
TREES, WOODLANDS AND HEDGEROWS

Supplementary Planning Guidance

July 2003



TREES, WOODLANDS AND HEDGEROWS – SUPPLEMENTARY PLANNING GUIDANCE

The guidance in this document will be used by Runnymede Borough Council to help decide whether planning permission should be granted and if any conditions relating to trees should be attached to any consent. It will also be used to help determine applications for permission to carry out works to protected trees. Details of the status of this guidance and relevant Local Plan policies are given at the end of this document.

STRATEGY

Trees, woodlands and hedgerows are an important part of Runnymede's environment and will continue to be protected by the Borough Council.

The retention, enhancement and management of the Borough's stock of attractive trees, woodlands and hedges will be promoted through the planning and development process.

The Borough Council will make Tree Preservation Orders to protect trees, or groups of trees, with significant local amenity value that are in good health.

New developments should be designed to preserve trees that have amenity and/or nature conservation value. Designs should not place buildings close to retained trees where they may cause them damage or result in significant loss of daylight. In particular housing layouts should avoid placing large trees in small gardens where there is likely to be sustained pressure for their removal.

In order to satisfy the strategic objectives set out above and comply with the Wildlife & Countryside Act 1981 and the Conservation Regulations 1994, the Borough Council will restrict the removal of protected trees unless:

- There is clear justification for their removal; and
- Appropriate provision is made for replacement planting.

With guidance from the 1991 British Standard BS5837 the Council will also:

- Require a tree survey, which specifically identifies those trees intended for removal, to be submitted as part of any planning application for new development where trees are a feature of the development site or adjoining land.
- Require appropriate measures to protect retained trees through the design and location of development, during site clearance and the construction period. This should be in accordance with British Standard BS 5837:1991, Table I (available from BSI – contact details are at the end of the document).
- Require appropriate distances between new buildings and retained trees to ensure adequate amenity for the buildings' occupiers and prevent future pressure for the trees' removal.
- If appropriate require an appropriate tree planting and landscaping scheme, including ongoing maintenance as part of any planning application.
- Refuse planning applications where the amenity value of trees that would be lost or harmed outweighs the justification for development.
- Attach conditions to relevant applications in order to secure the above.

In accordance with the Hedgerow Regulations 1997 Important hedgerows will be protected by:

- Issuing a Hedgerow Retention Order if a hedgerow is either 30 years old or more and if it satisfies at least one of the criteria listed in Part 2 of Schedule 1 of the Regulations 1997, by virtue of its value from an archaeological, historical, wildlife or landscape perspective.
- The owner of any hedgerow already protected or potentially protected under the Regulations must apply to the Borough Council for a Hedgerow Removal Notice before removing any part of it. The Borough Council will either give approval for the removal of the hedgerow or issue a Hedgerow.

Where a hedgerow is removed in contravention of the regulations the Borough Council may give notice to the owner requiring the planting of another hedgerow.

TREE POLICY – SUPPLEMENTARY PLANNING GUIDANCE

Introduction

In Runnymede, trees play an important role in the borough's character. This can be as individual specimens, woodlands or small groups. Trees such as the Crouch Oak in Addlestone, which marks the former boundary of the Royal hunting forest of Windsor, can be reminders of the Borough's history. Trees also provide wildlife habitats and help to improve air quality.

This guidance explains how trees and hedgerows are protected, how to find out if a tree or hedgerow is protected and what you need to do before carrying out works to a protected tree or hedgerow.

Questions/Answers

How are trees protected?

A tree is protected when the Borough Council makes a Tree Preservation Order on it. These TPO's can be placed on individual trees, groups of trees or areas of woodland and deter unauthorised felling or other work being carried out.

Trees may be protected where:

- The Borough Council consider them to be under threat (not necessarily immediate threat);
- The Borough Council imposes a planning condition that restricts works to a tree
- The Borough Council serves a TPO
- The tree is in a Conservation Area
- They have, or are likely to have, public amenity value; and
- They are in good health.
- They are a good example of a specimen
- They are covered by a legal agreement attached to a planning permission (*S106 Agreement*)

The Borough Council regularly makes TPOs on trees under threat from development. In certain circumstances the Borough Council may make an Area TPO to provide temporary protection for threatened trees until such time as a group or individual TPOs can be made.

How do I know if a tree, hedge or woodland is protected?

