

Supplementary Planning Document

Trees and Hedgerows

Adopted May 2019



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1. About this guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

2. Introduction

- 2.1** This document offers guidance to landowners, architects, and builders on how to deal with existing trees and hedgerows on development sites. Information can be obtained from the Council's online interactive maps as to whether a particular tree or woodland is the subject of a Tree Preservation Order or in a Conservation Area via the following link <https://www.barnsley.gov.uk/barnsley-maps/planning-explorer/>

3. Policy

- 3.1** This document supplements Local Plan policy BIO1 which states as follows:

Policy BIO1 Biodiversity and Geodiversity

Development will be expected to conserve and enhance the biodiversity and geological features of the borough by:

- Protecting and improving habitats, species, sites of ecological value and sites of geological value with particular regard to designated wildlife and geological sites of international, national and local significance, ancient woodland and species and habitats of principal importance identified via Section 41 of the Natural Environment and Rural Communities Act 2006 (for list of the species and habitats of principal importance) and in the Barnsley Biodiversity Action Plan¹;
- Maximising biodiversity and geodiversity opportunities in and around new developments;
- Conserving and enhancing the form, local character and distinctiveness of the boroughs natural assets such as the river corridors of the Don the Dearne and Dove

¹ The Barnsley Biodiversity Action Plan' can be viewed here: <http://www.barnsleybiodiversity.org.uk/>

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as natural floodplains and important strategic wildlife corridors;

- Proposals will be expected to have followed the national mitigation hierarchy (avoid, mitigate, compensate) which is used to evaluate the impacts of a development on biodiversity interest;
- Protecting ancient and veteran trees where identified; and
- Encouraging provision of biodiversity enhancements

Development which may harm a biodiversity or geological feature or habitat, including ancient woodland and aged or veteran trees found outside ancient woodland, will not be permitted unless effective mitigation and/ or compensatory measures can be ensured.

Development which adversely affects a European Site will not be permitted unless there is no alternative option and there are imperative reasons of overriding public interest (IRPOI).

4. Statutory legislation

Tree Preservation Orders

- 4.1** A Tree Preservation Order (TPO) is a written order which makes it an offence to cut down, top, lop, uproot, wilfully damage, or destroy a tree protected by the order without our permission. TPOs are used to protect trees that have a significant visual impact on the environment, including individual trees, groups of trees, and those in defined areas or woodlands. If a protected tree is deliberately damaged or destroyed then the perpetrator could be liable to fines of up to £20,000 via the Magistrates Court, or unlimited fines via the Crown Court. Fines can also be imposed on people who cause or permit such work.
- 4.2** It is generally expected that trees protected by a TPO are retained and remain unaffected by any proposed development.

Hedgerow Regulations 1997

- 4.3** This legislation aims to protect important hedgerows in the countryside by controlling their removal by a system of prior notification. In particular it relates to hedges over 20 metres long for example on agricultural land, commons and village greens. It does not affect garden hedges. The Local Planning Authority must be given prior notification of the proposals, setting out the reasons for removal. It is a criminal offence to remove a hedgerow without prior notification and the Local Authority can require a replacement hedge. A guide to the Hedgerow Regulations can be obtained from HMSO. The regulations require assessment of any hedgerow's importance against a set of criteria including its woody species, and its ground flora. An assessment of the heritage significance (or lack of) must also be demonstrated where a hedge:
- Incorporates, demarcates or is associated with an archaeological feature that is a Scheduled Ancient Monument;

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- Incorporates, demarcates or is associated with an archaeological feature recorded within the Sites and Monuments Record (SMR) held by the South Yorkshire Archaeological Service. aspects (such as whether it forms part of an ancient boundary line, etc.);
- Marks a historic boundary, parish or township in existence before 1850;
- Marks the boundary of a pre-1600AD estate or manor or is associated with a building related to that estate or manor;
- Is recorded as an integral or visibly related feature of a pre-inclosure Act field system; or
- Forms part of a key landscape characteristic

Conservation areas

4.4 Trees in a Conservation Area can be protected by a Tree Preservation Order (TPO). However, even those trees in these areas which are not the subject of a TPO are still protected by Section 211 of the Town and Country Planning Act. An owner must give the Local Planning Authority six weeks written prior notice of any works to trees, to give them an opportunity to determine whether or not a Tree Preservation Order should be served. Exemptions include trees under 75mm in diameter or those for which the Forestry Commission has granted a felling licence.

5. Content of planning applications

5.1 The Council considers that trees and hedgerows enhance the quality of the environment, including that of new developments, and should be retained and protected wherever possible.

5.2 Section 15 of the planning application form must be completed to state whether the proposal affects any trees either on or immediately adjacent to the site.

