are mentioned in the Scope of the document but no further mention is made. The bio-diversity value of hedges should be highlighted, and the method of carrying out a hedgerow survey should be clear. Proposed changes highlight the importance of hedges and provide guidance on surveying methods.
 - Biodiversity Value of Trees – Although mentioned in the document this could be reinforced by the proposed additional references.
 - Legal Framework – Objections highlighted relevant Regulations that had not been included within the document. It is proposed that the document is changed to include reference to the various Regulations highlighted in the objections.
 - Planning Policy Framework – Objections highlighted omissions from regional policy that had not been included within the document. It is proposed that the document is changed to include reference to the various Policies highlighted in the objections.
 - Advice on landscaping – Objections raised relate to insufficient information on landscaping developments. No changes are proposed as document is not designed to advise on landscaping development sites.
 - Definition of Habitable Rooms – An objections relating to the definition of a habitable room highlight inconsistencies of that definition. Therefore to avoid confusion the word principal has been removed as has the definition of a habitable room

- 1.5 In order to progress this document Executive is asked to make the consultation responses and suggested amendments to the document available for consideration by Environment and Economy Overview and Scrutiny Panel to consider how the consultation has been dealt with. A further report will then be brought to Executive for consideration prior to adoption.

2.0 CONSULTATION

- 2.1 Public consultation took place during a six-week period ending the 24 April 2009. This has resulted in 27 respondents raising a number of issues. A Schedule of Responses and Proposed Changes is attached at appendix 1.
- 2.2 No further consultation is planned.

3.0 RECOMMENDATIONS

- 3.1 That the responses to the consultation and officers advice on amendments to the SPD be made available for consideration by Environment and Economy Overview and Scrutiny Panel. Any additional information arising from that process is to be reported to Executive.

4.0 REASONS FOR RECOMMENDATIONS

- 4.1 To duly consider issues raised at consultation stage and to be able to proceed towards adoption of the Supplementary Planning Document.

5.0 IMPLICATIONS

- Staffing/Resources – This work has been resourced from within the Local Plans and Conservation section
- Financial – Contained within existing Local Plans and Conservation budgets.

- Legal – The SPD has been produced using the Town and Country Planning (Local Development) (England) Regulations 2004 to comply with the provisions of the Planning and Compulsory Purchase Act 2004.
- Corporate – The SPD will help meet the environment priority by ensuring that people's local environment is protected.
- Risk Management – If the SPD is not adopted there may be an inconsistent interpretation of the planning policy and this therefore provides clarity.
- Equality and Disability – Any issues arising in relation to equality or disability are dealt with on the merits of each case as and when applications for planning permission are required.
- Environmental – The SPD concentrates on environmental issues relating to development and trees and hedgerows.
- Crime and Disorder – Any issues arising in particular schemes will be taken into account on the merits of individual applications and circumstances. Issues arising from CCTV and street trees are referred to in the accompanying Designing Out Crime SPD.
- Impact on Customers – This guidance improves the information available to customers of the planning service on the implications of its planning policies and the intended result will be improved design of development and better protection of trees.

Alan Eales
Head of Planning and Housing Services

Contact Officer: Charles Bennett

Ext: 7535

**Consultation responses and Proposed Changes to
Supplementary Planning Document**

TREES AND DEVELOPMENT SPD RESPONSES

Rep No: Chapter :	Object No: Page: Para:	Details:	Response:	Proposed Change:
Tree 20	6 13,15,26,27: 5 6	Any tree management that may be sought through development may impact upon wildlife. Of particular note is the importance of trees that are mature enough to have splits and holes for bats. If any impacts on trees are proposed, for example removal of part of the tree, or crown lifting, then the Tree Survey/ or Arboricultural Implication Assessment and Design should also incorporate an assessment of potential impacts on any protected or priority species. Such an assessment would need to be undertaken by a suitably qualified and experienced ecologist	The habitats provided by trees is recognised within this Supplementary Planning Document and proposed changes relevant to these comments are included	See Proposed Change Rep No 6
Tree 21	6 13,15,17: 5 6 7	No mention is made here of hedgerows. It is accepted that insufficient. Hedgerows are included in the scope of the SPD but then not referred to again.	See information in relation to hedgerows is included in this draft document. Proposed changes to address the hedgerow issues have been included	Proposed Change Rep No 5 and Rep No 14
Tree 05 01	5 5: 1.1	In Paragraph 1.1 it states "This draft SPD has been produced to give guidance on trees and hedgerows in development" however, there is no other mention of hedgerows in this document. There is no guidance on how hedges should be incorporated into development wherever possible, nor on the potential for hedgerows to be "Important Hedges" and therefore falling under The Hedgerow Regulations 1997, nor on how hedges are an important corridor for species	It is a requirement of the 1APP form provide information relating to hedgerows that are on or adjacent development sites. No guidance is provided within BS 5837 Trees in relation to construction - Recommendations on how a survey in relation to hedgerows should be carried out. It is recognised that the 1997 Hedgerow Regulations are limited to mostly agricultural hedgerows, but that non- agricultural hedgerows may also be important. Neither does this Draft	Chapter 2 Introduction page 7 lines 1,1 5 & 22 - After trees add "and hedges" Chapter 3 Legal Framework Add 3.6 "1997 Hedgerow Regulations: These Regulations provide protection for agricultural Hedges and set out the criteria to assess whether or not a hedgerow to which the Regulations apply can be classed as important." Chapter 5 Planning Developments with Trees Page 13 Delete Paragraph 5.1 Replace with; "To ensure the adequate protection of trees

		<p>within the landscape and how they are a Biodiversity Action Plan habitat. Cumbria Wildlife Trust considers this omission to be a badly missed opportunity to provide guidance on these important landscape features.</p>	<p>Supplementary Planning Document advise on how to survey or level of survey required for a hedgerow in accordance with the 1APP form. Nor on the importance of hedgerows for such issues as green corridors, habitat in its own right or bat flight paths/foraging areas.</p>	<p>and hedges on, and those off the site that will be affected by the development the developer should seek professional arboricultural advice at an early stage."</p> <p>5.4 Tree Survey Page13 After paragraph 5.4 add new paragraph</p> <p>"Hedgerow Survey</p> <p>Where developments are likely to affect a hedgerow a hedgerow survey must be carried out as. The minimum standard that survey should be carried to is the standard to ascertain whether or not the hedgerow would be classed as important under the 1997 Hedgerow Regulations. A survey to this standard should be carried out even if the hedgerow is a non- agricultural hedge, or other hedge excluded from the Regulations. Important hedges are National Biodiversity Action Plan priority habitats and the presumption is in favour of their retention. Hedges that meet the criteria as Important under the 1997 Regulations should be retained and included within the design of the development. Those hedges that do not meet the Important criteria may still be important for biodiversity and wildlife, for example as nesting sites, migration corridors, or foraging routes for bats. Consideration should, where practical be given to the retention of these hedges, but where this is not practical mitigation on a like for like basis should form part of the landscaping scheme."</p> <p>5.6 Tree Constraints Plan</p> <p>Page13 Line 2 after "trees" add "and hedges"</p> <p>Page14 Root Protection Area, Line 1 after "retained trees" add " and hedges"</p>
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				<p>Page14 Root Protection Area Line 3 after "each" add "hedge and"</p> <p>Page 14 Above Ground Constraints Line 1, 9, 10 & 13 after "trees" add "and hedges"</p> <p>5.7 Other Construction Issues to be considered</p> <p>Page 14 Lines 13 & 18 after "trees" add "and hedges"</p> <p>Page 14 Line 27 after "tree canopy" add "or hedge"</p> <p>6 Arboricultural Implication Assessment and Design</p> <p>6.1 page 15 Line 2 after "of" delete "tree"</p> <p>6.1 page 15 Lines 4 & 14 after "trees" add "and hedges"</p> <p>Chapter 7 Arboricultural Method Statement and Tree Protection Plan</p> <p>7.1 page 17 lines 1,4, 8 & 9 after "trees" add "and hedges"</p> <p>7.2 Tree Protection Plan</p> <p>7.2 page 17 lines 4, 6 & 10 after "trees " add "and hedges"</p> <p>7.2 page 17 line 7 delete "tree" replace with "root"</p> <p>7.2 page 17 line 12 delete "tree" replace with "root"</p> <p>7.3 Building Close to Trees</p> <p>7.3 page 17 lines 2, 4 & 16 after "trees" add "and hedges"</p> <p>8 New Planting and Landscaping</p> <p>8.2 page 19 line 1 after "trees" add "and hedges"</p> <p>8.2 page 19 line 7 delete "beneath the crown spread" replace with "within the root protection area"</p> <p>8.2 page 19 line 8 after "tree" add "or hedge"</p>
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				8.2 page 19 line 12 after “trees” add “or hedges” 8.3 page 19 line 5 after ,”the” add “root” after “trees” add “and “hedges”
Tree 26 02	13	Strongly Support paras 2.1 & 2.2	Comment only	None
Tree 12 02	6 7: 2.1	Fails to introduce hedgerows.	In response to earlier comments in relation to hedgerows additions have been made to strengthen this element of the Supplementary Planning Document.	See Proposed Change Rep No's 5 & 7
Tree 13 02	6 7: 2.1,2.2	It is unclear whether this SPD also covers woodlands.	Woodlands and other groups of trees are covered by this report. Woodlands and tree groups are covered by the Legislation and Policy Frameworks, and must be included within Tree Surveys. The constraints a woodland or group of trees places on a development site would be ascertained from the Tree Survey, and the Arboricultural Implication Assessment will set out how the trees or woodland will be affected and should include mitigation measures to reduce or remove adverse effects	None
Tree 14 03	6 9: 3.4	Add ‘and hedgerows’ after ‘Trees.	It is accepted that hedgerows are important habitats and should be included.	Chapter 3 Legal Framework page 9 3.4 line3
Tree 16 03	6 9	The protection under the Habitats Regulations 1994 is missing from this section. This legislation increased the protection for a number of European Protected Species, and requires Natural England licences to be	The Habitats Regulations 1994 is relevant to this document in that it protects important habitats and species and requires that licences are obtained for works that might affect protected species.	See Proposed Change Rep No 01

		obtained for works that might affect these species. The measures required to satisfy the licence requirements are material to planning decisions.		
Tree 15 03	6 9: 3.5	The CROW Act amends the Wildlife and Countryside Act 1981. Protection is given under the W & C Act not the CROW Act. The W & C Act now includes intentionally or recklessly destroys/disturbs.	The above are covered in Chapter 3 Legal framework page 9 paragraphs 3.4 and 3.5.	Chapter 3 Legal framework page 9 paragraphs 3.5 line 4 After "reckless" delete "(as well as intentional)" and replace with "and intentional"
Tree 19 04	6 12: 4.4	PPS 9 para 16 also provides a policy context for conservation of species of principal importance (NERC Act S 41) and states that 'Local Authorities should take measures to protect the habitats of these species from further decline through policies in local development documents. Planning authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations.' The Cumbria Biodiversity Evidence Base provides a list of species of principal importance (UK priority species) and gives their current known distribution across the county, district by district. This can be found at http://www.lakelandwildlife.co.uk/biodiversity/index.html - Key Species Presence/absence spreadsheet. The Key Species list includes all protected and priority species known to occur in Cumbria	A Planning Obligations Supplementary Planning Document is being produced as part of the current suite of Supplementary Planning Documents. Appropriate planning conditions are attached to consent notices at the decision stage of an application and the wording of conditions is outside the scope of this SPD.	None