Officers in the Borough Council's Development Control Team can tell you if a tree, hedge or woodland is covered by a protection order or is subject to any planning conditions. Ideally a request should be submitted in writing with a site plan in order to determine if there are any restrictions on works to trees, hedges or other planting. This procedure will enable an accurate written response to be provided.

What do I need to do if I want to undertake works to a tree subject to restriction?

You must apply in writing to the council. When the council receives your application a visit can be arranged to inspect the tree. A decision will then be made by the Borough Council on whether the proposed works are acceptable. You will be informed in writing of this decision. If consent is granted to fell a tree, a condition will usually be imposed requiring that you plant a new tree in place of the felled one.

You may appeal if you disagree with the decision using a form available from the Government Office for the South East, in Guildford (the address given at end of document).

Can any works be carried out to a protected tree without consent from the Council?

You do not need permission to cut back or cut down protected trees in the following circumstances:

- Where it can be shown, through an arboriculturists report, a sample of the tree and photographic evidence that a tree is dead, dying or dangerous and is a risk to people and property. A fine of up to £20,000 can be imposed through legal proceedings if adequate proof is not provided);
- Where there is an obligation under an Act of Parliament;
- At the request of certain Government departments,
- When implementing a development for which detailed planning permission has been granted and which involves removing trees. This only applies to those trees which are clearly marked for removal on plans approved by the local authority.
- Where the tree works are necessary to prevent or abate a nuisance. The term 'nuisance' in this context is used in its strict legal sense rather than everyday meaning.
- In certain cases where tree works are carried by, or on behalf of, statutory undertakers (statutory undertakers include transport, communication, energy, water and sewerage operators and the Post Office);
- Where the works are covered by a Forestry Commission Felling License or Grant Scheme.

Are there any other regulations regarding trees?

Conservation Areas status: the designation of an area as a Conservation Area provides protection to trees within such areas even if they are not subject to a TPO. With certain limited exceptions, anyone proposing to carry out work on trees in one of the Boroughs Conservation Areas must give the Borough Council 6 week's notice of this intention and not commence work within that period. If the tree is not already the subject of a TPO, this gives the Borough Council time to consider whether or not it would wish to place an Order on the tree or trees.

Felling licence Regulations: a Felling License is required if you exceed the Licenses quota by felling a tree or trees that produce a certain amount of timber or create site clearance, even of small areas, before detailed planning permission.

Planning Conditions: The Local Authority can impose Planning Conditions requiring tree planting to be undertaken as part of a development, and a TPO can be made to apply to such trees once they have been planted so as to achieve their long term protection. If a Condition hasn't been met then the Borough Council can serve a Breach of Condition Notice.

Where can I find out more about trees?

You can contact Runnymede Borough Council for any further advice (the address, telephone no. etc. are given at the end of this document).

How do I organise the removal or surgery to my tree?

If the tree is on privately owned land, it is the legal responsibility of the owner to make it safe. You are advised to contact a reputable arboriculturalist or tree surgeon. The Arboricultural Association can provide a list of approved contractors – their contact details are given at the end of the document.

If your tree has fallen onto the highway, then the County Council should be contacted. If the owners of the land are unknown the Borough Council should be contacted. If a tree has fallen onto your house, and there is a threat to human safety or of severe structural damage, the Fire and rescue Service should provide immediate assistance.

How do I apply for consent to carry out work to a protected tree?

Application forms for works to trees are available from the Director of Technical Services at the address given at the end of this leaflet.

You will be asked for the following information:

- The tree species
- Location (on an accurate plan)
- What you want to do
- Why the works are necessary or desirable

The council will supply a form if you wish.

What if I am affected by a tree owned by someone else?

If the tree is within the grounds of a Borough Council establishment, urban street, public open space or is covered by a TPO then the Borough Council should be contacted. If the tree is within the grounds of a school, social service establishment, old people/children's home, library and adjacent to a highway or is covered by a TPO then the County Council should be contacted. If the owners of the land are unknown the Borough Council should be contacted.

Do I need to consider nature conservation?

Trees and hedgerows are important wildlife habitats for many species including bats and nesting birds, both of which are protected under law. Where wooded areas will be affected by works, a survey by an experienced ecologist should be carried out to establish the presence of any protected species.

It is an offence to intentionally take, damage or destroy the nest or egg(s) of any wild bird whilst the nest is in use or being built. The best time of year to carry out tree works is during the winter months when birds are not roosting.