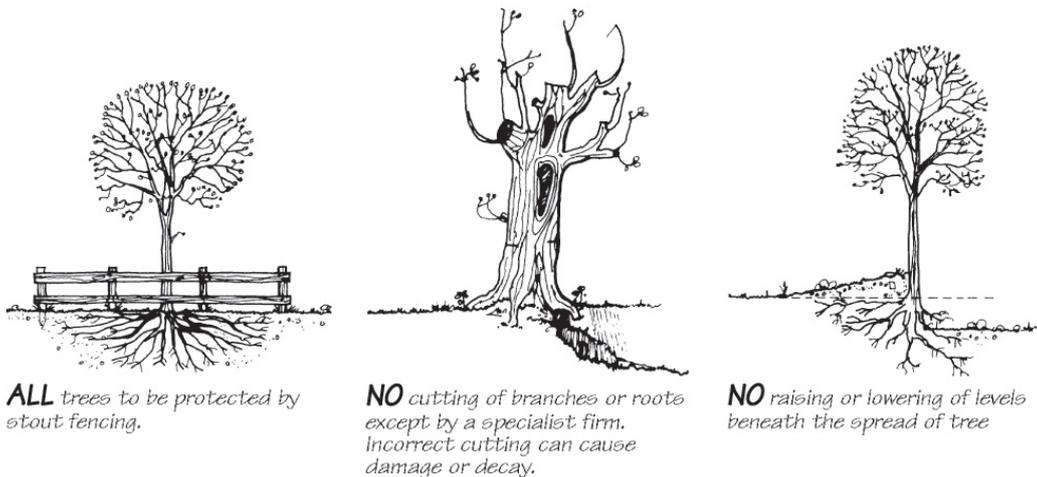
5.3 Where trees and hedgerows are situated in close proximity to a proposed development a full Tree Survey to British Standard BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations will be required. The Tree Survey should include as a minimum the species, height, crown spread, stem diameter, crown height and general condition of the trees and hedgerows. The trees and hedgerows must also be given a retention category in accordance with the guidance laid out in BS5837: 2012. The Tree Survey also needs to specify any works or pruning that is needed so that they can be satisfactorily and safely accommodated in the development.

5.4 The tree constraints plan submitted with the survey must show the position and crown spread of all trees and hedgerows on and adjoining the site and the Root Protection Area (RPA) of each tree. The site plan submitted with the application must also clearly indicate which trees it is proposed to retain and which to remove. The site plan must also show the proposed layout of the site with the existing contour of the ground and any proposed alterations in ground level.

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- 5.5** Where there are impacts on trees you may be requested to provide an Arboricultural Impact Assessment (AIA) in addition to the above information detailing all the potential impacts on the trees and how they can be dealt with in a manner which means that the tree can be safely retained.

Picture 5.1



- 5.6** Section 12 of the planning application form must be completed to state whether the proposal affects any a) priority and protected species on the site or near to it, or b) designated sites, important habitats, or other biodiversity features. Trees and hedgerows are often valuable biodiversity assets in their own right and for the habitats they offer to other species/ groups such as bats.
- 5.7** Implications for trees, hedgerows, woody habitats and the species they encompass arising from the development proposal must be evaluated fully in ecology reports supporting any planning application. The reports should be produced by appropriately qualified and experienced ecologists. Trees and/ or hedgerows proposed for removal via a planning application should also appear in tables which link to plans identifying individual trees or groups of small trees with ecology criteria including: species, trunk diameter, bat roost potential, etc. Hedgerows should also have a full evaluation against all the Hedgerow Regulations 1997 criteria.
- 5.8** Proposals to fell trees or hedgerows within a designated nature conservation site, including ancient and semi-natural woodlands, will not normally be approved unless they comply with a management plan drawn up with regards to the reasons for designation. Ancient or veteran trees should also be retained in all but exceptional circumstances which should be justified by a suitably-qualified ecologist.
- 5.9** Where on-site trees or hedgerows contribute to either valuable bat commuting/ foraging habitat, and/or bat roost potential, the resource should be fully surveyed for its importance to bats following the current Bat Conservation Trust Survey Guidelines before any ecology report is submitted. This will not be conditioned as all UK bat species are so-called European Protected Species with a high level of protection.