Tree 17 04	6 12: 4.4	PPS 9 para 11 is relevant; it states that 'local authorities should also conserve other important natural habitat types that have been identified in the CROW Act 2000 S 74 list (now the NERC Act S41 list)... and identify opportunities to enhance and add to them'. The relevant natural habitat types are: Hedgerows Woodlands (Upland Oakwood, Upland mixed ash woods, Wet woodland), Traditional Orchards, and Wood-pasture and Parkland. Further information on these habitats can be found at http://www.lakelandwildlife.co.uk/biodiversity/habitat_list.html - part of the Cumbria Biodiversity Evidence Base	PPS 9 para 11 states that Local Authorities through their policies should conserve other natural habitat types. Policies within the Carlisle District Local Plan 2001 -2016 build on this paragraph. It is not appropriate for this Supplementary Planning Document to repeat these Policies. Rep No 10 proposed change is to include a reference to the Cumbria Biodiversity Evidence Base.	See Proposed Change Rep No 10
Tree 18 04	6 12: 4.4	In addition, PPS 9 para 14 is relevant: 'Development proposals provide many opportunities for building-in beneficial biodiversity....features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate'.	These comments are better dealt with within the Achieving well designed housing and Planning Obligations SPD's	None
Tree 09 04	5 0	A general comment on the SPDs that Carlisle City Council are preparing. All but one of the policies quoted in Section 4 of this SPD, the Policy Framework, refer to biodiversity or wildlife, but biodiversity is not considered in the rest of the document. It is somewhat puzzling that tree issues have an SPD when biodiversity isn't considered important enough to	The scope of this document covers trees on development sites, and it is not a specific biodiversity document. However, a number of changes have been made to increase the awareness of biodiversity issues particularly in relation to trees and hedges	None

		warrant its own SPD		
Tree 03 04	3 12: 4.9 -4.12	Paras 4.9 to 4.12 could usefully be supplemented to refer to adopted Regional Spatial Strategy Policy EM1(D) - Trees, Woodlands and Forest.	Policy EM1(D) of the Regional Spatial Strategy is relevant to this Supplementary Planning Document and mention should be made of it where appropriate.	Add 4.13 "Regional Spatial Strategy Policy EM1(D) - Trees Woodlands and Forests."
Tree 22 05	6 13: 5.5	This paragraph recognises that woodlands may be affected and come under the scope of this SPD (Also see Objection Tree 21)	Woodlands are more than just the trees. However, the habitat that woodlands provide are protected by virtue of the presence of trees. Woodlands will need to be appropriately surveyed and consideration given to the implications on them, and by default the wider woodland habitat, throughout the process's set out in this Supplementary Planning Document for dealing with planning development with trees, and arboricultural implication assessments and design.	None
Tree 25 05	7 14: 5.7	'.....Streetlights, Signage and Community Safety When drawing up schemes for the siting and design of streetlights and security cameras, the tree canopy should not impair operation..... The choice and location of species should be considered to avoid impeding natural surveillance opportunities. See also Designing Out Crime SPD.	Whilst some advice on ensuring that consideration is given to the tensions between trees and the correct functioning of streetlights, CCTV cameras, and signage it is not within the scope of this Supplementary Planning Document to give detailed advice on landscaping schemes, including the choice of species and location of planting within landscaping schemes.	None
Tree 06 05	5 0	There is no guidance offered in any of this document on the potential for trees to house protected species. Guidance is offered in Section 5 on how to plan developments with trees, but fails to mention that trees should be assessed	Chapter 3 Legal Framework sets out the main legislation relating to trees and development including wildlife legislation relating to protection of species and habitats.	See Rep No 01 Proposed Changes Chapter 5 Planning Development with Trees paragraph 5.4 Tree Survey page 13 After bullet points add extra paragraph:

		<p>for their biodiversity potential. Many trees house bat roosts, even more are used by nesting birds and red squirrels.</p> <p>There is no guidance in the draft SPD on the issues of preventing disturbance to nesting birds or red squirrels which falls under the Wildlife and Countryside Act 1981 (as amended). There is also no guidance on getting trees surveyed to check for bat roosts, and if they are present, what procedures should be carried out to ensure that these species protected under the Conservation (Natural Habitats, &c.) Regulations 1994 are not disturbed or come to harm through development. This would appear to be a missed opportunity to inform developers of the biodiversity potential of trees which could be affected by development.</p>	<p>It is expected that developers are aware of these constraints and will act accordingly in line with the legislation. Changes have been proposed to include a reference to Conservation (Natural Habitats, &c.) Regulations 1994 as amended as per Tree 01</p> <p>Trees, particularly veteran or ancient trees, woodlands and hedgerows are especially important for biodiversity. Natural England in association with the Association of Local Government Ecologists has produced a "trigger list" that identifies when further survey work in respect of protected species should be carried out. The triggers for trees, woodlands and hedgerows would be appropriate for inclusion within this document.</p>	<p>"Further ecological surveys to identify protected species should be undertaken where the following are identified by the Tree Survey and are likely to be affected by the proposals; woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies, ancient and veteran trees, trees with obvious holes, cracks or cavities, trees with a girth greater than 1m at 1.3m above natural ground level."</p>
Tree 07 05	5 0	<p>There is no connection between the policy framework which indicates how valuable trees are in the landscape as biodiversity features and the discussion in Section 5. For example, veteran trees are not put into the context of their high biodiversity and landscape value. It has been assessed that one veteran tree of 400+ years old has a higher biodiversity value than 400 year old saplings due to its age and the number of species which use it as a habitat. Nowhere in this document other than in the</p>	<p>In response to Tree 06 an extra paragraph has been added at 5.4 regarding Ancient and Veteran trees and their bio-diversity features.</p> <p>The value of Ancient and veteran trees both in terms of bio-diversity, culture and heritage is very important. This is recognised at 4.4 page 11 Planning Policy Statement 9, Biodiversity and Geological Conservation. However, it is recognised that this can be strengthened. However, presuming that retention is in favour of only Ancient and</p>	<p>Chapter 2 Introduction Page 7 line 24 after "wildlife" add "Ancient and Veteran trees, and hedgerows are important landscape features in terms of biodiversity, culturally and heritage."</p>

		<p>paragraph from PPS9 does it advise that some trees may be more valuable than others and therefore there should be some evaluation of trees on a site with a presumption against loss of mature trees or mature stands of woodland.</p>	<p>Veteran trees and woodlands could result in the loss of large numbers of non-ancient or veteran trees as these will be perceived as not important. Also, policies from National to Local level do encourage the conservation of such trees as part of the development proposals.</p> <p>It should be noted that Table 1 - Cascade chart for tree quality assessment within BS 5837 Trees in relation to constructions - Recommendations that is the basis for the tree survey includes veteran trees in the highest category, and where retention is therefore of the highest priority.</p>	
Tree 23 08	6 19: 8.1 -8.3	<p>The SPD omits to provide any guidance on mitigation, compensation for loss or damage to trees, woodland or hedgerows, or enhancement, all of which are supported by planning policy. LE3 refers to replacement of an equivalent feature. This SPD is an opportunity to define equivalence. One small 1m high tree is not equivalent to a 100 year-old mature native tree with a range of wildlife features, for example.</p>	<p>The mitigation of impacts on biodiversity, and compensation/replacement for loss or damage to trees, woodlands, and hedgerows by way of replacements should be dealt with within other documents specifically a landscaping SPD or a Bio-diversity SPD. However, it is recognised that space is required for the replacement planting of larger growing native species and that this is a planning design issue and mention should be made within this Supplementary Planning Document.</p>	See Rep No 08 Proposed Change
Tree 04 08	4 19: 8.3	<p>New planting of deep rooted shrubs and trees should not be carried out in the vicinity of underground utility services and this should be included in</p>	<p>Whilst some advice on protecting the ground/soil conditions in relation to new Planting and Landscaping on p19 it is not within the scope of this</p>	None

		the wording of this document.	Supplementary Planning Document to give detailed advice on landscaping schemes.	
Tree 11 10	6 0	Whilst the SPD refers to the range of biodiversity legislation and policy that is relevant to trees, woodlands and hedgerows, it fails to include any guidance on how to ensure that works protect or enhance biodiversity features. As a result the scope of the SPD is unclear.	<p>This Supplementary Planning Document relates to trees and hedges on and adjacent development sites. It is not a Supplementary Planning Document on bio-diversity, or landscaping on development sites. However, it is accepted that trees and hedgerows are bio-diverse. This Supplementary Planning Guidance seeks to set out how the Local Authority expect these features to be surveyed, and that there is a presumption in favour of retaining landscape, environmental and bio-diverse features. Protection of these features is dealt with by means of root protection barriers, and by compliance with relevant legislation of which the developer should be aware.</p> <p>Enhancement of tree and hedgerow features is a matter for a Supplementary Planning Document on landscaping developments</p>	None
Tree 24 Appendix	6 22	Tree schedule and survey: This links to the comments made above regarding inclusion of an assessment of potential impacts on any protected or priority species. The example given gives cause for concern since it recommends removal of dead wood and tree felling. Dead and dying trees can have significant value for wildlife since at	Dead wood is an important habitat to many species of flora and fauna. However, dead wood management in areas of high value targets such as people and property has to balance the risks of retaining the dead wood with the duty of care owed by the owners of the trees to the public at large. Therefore, where the failure of a tree or part	See Proposed Change Rep No 06

		maturity trees often develop splits and holes that are habitat to species, especially bats, but are also essential for the survival of wood-eating invertebrates and fungi Removal of dead wood and tree felling. are likely to impact on biodiversity and it is recommended that an assessment of potential impacts from these actions are be included in the tree survey. This would ensure that the full implications are addressed and that issues would be more adequately integrated.	thereof, either dead or living is reasonably foreseeable under normal circumstances and their is a reasonably foreseeable risk of harm it would not be appropriate to retain it. The value of trees as habitat for bats etc is recognised within this Supplementary Planning Document and guidance is provided on where it might be appropriate for surveys to assess whether or not bats and other potential species are present are carried out.	
Tree 27 General	15	Objection raised in respect of Supplementary Planning Document "Achieving Well Design Housing" regarding the definition of "Habitable Rooms"	In response to the comments on habitable rooms and the lack of consistency in their definition it is accepted that there are different definitions of habitable rooms for different scenarios and this can be confusing. Therefore, to reduce the risk of confusion the description as "Principal habitable rooms" is to be amended and the definition of a principal habitable room removed.	Chapter 5 Planning Development with Trees, page 14 Above Ground Constraints, line 6 delete "principal", lines 7 & 8 delete "(main window to a lounge, dining room or bedroom, or conservatory)" line 11 delete "principal"
Tree 01 General	1 0	SPD mentions WCA 1981, CROW Act 2009 and felling Licences, it may be prudent to specifically mention that Bats are European Protected Species (EPS) and are protected under the Conservation (Natural Habitats &c) 1994 (as amended 2007)	It is recognised that the Conservation (Natural Habitats, &c.) Regulations 1994 as amended are relevant to this Supplementary Planning Document and mention should be made of them where appropriate	3 Legal Framework Add 3.6 "Conservation (Natural Habitats, &c.) Regulations 1994 as amended: the Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species' and requires that licences are obtained for works that might affect protected species."
Tree 02 General	2 0	We fully support the document. We welcome the reference to the Local Authority's Biodiversity duty and are	Comment only	None

		pleased to see reference to the main Policy Guidance. We think the methodology for Tree Schedule and survey is comprehensive		
Tree 08 General	5 0	This SPD does not come anywhere near reaching the standards of encouraging a step change in biodiversity (enhancing and planting trees and woodland) that NERC Act 2006, PPS1, PPS7 or PPS9 demand, which is discussed in Sections 3 and 4 and which the Regional Spatial Strategy policies EM1 and EM1 B require Opportunities for planners to use this. guidance to encourage developers to incorporate more trees into development are not taken, and all that is discussed in Sections 5, 6 and 7 are technical issues which are laid out in the British Standards Documents quoted in Section 4	The purpose of this document is to help developers plan developments with trees and hedges. It is not intended as a Supplementary Planning Document on either bio-diversity or landscaping on development sites, although there are obvious overlapping of the issues. Add extra paragraph to provide guidance on providing space for large trees within the development	Chapter 5 page 13 Add new first paragraph "Trees, woodlands and hedgerows require space to both live and grow. Many of our native trees are large growing species. These large growing tree species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire an increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of a development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within schemes for the planting of large growing native trees and hedgerows. To ensure integration of existing features and space for new planting it is important that these issues are considered at the outset of the design and planning stage.
Tree 10 General	6 0	The Cumbria Biodiversity Evidence base documents include A Guide to Wildlife Legislation and Site designations and A Guide to Biodiversity Planning Policy and Guidance. These documents may provide useful background information. It also includes habitat statements on hedgerows, semi-natural woodlands, traditional orchards, and wood pasture and parkland. In addition the document 'Planning	Chapter 10 Useful References gives guidance on where to seek further advice. The inclusion of the The Cumbria Bio-diversity Evidence Base and associated pages would be a useful addition to this section.	Chapter 10 Useful References page 21 Add: "The Cumbria Biodiversity Evidence base http://www.lakelandwildlife.co.uk/ "

		<p>Considerations and Enhancement Opportunities includes a range of UK Biodiversity Action Plan targets including specific targets for hedgerows, wood pasture and parkland, and semi-natural woodland. These can all be found at www.lakelandwildlife.co.uk, and click on 'planning'.</p>		
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**Consultation Draft
Supplementary Planning Document**



TREES AND DEVELOPMENT

Consultation Draft Supplementary Planning Document

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Appendix 5

This SPD will replace the Supplementary Planning Guidance “Trees on Development Sites” adopted in 1998

1.0 Scope

- 1.1 This draft Supplementary Planning Document has been produced to give guidance on trees and hedgerows for development control officers, developers, planning applicants, planning agents, consultants, contractors and others involved in the planning process. This draft SPD conforms to policies in the Carlisle City Council Adopted Local Plan 2008 and current best practice and will be re-issued where necessary as revised policy emerges.
- 1.2 This draft SPD is intended to be adopted as a Supplementary Planning Document by Carlisle City Council and is therefore subject to public participation under The Town and Country Planning (Local Development) (England) Regulations 2004
- 1.3 Subject to formal adoption by the Local Planning Authority this SPD will be a 'material consideration' in determining planning applications.
- 1.4 The document has been subject to a Sustainability Appraisal (SA) at all stages. The SA considers the implications of the SPD from social, economic and environmental perspectives by assessing options and the draft SPD against available baseline data and sustainability objectives.