Planning Applications Affecting Trees

This explains how the Borough Council deals with planning applications, which affect trees.

The Borough Council will require details of any trees that are affected by a proposed development. These details should include an accurate indication of canopy spread and details of services provision including access points during and after construction.

The Borough Council will seek to protect the local environment including wildlife habitats by retaining healthy, stable and amenity-rich trees and protecting tree root in urban areas. It will seek to maintain an adequate distance between retained trees and development. For information on such distances refer to: British Standard BS 5837:1991, paragraph 6.0 (available from BSI – contact details at the end of this document).

The present and likely future occupation and use of development sites will be assessed for the need to protect vulnerable trees. Emergency TPOs will be used by the Borough Council as a protection measure when trees are considered to be under immediate threat of removal.

A full British Standard Tree and Land survey submission should be included with all applications that involve works that will affect tree coverage. This should include a replacement and retention scheme for native hedgerows. For details please refer to: British Standard BS 5837:1991, paragraph 5.2 (available from BSI – contact details at the end of this document).

Each tree should be clearly marked for identification purposes, as should hedgerows.

Each Land Survey should include:

- Location and identification numbers of all trees and hedgerows
- Other relevant features such as streams, old buildings and active services.
- Spot heights throughout the development site, as a basis for avoiding changes in soil levels around retained trees.
- Approximate location of all trees on land immediately adjacent to the development site, that might be of relevance to development or maybe of use as part of the overall landscape effect of the area.

Note that in order to avoid damage to the sewerage system, trees and shrubs should not be planted over the routes of sewers.

Determining Planning Applications

When planning officers assess the trees survey it will need to provide them the basis for deciding which trees might be suitable for retention. Preference should be given to retaining the high importance (Category A) and moderate importance (Category B) trees. Low importance (category C) trees should only be retained where their presence doesn't impede the development.

Trees affect many aspects of site development and the involvement of a multi-disciplinary development team is particularly important on large or environmentally sensitive sites.

Normally, conditions relating to the retention of existing vegetation, tree protection and the provision and implementation of a landscape scheme are attached to a planning permission granted by the council.

With regard to amenity, careful planning is required as trees can substantially dominate low-rise buildings. It is important to effectively manage trees and landscaping on a site after development.

The Forestry Commission

This is a statutory body that controls native and non-native tree species through monitoring and issues felling licenses. The organisation protects trees/woodland through quality, integration, partnership and public support. Felling licenses are required from the Forestry Commission if trees are felled outside urban areas and if work is carried out on native tree species. Felling Licenses are not required for works in residential gardens.

Common Arboricultural Terms

Crown Reduction/Reshaping

Cut back to a side bud or branch retaining a flowing line without stumps. This is normally expressed as a percentage or size (eg 2 metre) reduction.

Crown Lifting – Raising – Lift Aprons – Trunk Lifting

Removal of lower branches or parts of branches to a specified height above ground. Can include removal of sprouts and epicormic growth. This is normally expressed in metres (eg crown lift to 4m above ground level)

Crown Thinning

Removal of a proportion of secondary and small live branches to produce an even density and balanced branch structure, including removal of crossing, weak, duplicated, dead and damaged branches. Usually expressed in terms of percentage.

Deadwooding

Removal of dead and damaged branches back to sound wood.

Pollarding

Cutting off all the branches of a tree and leaving only the trunk or cutting back drastically all the branches to a lower point for the formation of a new head.

This type of work will not normally be allowed on sound trees, although in certain circumstances it can be used to perpetuate certain habitats.

Topping

Removal of leader and top of tree. This is not to be encouraged and often causes dieback, rotting and rapid profuse re-growth at the point of cut with insecure branches.

Lopping

The drastic cutting back of main branches without consideration for the overall shape for the tree.

Further information is available from the Arboricultural Association (contact details are given at the end of this document)

Status of this Guide

This guide is supplementary guidance supporting policies (NE12) Protection of Trees, (NE13) Tree Preservation Orders and (NE14) Trees and Development Proposals. These are set out below. The guidance was adopted by the Borough Council on 17 July 2003 following consultation with the public and relevant organisations. A document setting out the consultation process, the comments received and the council is available from the Technical Services Dept. at Runnymede Borough Council

Useful information

If you require further information please contact this office by letter, telephone, e-mail or in person during office hours.