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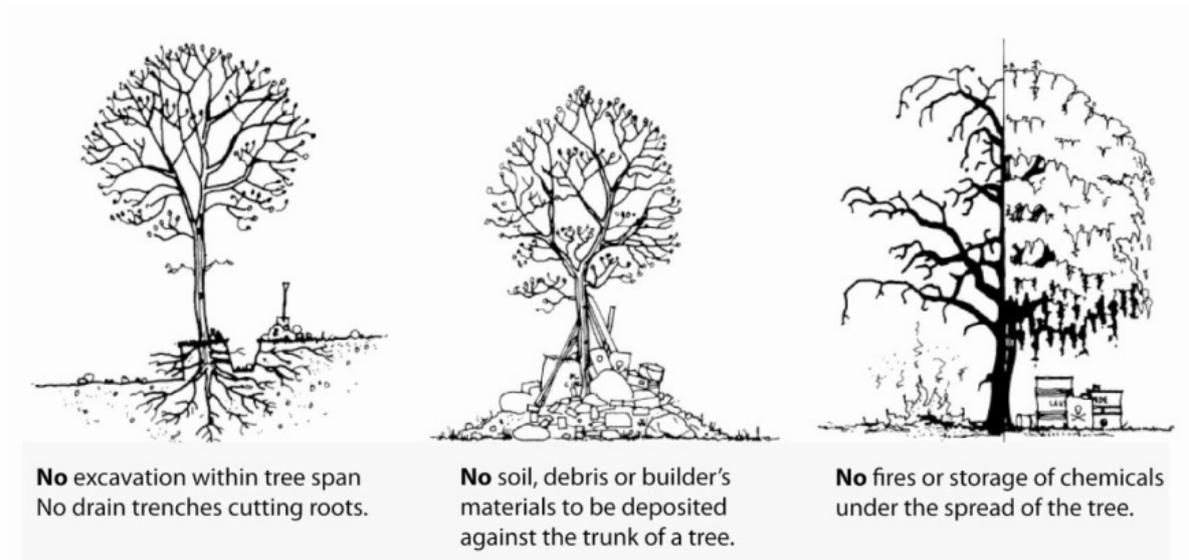
- 5.10** Pockets of woodland may be relict ancient woodland even if no ecological designation is in place. In this case other ecological groups such as birds, invertebrates, fungi, woodland wildflowers and micro-organisms indicative of antiquity may be present. If such habitat appears as if it may exist on the application site then the importance of the habitat as a whole should be evaluated within ecology reports and planning permission may not be given for its removal.
- 5.11** Planning applications will be expected to commit to not cover trees, hedgerows or other habitats with netting etc, prior to construction in order to exclude birds from nesting, etc.

6. Layout of development

- 6.1** The Tree Survey information should inform the layout and design of the development and should ensure that, in particular, the higher retention category trees and hedgerows are retained, both in the short and long term. Plans which show the retention of high value trees or hedgerows which are too close to buildings, roads, or drainage systems or will be affected by alterations in ground level will not be approved. Sometimes it can take several years for damage to a tree caused by development to be apparent, and in other cases future residents may wish to remove trees that are too close to their dwelling, for instance due to the overshadowing of windows or leaves dropping in gutters or on car parking areas. In considering planning applications, the Council will seek to avoid such long term problems arising as well as ensuring that the development does not lead to the unnecessary direct removal of trees and hedgerows.
- 6.2** Generally, no buildings or works will be allowed within the RPA of any tree which it is proposed to retain because works within the key rooting area of the tree could lead to lasting damage being caused. The laying of impervious surfaces to areas previously covered with grass or gravel within or in close proximity to the RPA can lead to lack of water for trees. This means care must be taken with the provision of roads and parking areas.
- 6.3** Intervening distances must be adequate to ensure that future residents will not feel unduly threatened in high winds and to ensure that falling branches are not likely to cause damage to property or danger to residents. This may require that in some cases buildings, garages and parking areas are located substantially beyond the canopy spreads of large trees.

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Picture 6.1



- 6.4** Where trees/hedgerows are retained within development proposals or offered by way of mitigation/enhancement planting they should be clearly differentiated from ornamental/amenity features on layout/landscaping plans with an appropriate key.

7. Protection during development

- 7.1** Not only must care be taken with the layout and design of development, but also with construction work once plans have been approved. Adequate protective fencing to the standards set out in BS5837:2012 for trees and hedgerows which are to be retained on or adjoining the site must be erected. Damage on building sites can easily occur directly or indirectly through soil compaction by vehicles or materials, fires, spillage of oil, the addition or removal of soil above the roots or interference with the movement of water in the soil. Temporary, protective barriers, erected outside the RPA of all trees and hedgerows to be retained before work on site starts will be necessary.
- 7.2** When part of a tree's RPA cannot be fully fenced off and as such are affected by the development through hard surfacing or the construction of foundations etc. you will be asked to provide an Arboricultural Method Statement (AMS). The AMS will specify the works within the RPA which are to be undertaken to ensure the trees remain unaffected by the construction works.

Figure 7.1



NO tree to be used as an anchor for winching purposes.



NO traffic over root system; compacting of soil over roots can lead to root suffocation.

7.3 For further information regarding trees in relation to development please contact the Tree Officer on (01226) 772557 or via email at developmentmanagement@barnsley.gov.uk.