2.0 Introduction

- 2.1 Trees add considerable value to our urban and rural environments, and are natural features in an ever-changing landscape. They can soften the impact of buildings and hard surfaces, contribute to the overall character of the development, help to hide unsightly views, provide shade, absorb noise and provide a screen from the wind. In addition, mature trees can give identity to an area, engendering (what does this mean) real 'pride of place' within communities. They considerably enhance our quality of life, linking us to the changing seasons and the natural world. Trees have a major part in achieving sustainable development by, amongst other things, producing oxygen, absorbing carbon dioxide, filtering pollutants from the atmosphere, reduce water run-off, and increase interception in turn reducing the risk of flooding. Trees are also of immense importance in providing habitats for a wide variety of wildlife.
- 2.2 It is important that the creation of a sustainable tree stock is a prime consideration when planning any landscaping scheme. This should ensure that the tree stock incorporates trees of all age ranges and a diversity of species that is appropriate to the location and the landscape character within the City and the wider District. Maintaining the current benefit of trees in our landscape and providing for the future benefit of the residents of Carlisle District is of the utmost importance.

3.0 Legal Framework

- 3.1 Section 197 of the Town and Country Planning Act 1990 (as amended) states that it shall be the duty of the local planning authority
- (a) “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”.
 - (b) “To make such orders (*Tree Preservation Orders*) under Section 198 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 Town and Country Planning (Trees) Regulations 1999 set out the scope of tree preservation orders and also the scope of the protection afforded to trees in Conservation Areas

- 3.2 The Natural Environment and Rural Communities Act 2006 places a duty on Local authorities to have regard to the conservation of biodiversity in exercising their functions. The Act aims to clarify existing commitments with regard to biodiversity, and to make it a natural and integral part of policy and decision-making. Conserving biodiversity includes restoring and enhancing species populations and habitats, as well as protecting them.
- 3.3 Felling Licences: If you are felling trees above a certain size and the volume of timber exceeds a certain amount you may require a Felling Licence from the Forestry Commission.
- 3.4 The Wildlife & Countryside Act 1981: Provides protection for scheduled species and their habitats. Trees are habitat to a variety of protected species.
- 3.5 Countryside and Rights of Way Act 2000: The CROW Act also covers protected species and their habitat, as well as including reckless (as well as intentional) destruction/disturbance.

4.0 Policy Framework

National Policy

4.1 Planning Policy Statement 1 Delivering Sustainable Development

“Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources.”

“the protection of the wider countryside and the impact of development on landscape quality; the conservation and enhancement of wildlife species and habitats and the promotion of biodiversity; the need to improve the built and natural environment in and around urban areas and rural settlements, including the provision of good quality open space; the conservation of soil quality; and the preservation and enhancement of built and archaeological heritage;”

“Enhance as well as protect biodiversity, natural habitats, the historic environment and landscape and townscape character.”

4.2 Planning Policy Statement 3 Housing

“Provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.”

“Provides for the retention or re-establishment of the biodiversity within residential environments.”

4.3 Planning Policy Statement 7 Sustainable Development in Rural Areas

“Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.”

4.4 Planning Policy Statement 9 Biodiversity and Geological Conservation

“Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. Local planning authorities should identify any areas of ancient woodland in their areas that do not have statutory protection (e.g. as a SSSI). They should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat. Aged or ‘veteran’ trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Planning authorities should encourage the conservation of such trees as part of development proposals.”

“Local authorities should aim to maintain networks by avoiding or repairing the fragmentation and isolation of natural habitats through policies in plans. Such networks should be protected from development, and, where possible, strengthened by or integrated within it. This may be done as part of a wider strategy for the protection and extension of open space and access routes such as canals and rivers, including those within urban areas.”

4.5 Planning Policy Guidance 15: Planning and the Historic Environment.

“Conservation areas vary greatly, but certain aspects will almost always form the basis for a coherent assessment: the topography - for example, thoroughfares and property boundaries - and its historical development; the archaeological significance and potential; the prevalent building materials; the character and hierarchy of spaces; the quality and relationship of buildings in the area and also of trees and other green features.”

4.6 British Standard BS 3998:1989 Recommendations for Tree work

4.7 British Standard BS 5837:2005 Trees in relation to construction – Recommendations .

4.8 National Joint Utilities Council Guidelines For The Planning, Installation And Maintenance Of Utility Services In Proximity To Trees

Regional and Sub-Regional Policies

4.9 Countryside Character Volume 2: North West (Countryside Commission)

- 4.10 Northwest Regional Forestry Framework
- 4.11 Planning Cumbria: Technical Paper 5 Landscape Character (Joint Cumbria and Lake District Structure Plan)
- 4.12 Cumbria Biodiversity Action Plan.

Main Local Plan Policies

CP1 Landscape Character/Biodiversity

CP2 Trees and Hedges on Development Sites

CP4 Design

LE4 Other Nature Conservation Sites

The full text of these local plan policies are presented in Appendix 1 although other Local Plan policies may also be relevant.

5.0 Planning Developments With Trees

- 5.1 To ensure adequate protection of trees, where trees exist on a development site and those trees that will be affected by a development but are off site the developer should seek professional arboricultural advice at an early stage.
- 5.2 The process of planning developments with trees is set out in the flow diagram Figure 1 in BS 5837:2005 . A copy of Figure 1 – Flow diagram, summarising planning for trees on development sites is attached at Appendix 3
- 5.3 Land Survey
An accurately measured Land survey should be undertaken. The survey should be made available as scale drawings or in a mutually agreed digital format before submission of any planning application. Clearance of vegetation where necessary to facilitate the survey process should be undertaken using hand held machinery, or in open areas mechanised flails, not by bulldozing or soil stripping.

5.4 Tree Survey

When developments are likely to affect existing trees the Council will require the developer to submit a detailed tree survey in accordance with B.S. 5837:2005 or by any subsequent updates to this standard. A tree survey should be undertaken by a suitably qualified arboriculturalist with experience of trees on development sites. The tree survey must show the location of all trees over 75mm diameter at 1.5m above ground level, and be accurate to within 1m. A schedule to the survey should list all the trees and groups of trees and should contain the following information.

- ◆ Tree reference number
- ◆ Species
- ◆ Height (m)
- ◆ Diameter of the stem (mm) measured at 1.5m above ground.
- ◆ Canopy spread (m) of each tree for all four compass points.
- ◆ Height of crown clearance (m)
- ◆ Age class (e.g. young, semi mature, mature, over mature, veteran, senescent)
- ◆ Physiological condition
- ◆ Structural condition
- ◆ Preliminary management recommendations
- ◆ Estimated remaining contribution in years
- ◆ Category grading. British Standard status - colour coded system identifying suitability for retention.

5.5 Where trees are growing as groups or woodlands, it will often be appropriate to treat these groups as single entities when deciding what should be retained. In such cases, it will generally be acceptable to record them as a group. However, it may be appropriate to record the trees along the edge of the group or woodland as individuals.

5.6 Tree Constraints Plan

The tree constraints plan should show the influences that trees on and adjacent to the development site will have on the on the site layout. This is a design tool that should show the below ground constraints represented by the root protection zone and the above ground constraints the trees pose by virtue of their size and location, and should show the following information

- ◆ Root Protection Area - To avoid damage to retained trees and their rooting environment, the Root Protection Area should be plotted around each category of tree. Ground levels within the RPA must not be raised or lowered and it is preferable for these areas to be left unpaved, however consideration will be given where the use of suitable “non-dig” design is used that avoid root loss and prevent future compaction. Further guidance is contained within the British Standard. The Root Protection Area should be calculated using table 2- Calculating the RPA in BS 5837: 2005.

- ◆ Above Ground Constraints - Where the trees have the potential or would cause unreasonable loss of daylight or sunlight due to their size this should be shown on the Tree Constraints Plan. In the case of residential dwellings development will not be permitted where a principal habitable room window (main window to a lounge, dining room or bedroom, or conservatory) would be overshadowed by a tree, or where any part of a tree would be sited within 5 metres of a principal habitable room window. This distance may be greater should it be necessary to prevent damage to the tree itself. To allow for useable garden space no more than 50% of a new garden area should be dominated by the tree canopy of mature trees. Account also needs to be made for the growth of developing trees on the site. Access to daylight and sunlight helps to make a building more pleasant to live in and also more energy efficient; good natural daylight will reduce the need for electric light, while winter gain can meet some of the heating requirements. Recommendations on interior daylight requirements are set out in British Standard BS8206: Part 2: 1992 Code of Practice for Day lighting. (Other Useful References, section 16) Don't forget that shade patterns will change as a tree matures and grows and at different times of day and year.

5.7 Other Construction Issues To Be Considered

It is essential to avoid disturbance of the protection zone to make allowances for and plan all construction operations in the vicinity of the protection zone, in particular.

- ◆ Site construction access
- ◆ Contractors and visitors car parking
- ◆ Space needed for foundation excavations and building works including scaffolding and the location of cranes, storage of materials and site cabins.
- ◆ Location of utility services provision of common service trenches may help to minimise potential conflicts with trees. Service trenches should not pass through the Root Protection Area. If services must be located within this area the planning of utility services (above or below ground) near trees should be carried out in accordance with the recommendations of the National Joint Utilities Group publication number 10; Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees (1995).
- ◆ Streetlights, CCTV Cameras, Signage When drawing up schemes for the siting and design of streetlights and security cameras the tree canopy should not

impair operation. On retail developments it is often desirable to erect display signs on the road frontage. This should be designed to prevent future conflict and the need to prune nearby trees. See also Designing Out Crime SPD

Example of a land survey and tree schedule are attached at appendix 3

6.0 Arboricultural Implication Assessment and Design Considerations

- 6.1 An Arboricultural Implication Assessment is a type of tree survey that considers how a proposed development and its associated trees will co-exist and interact in the present and future. An Arboricultural Implication Assessment is a document that the Council will request as part of a planning application where they need to satisfy themselves that factors such as root protection, changes in levels, installation of services, material storage, etc have been duly considered during the development layout and that these items will not prove detrimental to the retained trees. It also needs to address the future issues, such as the long term effects of changing a surface level or the future need to prune or remove trees because they cast excessive shade or encroach upon property. The Arboricultural Implication Assessment should be carried out by a suitably qualified arboriculturalist with experience of trees on development sites.