Address: Development Control
 Technical Services
 Runnymede Borough Council
 Civic Offices
 Station Road
 Addlestone
 Surrey
 KT15 2AH

Telephone: 01932 838383

Web Address: technical@runnymede.gov.uk

Government Office for the South East (GOSE)

Address: Government Office for the South East
 Bridge House
 Guildford
 Surrey
 GU1 4GA

Telephone: 01483 882 255

E-Mail: reception.gose@go-regions.gov.uk

Arboricultural Association

Address: Arboricultural Association
Ampfield House
Romsey
Hampshire
SO51 9PA

Telephone: 01794 368 717

E-Mail: admin@trees.org.uk

BSI British Standards HQ

Address 389 Chiswick High Road
London
W4 4AL
United Kingdom

Telephone 020 8996 7858

E-Mail cservices@bsi-global.com

Please note that: British Standard BS 5837:1991 is currently under review

Appendix

Local Plan Policies – Runnymede Borough Local Plan (2nd Alteration)

(NE12) PROTECTION OF TREES

The Council will continue to protect significant trees, hedgerows and woodlands and make provision for new planting, through the use of development control powers, tree preservation orders and through countryside management.

Reason

Tree cover makes an important contribution to the character of the Borough. It is vital in the Areas of Landscape Importance and can also be crucial in screening incompatible land uses and the edges of the Urban Areas. The Council will require suitable landscaping of new development and will oppose the loss of trees and woodlands, particularly ancient semi-natural woodlands, which make a significant contribution to the environment. A map showing where ancient semi-natural woodlands can be found in the Borough is given in Appendix 'D' despite the current amount of tree cover, there remains considerable scope for planting new small woodlands, shelter belts and screens where consistent with the natural vegetation structure.

The principal opportunity occurs on fragmented land for which no economic use can be found. The Forestry Commission operates a Woodland Grant Scheme as a financial incentive to encourage the planting of trees and the Countryside Commission offers amenity tree planting grants. Since much of the fragmented land is close to the Motorways, such planting would serve as a screen as well. Existing woodland areas have scope for thinning, replanting and general management.

(NE13) TREE PRESERVATION ORDERS

Trees and woodlands will be considered for inclusion in tree preservation orders where they:-

- (1) have good health and stability, and**
- (2) either individually or as part of a group, make a significant contribution to public amenity, and**
- (3) are under threat. In considering whether a tree preservation order should be made, the Council will also have regard to:-**
 - (a) rare or unusual trees of special value, or trees of historic interest, or ancient semi natural woodlands.**
 - (b) trees in a conservation area, which make a particular contribution to its character.**
 - (c) the suitability of a tree to its surroundings.**
 - (d) the general level of tree cover in the locality.**

Comment

The Council will take into account whether the trees or parts of them are visible from a public place such as roads or public footpaths but the significant aspect is the contribution they make to the street scene.

Reason

Tree Preservation Orders are made by the Council to protect trees, which make a significant contribution to the environment.

(NE14) TREES AND DEVELOPMENT PROPOSALS

Where existing trees form a major feature of development or redevelopment sites:

(1) the Council will require planning applications to include a detailed tree survey. Wherever practical, plans for new developments will be expected to allow for the retention of existing suitable trees. Suitable space should be kept between any trees to be retained and proposed buildings.

(2) appropriate conditions will be imposed on planning permissions to ensure that any trees to be retained are adequately protected during site clearance and building operations.

(3) trees, which make a significant contribution to public amenity, will be expected to be retained even where this would restrict or prevent development and these trees will be protected by tree preservation orders.

Reason

The retention of established trees on a development site can help to soften the impact of new buildings. Retained trees should be given adequate space to prevent nuisance to occupiers of new buildings and to allow for future growth, including root growth. Layouts should be planned so that existing mature or semi-mature trees can be retained within or alongside footpath routes or open spaces. This policy is of particular significance in Areas of Landscape Importance.

Comment

Trees form an important characteristic element of Surrey's and of Runnymede Borough's landscape (see Policy NE12).

The Council will impose conditions on planning permissions as appropriate, requiring that landscaping is undertaken and maintained to the satisfaction of the council.

Comment

The Council will normally require the planting of native species appropriate to each particular site.

Reason

To ensure that new development is effectively screened, that the impact of new buildings is softened by additional planting and that the environment is enhanced generally.