7.0 Arboricultural Method Statement and Tree Protection Plan

- 7.1 On sites where trees are likely to be particularly vulnerable to damage the submission and approval of a detailed method statement for works near trees will be required. In the arboricultural industry, such a statement is commonly used to describe how construction works can be carried out close to trees. It should include details on how the works will be managed and how the trees will be adequately protected during such a process. The method statement contains a timetable indicating when and how specific works adjacent to trees should be carried out. This will cover items such as the installation of protective fencing, hand excavation within Root Protection Area, surface changes etc. Engineering specification sheets should be included for items such as the design of protective fencing, special surfaces, methods of trenching etc. Site supervision by an arboriculturalist may be stipulated for some or all of the operations associated with trees. Items to include within a method statement

7.2 Tree Protection Plan

The Tree Protection Plan should be drawn once the layout proposals have been finalised. The Tree Protection Plan should clearly show the trees that are to be removed and those to be retained, Root protection area of trees to be retained and the location of the tree protection barriers. The tree protection barriers must be fit for purpose so their design will vary dependent on the nature of the threat posed to the trees. All parties should be aware of the areas in which access and works may not take place. Suitable examples of tree protection barriers for varying conditions and tree warning site notices are contained in Appendix 5

7.3 Building in close proximity to trees

On certain sites the constraints mean that some construction near trees is unavoidable. Services, driveways or even garages may be positioned near trees when absolutely necessary, and when it can be demonstrated that all other reasonable alternatives have been discounted. In these instances submitted details should include methods of working and construction techniques. Construction techniques should be designed to minimise direct damage and to prevent indirect damage. The applicant should seek the advice of an Arboricultural Consultant from an early stage in the application process. Paths, lightly trafficked areas and driveways near trees should be constructed by no dig methods as outlined in B.S. 5837 Trees in relation to construction – Recommendations. Foundations should be piles or radial strip footings or similar and located to avoid major roots. Beams, slabs and suspended floors should be laid at or above the natural ground level. Trenches for services must be dug by hand to prevent damage to roots or installed using trenchless techniques.

8.0 New Planting / Landscaping

- 8.1 Although this Document does not specifically advise on landscaping developments due to the nature of planning consents often having conditions relating to landscaping some basic advice has been included.
- 8.2 Damage to trees often occurs during landscape operations within the protected zone. Use of machinery such as rotovators or mini-diggers and the movement of contractors vehicles can lead to extensive root damage and ground compaction. Landscape operations beneath the crown spread of any retained tree shall not

commence until the supervising Tree Officer has been on site to determine if the proposed work can be carried out without damaging the trees concerned.

- 8.3 Areas designated for planting are at risk of soil damage, particularly compaction and contamination during the development phase. Protection barriers similar to those for the protection of trees should be used to protect future landscape sites within and for the duration of the development

9.0 Useful contacts

Development Control

dc@carlisle.gov.uk

Tel: 01228 817178

Local Plans and Conservation

lpc@carlisle.gov.uk

Local Plans Tel: 01228 817193

Conservation and Listed Buildings Tel: 01228 817195

Tree and Hedgerow Protection

Contact: Landscape Architect/Tree Officer

lpc@carlisle.gov.uk

Tel: 01228 817535

Building Regulations

Contact: Building Control

bc@carlisle.gov.uk

Tel: 01228 817184

Highways

Cumbria County Council

Tel: 01228 606060

Contaminated Land

Contact: Environmental Protection Services

Tel: 01228 817330

Department for Communities and Local Government

Web: www.communities.gov.uk

Arboricultural Association
Tel: 01794 368717
Web: www.trees.org.uk

The Forestry Commission
North West England Conservancy
Peil Wyke
Bassenthwaite Lake
Cockermouth
Cumbria
CA13 9YG
Tel: 017687 76616
Fax: 017687 76557
Email: fc.nweng.cons@forestry.gsi.gov.uk

10.0 Useful References

British Standard BS3998: 1989 Recommendations for Tree Work (as amended).

British Standard BS5837: 1991 Trees in Relation to Construction (as amended).

British Standard BS8206: Part 2: 1992 Code of Practice for Daylighting. Building Research Establishment (1998).

Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice. Department of the Environment (1984).

Arboriculture Research Note 84/90/ARB – The Ultimate Size and Spread of Trees Commonly Grown in Towns. Department of the Environment, Transport and the Regions (2000).

Tree Preservation Orders – A Guide to the Law and Good Practice. Department of the Environment, Transport And The Regions (2000).

Trees and Development – A Technical Guide to the Preservation of Trees During Land Development. (SOURCE TO BE IDENTIFIED)

National House Building Council Standards Chapter 4.2 (2003). Building Near Trees.

National Joint Utilities Group Publication Number 10 (1995). Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees.

The Tree Advice Trust (AAIS). Arboricultural Practice Note (APN) 1 – Driveways Close to Trees.

The Tree Advice Trust (AAIS). Arboricultural Practice Note (APN) 5 – Shaded by Trees.

APPENDIX 1

Local Plan Policies relevant to this SPD (Please note that other Local Plan Policies will be relevant to development proposals)

CP1 Landscape Character

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas. Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

- the landform and natural patterns of drainage;
- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements.

CP2 - Biodiversity

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

CP3 - Trees and Hedges on Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:"

1. the location of existing trees and hedges;
2. the species, age, height and crown spread of each tree;
3. an assessment of the condition of each tree;
4. the location and crown spread of trees on adjacent land which may be affected by the development;
5. existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey. Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground. The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

CP4 Design

All new development proposals will be assessed against the following design principles. Proposals should:

1. Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
2. Take into consideration any important landscape or topographical features and respect local landscape character;
3. Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
4. Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
5. Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
6. Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
7. Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
8. Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
9. Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

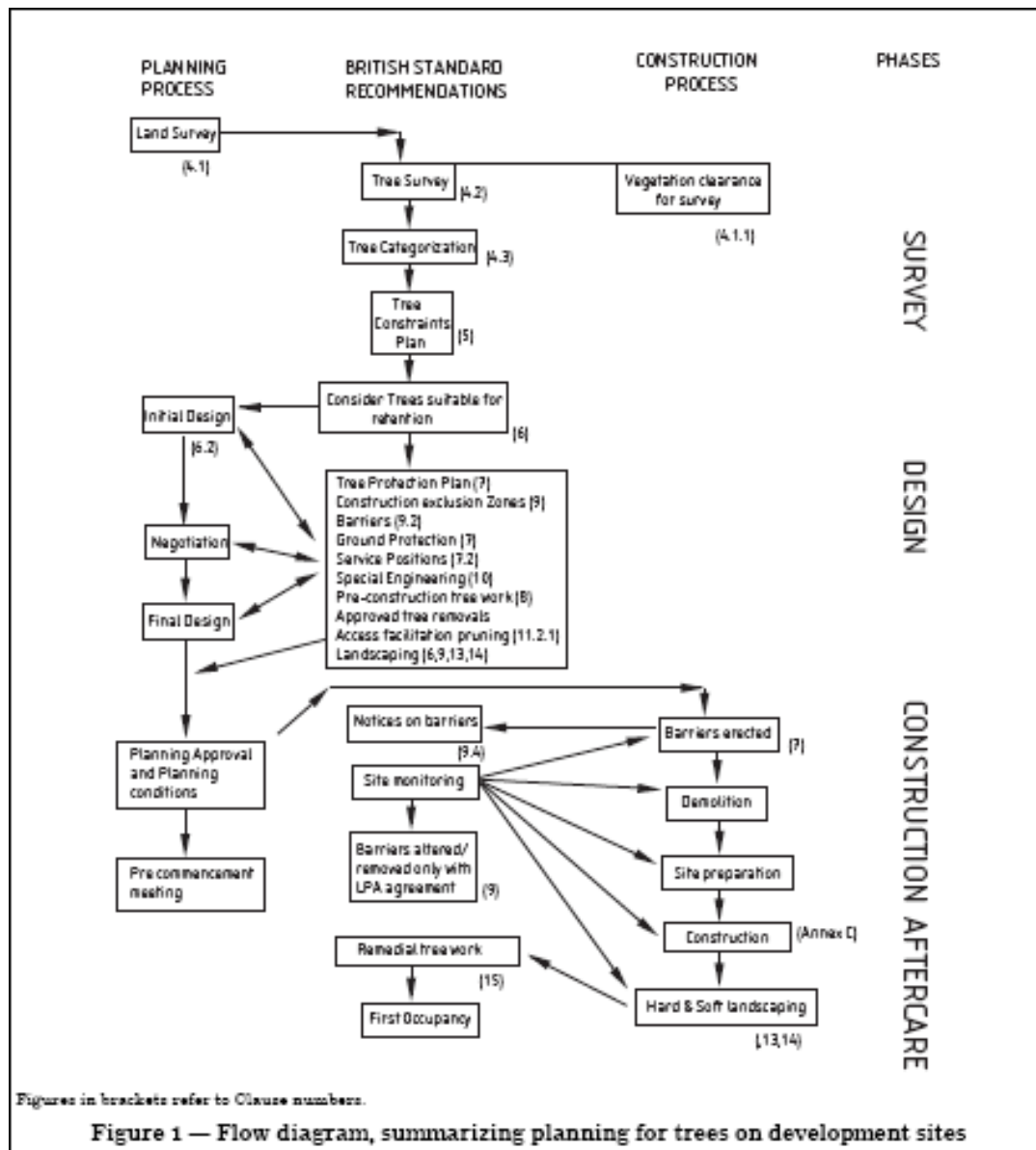
LE4 Other Nature Conservation Sites

Development which would have a detrimental effect on Regionally Important Geological/Geomorphological Sites, County Wildlife Sites and other sites of nature conservation significance, Local Nature Reserves and Ancient Woodlands will not be permitted unless:

1. The harm caused to the value of those interests is clearly outweighed by the need for the development in that location and
2. Where practical, any environmental feature lost is replaced with an equivalent feature.

Appendix 2

BS 5837:2005 . Figure 1 – Flow diagram, summarising planning for trees on development sites



Appendix 3

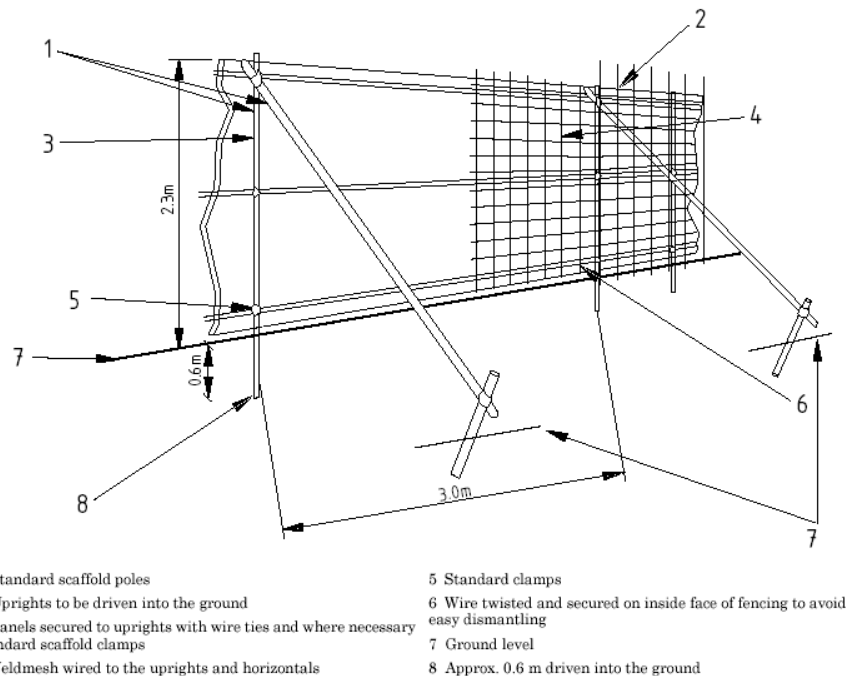
Example tree survey (see end of report)

Example tree constraints plan

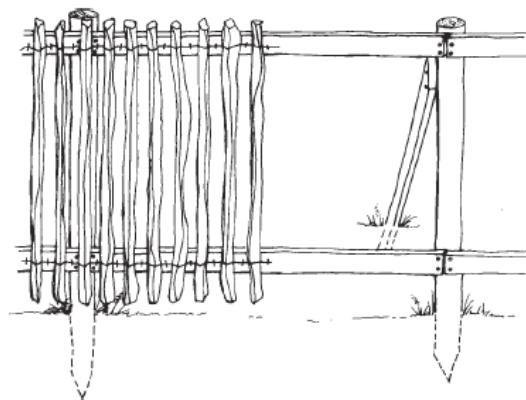
Example tree survey schedule

Appendix 4

Examples of tree protection barriers and specifications, and tree protection signs and



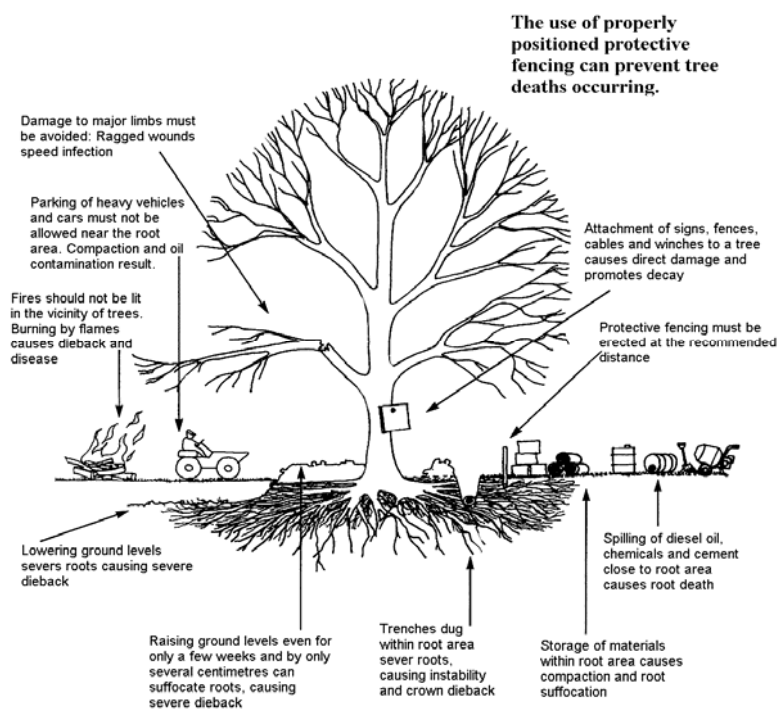
posters



Source: – BS 5837; Macclesfield Borough Council



Common causes of Tree Death



POSTER FOR PLACING INSIDE WORK

Construction and Trees



Why Is Fencing Erected Around Trees?

1. The major cause of damage to trees on construction sites is due to soil compaction.
2. Roots use the spaces between soil particles to obtain Oxygen, Water and Nutrients.
3. Heavy plant and machinery compresses (compacts) the soil, squashing out the air spaces and preventing root function.
4. A compacted soil structure will stay compacted.
5. Consequently the tree suffers and will show signs of branch die-back.
6. Symptoms such as die-back may take several years to appear.
7. Soil compaction over roots can be prevented by maintaining a fenced exclusion zone over the tree roots.
8. The exclusion zone distance is calculated using British Standard 5837.
9. Protective Fencing is installed at the calculated distance.
10. Protective Fencing is a condition of planning approval, if it is removed or repositioned the construction firm is in breach of a condition and may be subjected to legal action.

CABINS

Construction and Trees



Why Is Fencing Erected Around Trees?

1. The major cause of damage to trees on construction sites is due to **soil compaction**.
 2. Roots use the spaces between soil particles to obtain Oxygen, Water and Nutrients.
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-

TREE SURVEY SCHEDULE

Client: Houses for U

Site: Any Town

Date of Survey; 28 Feb

Surveyor: Gean Green

Tree reference number	Species	Height m	Stem diameter mm	Branch spread m	Height of crown clearance m	Age class	Physiological condition	Structural condition	Preliminary management recommendations	Estimated remaining contribution in years	Category grading
T1	Lime	15	975	N 6 E 7 S 5 W 8	3	mature	fair	Dead wood in crown consistent with age and species	Remove dead wood	20 - 40	B
T2	Sycamore	18	1030	N 8 E 9 S 7 W 8	3.5	mature	good	Excellent condition with no visible defects	None	40+	A
T3	Horse Chestnut	9	450	N 3 E 3 S 4 W 3	3	mature	fair	included fork at 3m and some minor dead wood	Crown thin 15% and remove dead wood	20 – 40	C
T4	Hawthorn	3	310	N 2 E 2 S 2 W 1	2	Over mature	poor	Significant die back in crown. Tree moribund	Fell	<10	R
T5	Oak	14	410	N 5 E 7 S 5 W 8	2.5	Middle aged	good	Excellent condition with no visible defects	None	40+	A
T6	Oak	7	210	N 3 E 5 S 4	2	young	fair	Suppressed by neighbouring trees resulting in poor form	Remove dead wood	40+	C

				W 4				with some minor dead wood in crown			
T7	Ash	12	550	N 4 E 5 S 3 W 6	3.5	Young	poor	Self seeded tree damaged by fire	Fell	<10	R

Tree reference number	Species	Height m	Stem diameter mm	Branch spread m	Height of crown clearance m	Age class	Physiological condition	Structural condition	Preliminary management recommendations	Estimated remaining contribution in years	Category grading
T8	Oak	26	1280	N 9 E 10 S 12 W 11	3.5	mature	good	Some dead wood consistent with age and species	Remove dead wood	40+	A
T9	Scots pine	18	790	N 5 E 5 S 4 W 5	19	mature	poor	Some dead wood consistent with age and species. Two snapped and hung up limbs in upper crown. Cavity at old pruning wound 6m up northern side of trunk	Remove dead wood and hung up branches. Carry out climbing inspection to ascertain extent of cavity and structural integrity of tree	20 - 40	C
T10	Ash	21	980	N 11 E 10 S 12 W 10	4	mature	good	Excellent condition and form with no defects visible at time of survey	None	40+	A
T11	Beech	9	985	N 3 E 5 S 4 W 6	5	Over mature	Poor	Significant die back in crown, numerous Kretzschmaria	Fell	<10	R

								deusta brackets on trunk			
G1	8 Goat Willow	6	50 - 175	N E S W	1	mature	fair	Some minor die back and snapped an broken branches	Fell	<10	C



Trees and Development

Supplementary Planning Document

Amended September 2009

CARLISLE
CITY COUNCIL



www.carlisle.gov.uk

Carlisle

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This document is part of the Local Development Framework, produced by the Planning and Housing Service of Carlisle City Council. If you would like this document in another format, for example large print, braille, audio tape or another language, please contact:

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Carlisle City Council
Civic Centre
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CA3 8QG
or email: lpc@carlisle.gov.uk
Tel: **01228 817193**

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**This SPD replaces the
Supplementary Planning Guidance
“Trees on Development Sites”
adopted in 1998**

1 Scope

1.1 This Supplementary Planning Document has been produced to give guidance on trees and hedgerows for development control officers, developers, planning applicants, planning agents, consultants, contractors and others involved in the planning process. This SPD conforms to policies in the Carlisle City Council Adopted Local Plan 2008 and current best practice and will be re-issued where necessary as revised policy emerges.

1.2 This SPD is intended to be adopted as a Supplementary Planning Document by Carlisle City Council and is therefore subject to public participation under The Town and Country Planning (Local Development) (England) Regulations 2004

1.3 Subject to formal adoption by the Local Planning Authority this SPD will be a 'material consideration' in determining planning applications.

1.4 The document has been subject to a Sustainability Appraisal (SA) at all stages. The SA considers the implications of the SPD from social, economic and environmental perspectives by assessing options and the draft SPD against available baseline data and sustainability objectives.



2 Introduction

2.1 Trees and hedges add considerable value to our urban and rural environments, and are natural features in an ever-changing landscape. They can soften the impact of buildings and hard surfaces, contribute to the overall character of the development, help to hide unsightly views, provide shade, absorb noise and provide a screen from the wind. In addition, mature trees can give identity to an area, engendering (what does this mean) real 'pride of place' within communities. They considerably enhance our quality of life, linking us to the changing seasons and the natural world. Trees and hedges have a major part in achieving sustainable development by, amongst other things, producing oxygen, absorbing carbon dioxide, filtering pollutants from the atmosphere, reduce water run-off, and

increase interception in turn reducing the risk of flooding. Trees and hedges are also of immense importance in providing habitats for a wide variety of wildlife. Ancient and Veteran trees, and hedgerows are important landscape features in terms of biodiversity, culturally and heritage.

2.2 It is important that the creation of a sustainable tree stock is a prime consideration when planning any landscaping scheme. This should ensure that the tree stock incorporates trees of all age ranges and a diversity of species that is appropriate to the location and the landscape character within the City and the wider District. Maintaining the current benefit of trees in our landscape and providing for the future benefit of the residents of Carlisle District is of the utmost importance.



3 Legal Framework

3.1 Section 197 of the Town and Country Planning Act 1990 (as amended) states that it shall be the duty of the local planning authority

(a) “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”.

(b) “To make such orders (Tree Preservation Orders) under Section 198 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 Town and Country Planning (Trees) Regulations 1999 set out the scope of tree preservation orders and also the scope of the protection afforded to trees in Conservation Areas

3.2 The Natural Environment and Rural Communities Act 2006 places a duty on Local authorities to have regard to the conservation of biodiversity in exercising their functions.

The Act aims to clarify existing commitments with regard to biodiversity, and to make it a natural and integral part of policy and decision-making. Conserving biodiversity includes restoring and enhancing species populations and habitats, as well as protecting them.

3.3 Felling Licences: If you are felling trees above a certain size and the volume of timber exceeds a certain amount you may require a Felling Licence from the Forestry Commission..

3.4 The Wildlife & Countryside Act 1981: Provides protection for scheduled species and their habitats. Trees and hedgerows are habitat to a variety of protected species.

3.5 Countryside and Rights of Way Act 2000: The CROW Act also covers protected species and their habitat, as well as including reckless and intentional destruction/ disturbance.



3.6 The Hedgerow Regulations 1997:

These Regulations provide protection for agricultural hedgerows, and set out the criteria to assess whether or not a hedgerow to which the Regulations apply can be classed as “Important”

3.7 Conservation (Natural Habitats, &c.) Regulations 1994 as amended: the Regulations provide for the designation and protection of ‘European sites’, the protection of ‘European protected species’ and requires that licences are obtained for works that might affect protected species.

4 Policy Framework

National Policy

4.1 Planning Policy Statement 1 Delivering Sustainable Development

"Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscape and landscapes, wildlife habitats and natural resources."

"the protection of the wider countryside and the impact of development on landscape quality; the conservation and enhancement of wildlife species and habitats and the promotion of biodiversity; the need to improve the built and natural environment in and around urban areas and rural settlements, including the provision of good quality open space; the conservation of soil quality; and the preservation and enhancement of built and archaeological heritage;"

"Enhance as well as protect biodiversity, natural habitats, the historic environment and landscape and townscape character."

4.2 Planning Policy Statement 3 Housing

"Provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies."

"Provides for the retention or re-establishment of the biodiversity within residential environments."

4.3 Planning Policy Statement 7 Sustainable Development in Rural Areas

"Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development."

4.4 Planning Policy Statement 9 Biodiversity and Geological Conservation

"Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. Local planning authorities should identify any areas of ancient woodland in their areas that do not have statutory protection (e.g. as a SSSI). They should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat. Aged or 'veteran' trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided."

Planning authorities should encourage the conservation of such trees as part of development proposals."

"Local authorities should aim to maintain networks by avoiding or repairing the fragmentation and isolation of natural habitats through policies in plans. Such networks should be protected from development, and, where possible, strengthened by or integrated within it. This may be done as part of a wider strategy for the protection and extension of open space and access routes such as canals and rivers, including those within urban areas."

- 4.5 Planning Policy Guidance 15:
Planning and the Historic Environment.

"Conservation areas vary greatly, but certain aspects will almost always form the basis for a coherent assessment: the topography - for example, thoroughfares and property boundaries - and its historical development; the archaeological significance and potential; the prevalent building materials; the character and hierarchy of spaces; the quality and relationship of buildings in the area and also of trees and other green features."

- 4.6 British Standard BS 3998:1989
Recommendations for Tree work
- 4.7 British Standard BS 5837:2005
Trees in relation to construction –
Recommendations .
- 4.8 National Joint Utilities Council Guidelines
for the Planning, Installation and
Maintenance of Utility Services In
Proximity to Trees

Regional and Sub-Regional Policies

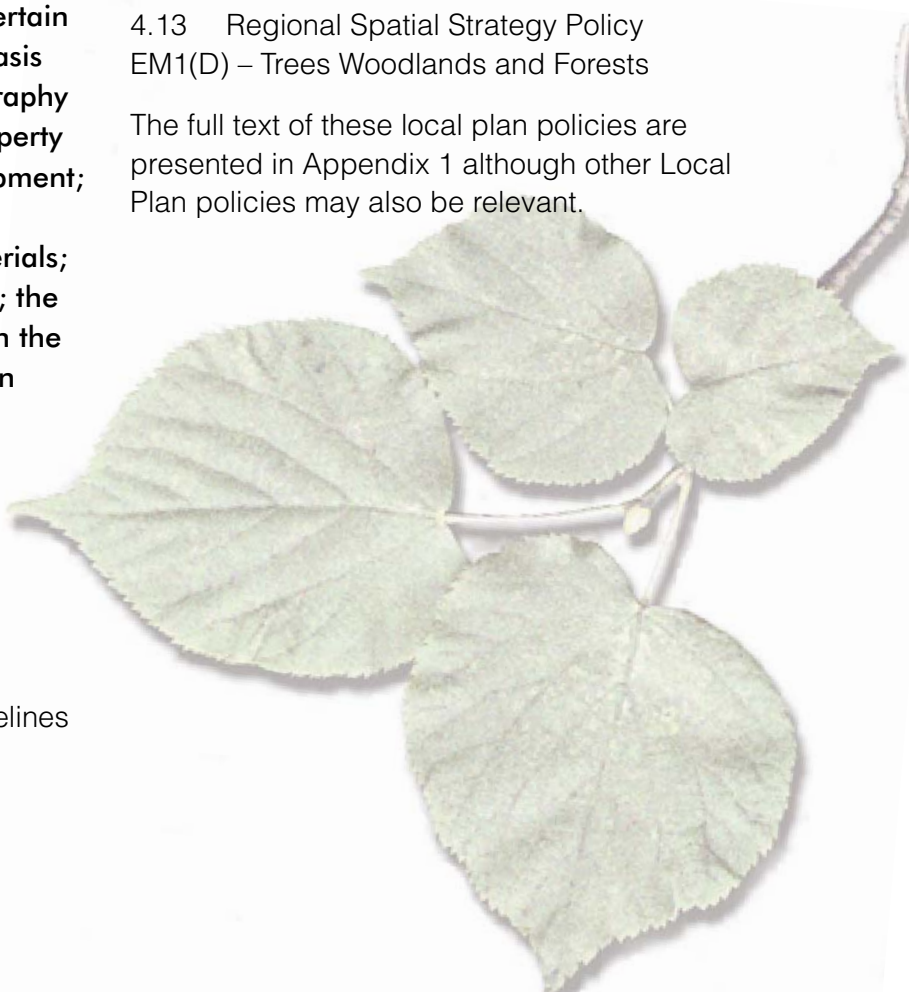
- 4.9 Countryside Character Volume 2: North
West (Countryside Commission)
- 4.10 Northwest Regional Forestry Framework
- 4.11 Planning Cumbria: Technical Paper 5
Landscape Character (Joint Cumbria and
Lake District Structure Plan)
- 4.12 Cumbria Biodiversity Action Plan.

Main Local Plan Policies

- CP1 Landscape Character/Biodiversity
- CP2 Biodiversity
- CP3 Trees & Hedges on Development Sites
- CP5 Design
- LE5 Other Nature Conservation Sites

- 4.13 Regional Spatial Strategy Policy
EM1(D) – Trees Woodlands and Forests

The full text of these local plan policies are presented in Appendix 1 although other Local Plan policies may also be relevant.



5 Planning Developments with Trees

5.1 Trees, woodlands and hedgerows require space to both live and grow. Many of our native trees are large growing species. These large growing tree species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire an increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of a development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within schemes for the planting of large growing native trees and hedgerows. To ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.

5.2 To ensure the adequate protection of trees and hedges on, and those off the site that will be affected by the development the developer should seek professional arboricultural advice at an early stage.

5.3 The process of planning developments with trees is set out in the flow diagram Figure 1 in BS 5837:2005. A copy of Figure 1 – Flow diagram, summarising planning for trees on development sites is attached at Appendix 3

Land Survey

5.4 An accurately measured Land survey should be undertaken. The survey should be made available as scale drawings or in a mutually agreed digital format before submission of any planning application. Clearance of vegetation where necessary to facilitate the survey process should be

undertaken using hand held machinery, or in open areas mechanised flails, not by bulldozing or soil stripping.

Tree Survey

5.5 When developments are likely to affect existing trees the Council will require the developer to submit a detailed tree survey in accordance with B.S. 5837:2005 or by any subsequent updates to this standard. A tree survey should be undertaken by a suitably qualified arboriculturalist with experience of trees on development sites. The tree survey must show the location of all trees over 75mm diameter at 1.5m above ground level, and be accurate to within 1m. A schedule to the survey should list all the trees and groups of trees and should contain the following information.

- Tree reference number
- Species
- Height (m)
- Diameter of the stem (mm) measured at 1.5m above ground.
- Canopy spread (m) of each tree for all four compass points.
- Height of crown clearance (m)
- Age class (e.g. young, semi mature, mature, over mature, veteran, senescent)
- Physiological condition
- Structural condition
- Preliminary management recommendations
- Estimated remaining contribution in years
- Category grading. British Standard status - colour coded system identifying suitability for retention.

Further ecological surveys to identify protected species should be undertaken where the following are identified by the Tree Survey and are likely to be affected by the proposals; woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies, ancient and veteran trees, trees with obvious holes, cracks or cavities, trees with a girth greater than 1m at 1.3m above natural ground level.

Hedgerow Survey

5.6 Where developments are likely to affect a hedgerow a hedgerow survey must be carried out as. The minimum standard that survey should be carried to is the standard to ascertain whether or not the hedgerow would be classed as important under the 1997 Hedgerow Regulations. A survey to this standard should be carried out even if the hedgerow is a non-agricultural hedge, or other hedge excluded from the Regulations. Important hedges are National Biodiversity Action Plan priority habitats and the presumption is in favour of their retention. Hedges that meet the criteria as Important under the 1997 Regulations should be retained and included within the design of the development. Those hedges that do not meet the Important criteria may still be important for biodiversity and wildlife, for example as nesting sites, migration corridors, or foraging routes for bats. Consideration should, where practical be given to the retention of these hedges, but where this is not practical mitigation on a like for like basis should form part of the landscaping scheme.

5.7 Where trees are growing as groups or woodlands, it will often be appropriate to treat these groups as single entities when deciding what should be retained. In such cases, it will generally be acceptable to record them as a group. However, it may be appropriate to

record the trees along the edge of the group or woodland as individuals.

Tree Constraints Plan

5.8 The tree and hedge constraints plan should show the influences that trees on and adjacent to the development site will have on the on the site layout. This is a design tool that should show the below ground constraints represented by the root protection area and the above ground constraints the trees and hedges pose by virtue of their size and location, and should show the following information

Root Protection Area

To avoid damage to retained trees and hedges and their rooting environment, the Root Protection Area should be plotted around each hedge and category of tree. Ground levels within the Root Protection Area must not be raised or lowered and it is preferable for these areas to be left unpaved, however consideration will be given where the use of suitable “non-dig” design is used that avoid root loss and prevent future compaction. Further guidance is contained within the British Standard. The Root Protection Area should be calculated using table 2-Calculating the Root Protection Area in BS 5837: 2005.

Above Ground Constraints

Where the trees and hedges have the potential or would cause unreasonable loss of daylight or sunlight due to their size this should be shown on the Tree Constraints Plan. In the case of residential dwellings development will not be permitted where a habitable room window would be overshadowed by a tree or hedge, or where any part of a tree or hedge would be sited within 5 metres of a habitable room window. This distance may be greater should it be necessary to prevent damage to the tree or hedge itself. To allow for useable

garden space no more than 50% of a new garden area should be dominated by the tree canopy of mature trees. Account also needs to be made for the growth of developing trees on the site. Access to daylight and sunlight helps to make a building more pleasant to live in and also more energy efficient; good natural daylight will reduce the need for electric light, while winter gain can meet some of the heating requirements. Recommendations on interior daylight requirements are set out in British Standard BS8206: Part 2: 1992 Code of Practice for Day lighting. (Other Useful References, section 16) Don't forget that shade patterns will change as a tree matures and grows and at different times of day and year.

Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees (1995).

- Streetlights, CCTV Cameras, Signage When drawing up schemes for the siting and design of streetlights and security cameras the tree canopy or hedge should not impair operation. On retail developments it is often desirable to erect display signs on the road frontage. This should be designed to prevent future conflict and the need to prune nearby trees or hedges. See also Designing Out Crime SPD

Examples of a land survey and tree schedule are attached at appendix 3

Other Construction Issues to be Considered

5.9 It is essential to avoid disturbance of the Root Protection Area to make allowances for and plan all construction operations in the vicinity of the Root Protection Area, in particular.

- Site construction access
- Contractors and visitors car parking
- Space needed for foundation excavations and building works including scaffolding and the location of cranes, storage of materials and site cabins.
- Location of utility services provision of common service trenches may help to minimise potential conflicts with trees and hedges. Service trenches should not pass through the Root Protection Area. If services must be located within this area the planning of utility services (above or below ground) near trees and hedges should be carried out in accordance with the recommendations of the National Joint Utilities Group publication number 10;

6 Arboricultural Implication Assessment and Design

6.1 An Arboricultural Implication Assessment is a type of survey that considers how a proposed development and its associated trees and hedges will co-exist and interact in the present and future. An Arboricultural Implication Assessment is a document that the Council will request as part of a planning application where they need to satisfy themselves that factors such as root protection, changes in levels, installation of services, material storage, etc have been duly

considered during the development layout and that these items will not prove detrimental to the retained trees and hedges. It also needs to address the future issues, such as the long term effects of changing a surface level or the future need to prune or remove trees and hedges because they cast excessive shade or encroach upon property. The Arboricultural Implication Assessment should be carried out by a suitably qualified arboriculturalist with experience of trees on development sites.

7 Arboricultural Method Statement and Tree Protection Plan

7.1 On sites where trees and hedges are likely to be particularly vulnerable to damage the submission and approval of a detailed method statement for works near trees and hedges will be required. In the arboricultural industry, such a statement is commonly used to describe how construction works can be carried out close to trees and hedges. It should include details on how the works will be managed and how the trees and hedges will be adequately protected during such a process. The method statement contains a timetable indicating when and how specific works adjacent to trees and hedges should be carried out. This will cover items such as the installation of protective fencing, hand excavation within Root Protection Area, surface changes etc. Engineering specification sheets should be included for items such as the design of protective fencing, special surfaces, methods of trenching etc. Site supervision by an arboriculturalist may be stipulated for some or all of the operations associated with trees and hedges. Items to include within a method statement

Tree Protection Plan

7.2 The Tree Protection Plan should be drawn once the layout proposals have been finalised. The Tree Protection Plan should clearly show the trees and hedges that are to be removed and those to be retained, the Root Protection Area of trees and hedges to be retained and the location of the tree and hedge protection barriers. The tree and hedge protection barriers must be fit for purpose

so their design will vary dependent on the nature of the threat posed to the trees and hedges. All parties should be aware of the areas in which access and works may not take place. Suitable examples of tree and hedge protection barriers for varying conditions and tree warning site notices are contained in Appendix 5

Building close to trees

7.3 On certain sites the constraints mean that some construction near trees and hedges is unavoidable. Services, driveways or even garages may be positioned near trees and hedges when absolutely necessary, and when it can be demonstrated that all other reasonable alternatives have been discounted. In these instances submitted details should include methods of working and construction techniques. Construction techniques should be designed to minimise direct damage and to prevent indirect damage. The applicant should seek the advice of an Arboricultural Consultant from an early stage in the application process. Paths, lightly trafficked areas and driveways near trees and hedges should be constructed by no dig methods as outlined in B.S. 5837 Trees in relation to construction – Recommendations. Foundations should be piles or radial strip footings or similar and located to avoid major roots. Beams, slabs and suspended floors should be laid at or above the natural ground level. Trenches for services must be dug by hand to prevent damage to roots or installed using trenchless techniques.

8 New Planting and Landscaping

8.1 Although this Document does not specifically advise on landscaping developments due to the nature of planning consents often having conditions relating to landscaping some basic advice has been included.

8.2 Damage to trees and hedges often occurs during landscape operations within the Root Protection Area. Use of machinery such as rotovators or mini-diggers and the movement of contractors vehicles can lead to extensive root damage and ground compaction. Landscape operations within the Root Protection Area of any retained tree or hedge shall not commence until the supervising Tree Officer has been on site to

determine if the proposed work can be carried out without damaging the trees or hedges concerned.

8.3 Areas designated for planting are at risk of soil damage, particularly compaction and contamination during the development phase. Protection barriers similar to those for the root protection of trees and hedges should be used to protect future landscape sites within and for the duration of the development

9 Useful Contacts

Development Control

dc@carlisle.gov.uk.gov.uk
Tel: 01228 817178

Local Plans and Conservation

lpc@carlisle.gov.uk
Local Plans Tel: 01228 817193
Conservation and Listed Buildings Tel: 01228 817195
Tree and Hedgerow Protection Contact: Landscape Architect/ Tree Officer
lpc@carlisle.gov.uk
Tel: 01228 817535

Building Regulations

Contact: Building Control
bc@carlisle.gov.uk
Tel: 01228 817184

Highways

Cumbria County Council
Tel: 01228 606060

Contaminated Land

Contact: Environmental Protection Services
Tel: 01228 817330

Department for Communities and Local Government

www.communities.gov.uk

Arboricultural Association

Tel: 01794 368717
www.trees.org.uk

Forestry Commission

North West England Conservancy
Peil Wyke
Bassenthwaite Lake
Cockermouth
CA13 9YG
Tel: 017687 76616
Fax: 017687 76557
fc.nweng.cons@forestry.gsi.gov.uk

10 Useful References

British Standard BS3998: 1989 Recommendations for Tree Work (as amended).

British Standard BS5837: 1991 Trees in Relation to Construction (as amended).

British Standard BS8206: Part 2: 1992 Code of Practice for Daylighting. Building Research Establishment (1998).

Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice.
Department of the Environment (1984).

Arboriculture Research Note 84/90/ARB – The Ultimate Size and Spread of Trees Commonly Grown in Towns.
Department of the Environment, Transport and the Regions (2000).

Tree Preservation Orders – A Guide to the Law and Good Practice.
Department of the Environment, Transport And The Regions (2000).

Trees and Development – A Technical Guide to the Preservation of Trees During Land Development.
Nelda Matheny and James R. Clark

National House Building Council Standards Chapter 4.2 (2003). Building Near Trees.

National Joint Utilities Group Publication Number 10 (1995).
Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees.

The Tree Advice Trust (AAIS). Arboricultural Practice Note (APN) 1 – Driveways Close to Trees.

The Tree Advice Trust (AAIS). Arboricultural Practice Note (APN) 5 – Shaded by Trees.

The Cumbria Biodiversity Evidence Base <http://www.lakelandwildlife.co.uk/>

Appendix 1

Local Plan Policies relevant to this SPD (Please note that other Local Plan Policies will be relevant to development proposals)

CP1 Landscape Character

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas. Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

- the landform and natural patterns of drainage;
- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements.

CP2 Biodiversity

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special accounts will be given to their presence in the consideration of development proposals.

CP3 Trees and Hedges on Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:"

1. the location of existing trees and hedges;
2. the species, age, height and crown spread of each tree;
3. an assessment of the condition of each tree;
4. the location and crown spread of trees on adjacent land which may be affected by the development;
5. existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey. Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground. The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

CP5 Design

All new development proposals will be assessed against the following design principles. Proposals should:

1. Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
2. Take into consideration any important landscape or topographical features and respect local landscape character;
3. Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
4. Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
5. Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
6. Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation

measures should be put in place and on-site replacement of those features will be sought;

7. Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
8. Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
9. Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

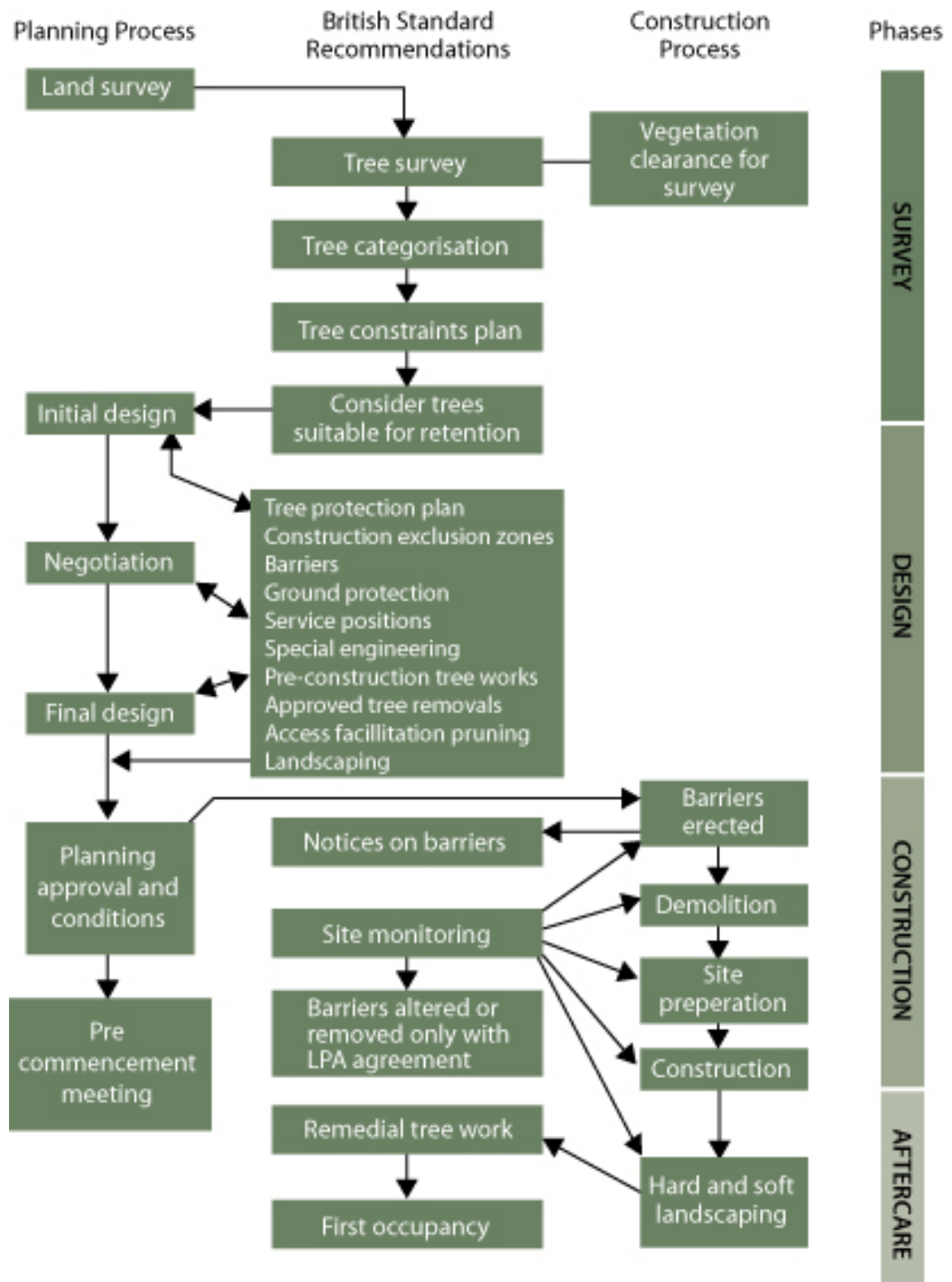
LE3 Other Nature Conservation Sites

Development which would have a detrimental effect on Regionally Important Geological/ Geomorphological Sites (RIGGS), County Wildlife Sites and other sites of nature conservation significance, Local Nature Reserves and Ancient Woodlands will not be permitted unless:

1. The harm caused to the value of those interests is clearly outweighed by the need for the development in that location and
2. Where practical, any environmental feature lost is replaced with an equivalent feature.

BS 5837:2005

Figure 1 – Flow diagram, summarising planning for trees on development sites



Client: Houses for U

Site: Any Town

Date of Survey; 28 Feb

Surveyor: Gean Green

Tree ref	Species (m)	Height (m)	Stem diameter (mm)	Branch spread (m)		Height of crown clearance (m)	Age class	Physiological condition
T1	Lime	15	975	N6	E7	3	Mature	Fair
				S5	W8			
T2	Sycamore	18	1030	N8	E7	3.5	Mature	Good
				S7	W8			
T3	Horse Chestnut	9	450	N3	E9	3	Mature	Fair
				S5	W8			
T4	Hawthorn	3	310	N2	E2	2	Over mature	Poor
				S2	W1			
T5	Oak	14	410	N5	E7	2.5	Middle aged	Good
				S2	W8			
T6	Oak	7	210	N3	E5	2	Young	Fair
				S4	W4			
T7	Ash	12	550	N4	E5	3.5	Young	Poor
				S3	W6			
T8	Oak	26	1280	N9	E10	3.5	Mature	Good
				S12	W11			
T9	Scots pine	18	790	N5	E5	19	Mature	Poor
				S4	W5			
T10	Ash	21	980	N11	E10	4	Mature	Good
				S12	W10			
T11	Beech	9	985	N3	E5	5	Over mature	Poor
				S4	W6			
G1	8 Goat Willow	6	50-175	N	E	1	Mature	Fair
				S	W			

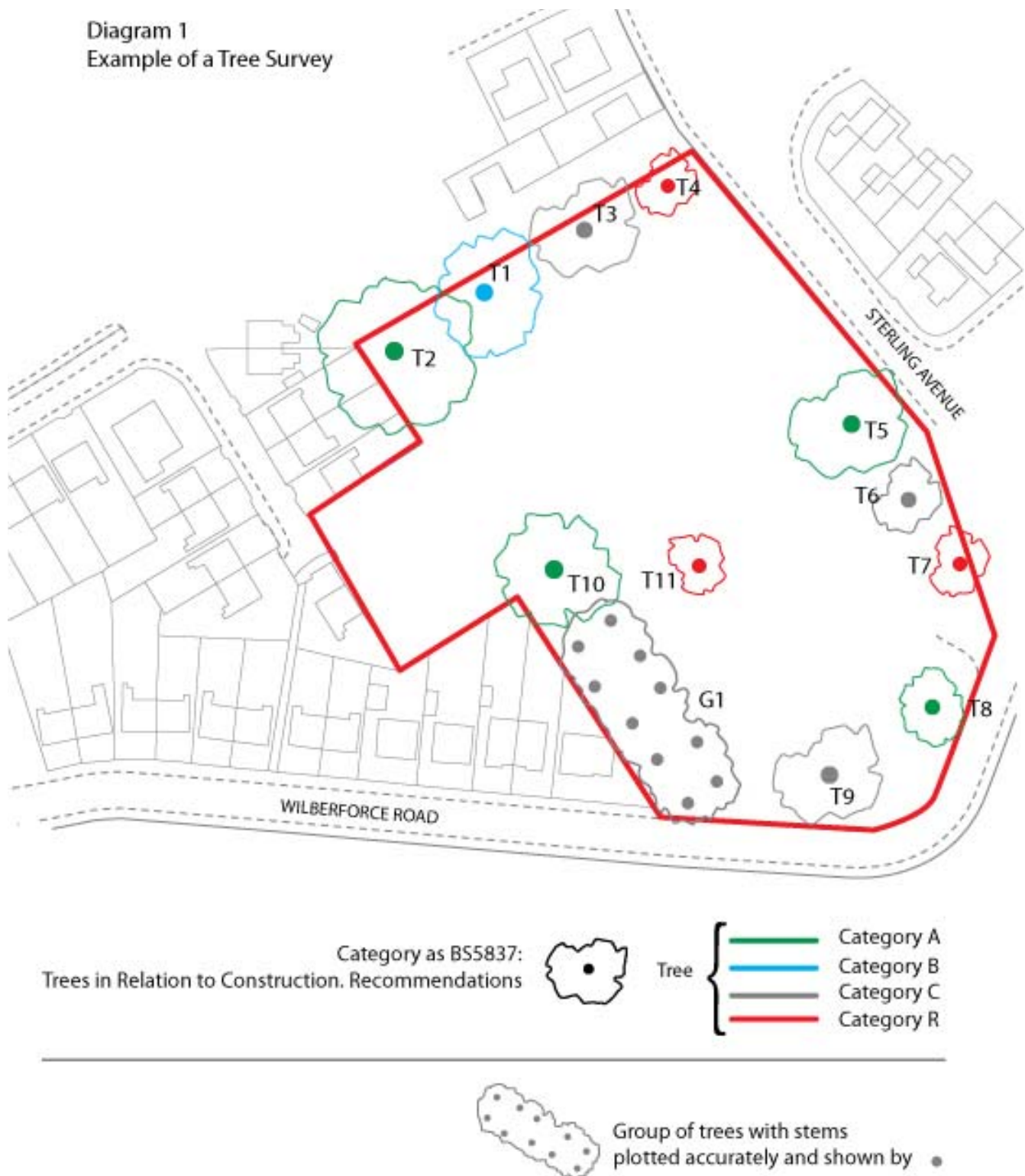
Appendix 3

Example of a Tree Schedule and Survey

Structural condition	Preliminary management recommendations	Estimated remaining contribution in years	Category grading
Dead wood in crown consistent with age and species	Remove dead wood	20 - 40	B
Excellent condition with no visible defects	None	40+	A
Included fork at 3m and some minor dead wood	Crown thin 15% and remove dead wood	20-40	C
Significant die back in crown. Tree moribund	Fell	<10	R
Excellent condition with no visible defects	None	40+	A
Suppressed by neighbouring trees resulting in poor form with some minor dead wood in crown	Remove dead wood	40+	C
Self seeded tree damaged by fire	Fell	<10	R
Some dead wood consistent with age and species	Remove dead wood	40+	A
Some dead wood consistent with age and species. Two snapped and hung up limbs in upper crown. Cavity at old pruning wound 6m up northern side of trunk	Remove dead wood and hung up branches. Carry out climbing inspection to ascertain extent of cavity and structural integrity of tree	20 - 40	C
Excellent condition and form with no defects visible at time of survey	None	40+	A
Significant die back in crown, numerous Kretzschmaria deusta brackets on trunk	Fell	<10	R
Some minor die back and snapped and broken branches	Fell	<10	C

Appendix 3

Diagram 1
Example of a Tree Survey



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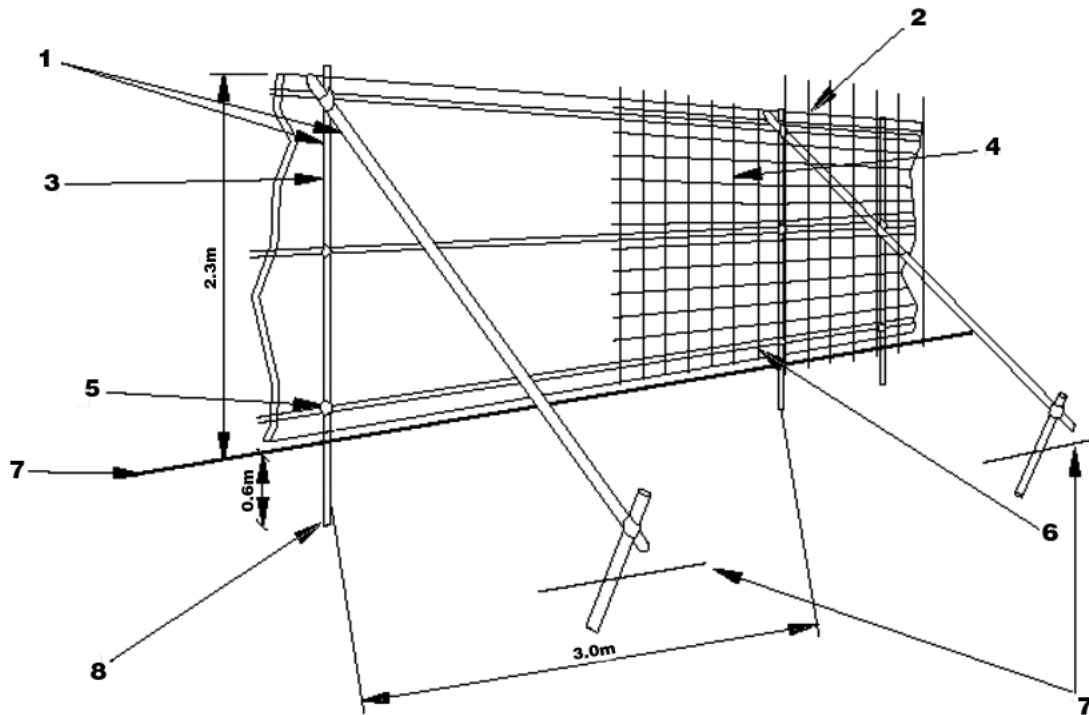
Appendix 3

Diagram 2
Example of a Tree Constraints Plan



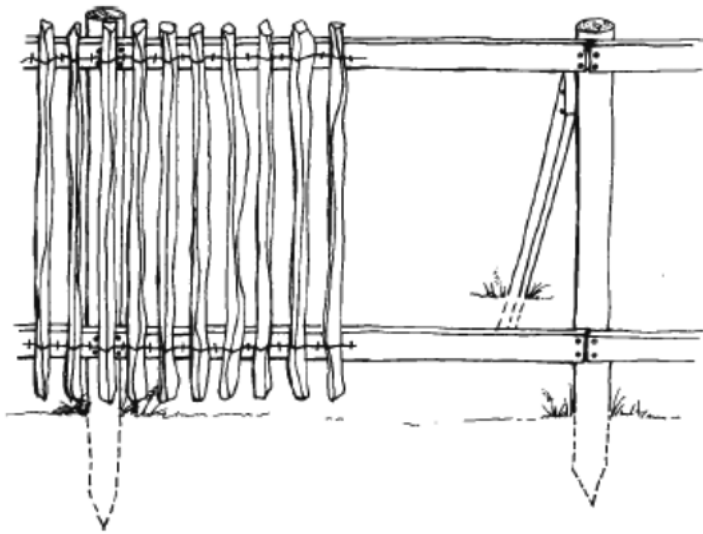
Appendix 4

Examples of tree protection barriers and specifications, and tree protection signs and posters



- | | |
|--|--|
| 1 Standard scaffold poles | 5 Standard clamps |
| 2 Upright 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 0.6m driven into the ground |

▲ © British Standards. 5837. 2005. www.bsi-global.com



Key:

Posts: 75-100mm round top fence posts, 1.8m high at 2m spacings, securely driven in by 0,6m.

Top & Bottom Rails: 50mm x 75mm softwood, nailed to uprights

Support Struts: 50mm x 75mm softwood, securely nailed to uprights at every third post, and at each corner or change of direction.

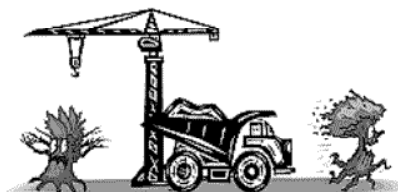
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2008.

<http://www.macclesfield.gov.uk/>

▼ © Amber Valley Borough Council. 2008. www.ambervalley.gov.uk



Construction and Trees

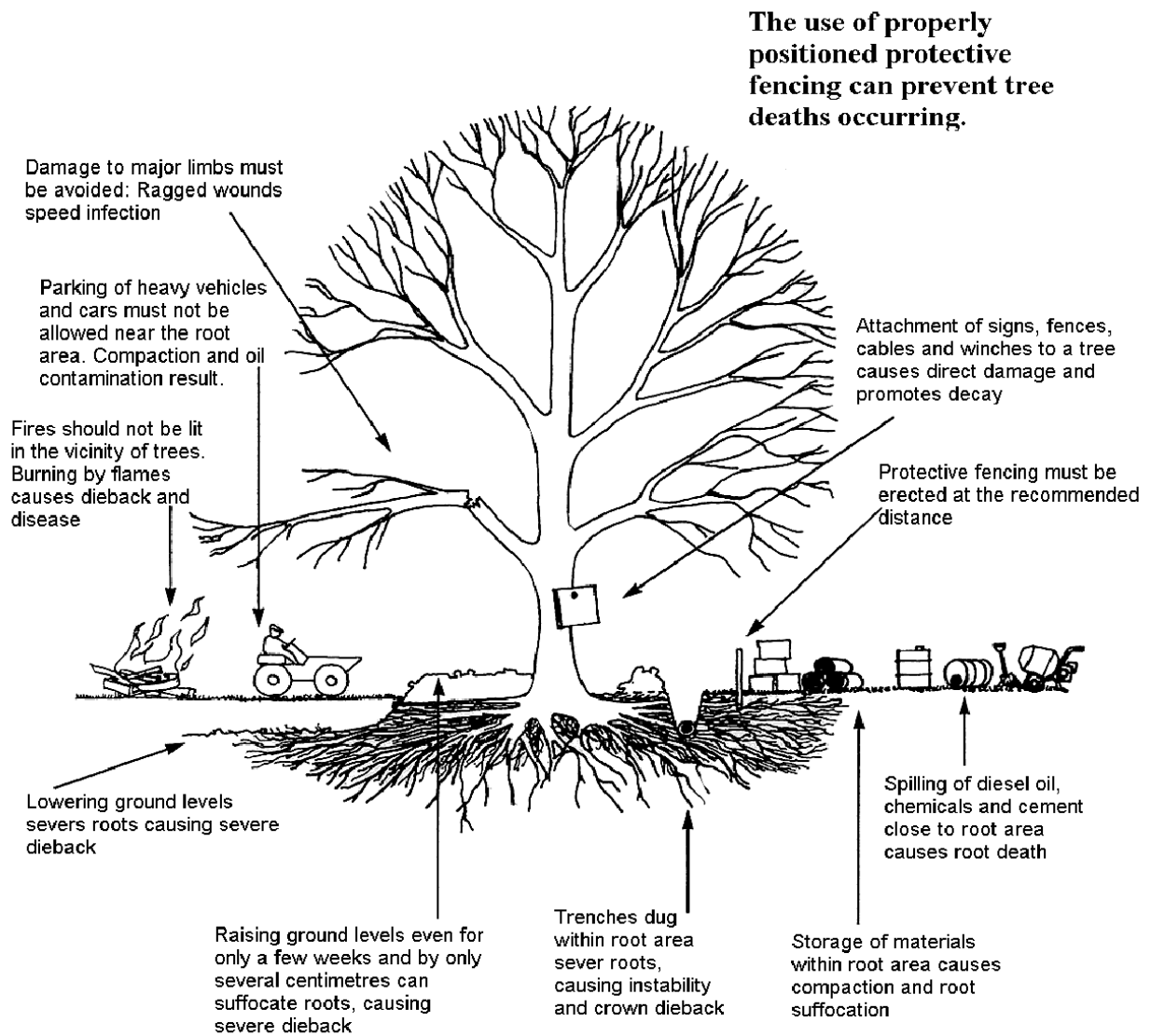


Why Is Fencing Erected Around Trees?

1. The major cause of damage to trees on construction sites is due to **soil compaction**.
 2. Roots use the spaces between soil particles to obtain Oxygen, Water and Nutrients.
 3. Heavy plant and machinery compresses (compacts) the soil, squashing out the air spaces and preventing root function.
 4. A compacted soil structure will stay compacted.
 5. Consequently the tree suffers and will show signs of branch die-back.
 6. Symptoms such as die-back may take several years to appear.
 7. Soil compaction over roots can be prevented by maintaining a fenced exclusion zone over the tree roots.
 8. The exclusion zone distance is calculated using British Standard 5837.
 9. Protective Fencing is installed at the calculated distance.
 10. Protective Fencing is a condition of planning approval, if it is removed or repositioned the construction firm is in breach of a condition and may be subjected to legal action.
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Appendix 5

Common causes of tree death



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