



Leicester
City Council

WARDS AFFECTED
All wards

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Cabinet

13th October 2003

Tree Protection: Supplementary Planning Guidance

Report of the Service Director, Planning and Sustainable Development

1. Purpose of Report

To seek Cabinet approval to adopt *Tree Protection* as supplementary planning guidance to the City of Leicester Local Plan.

2. Summary

Tree Protection is about how trees can be successfully retained on development sites. It is based on best practice advice issued by central government and the arboricultural industry.

The document sets out how trees may be protected under planning legislation and explains how they function and how they can be damaged. It goes on to explain how important it is that applications for planning permission include realistic proposals based on detailed information relating to trees on proposed development sites. It states that when developers propose to retain trees, surveys must be carried out to establish their condition and their suitability for retention. It further states that development layouts must take full account of the presence of trees, and physical barriers must be installed to the appropriate specification to ensure they are not damaged during the building process.

The document does not relate to the making of tree preservation orders or criteria for judging applications for tree preservation order consent. These are matters unconnected with development and so should not be covered by supplementary planning guidance.

The final draft of the document is attached. It has been the subject of a consultation exercise described in the supporting information and has been amended in the light of representations received.

3. Recommendations

Members are recommended to adopt *Tree Protection* as Supplementary Planning Guidance to the City of Leicester Local Plan.

4. Headline Financial and Legal Implications

There are no direct financial or legal implications for the City Council arising from this report.

Financial: K McGee, Head of Finance ext. 6664

Legal: A J Cross, Asst Head of Legal Services ext. 6312

5. Report Author/Officer to contact:

Paul Champion ext. 7263

DECISION STATUS

Key Decision	No
Reason	N/A
Appeared in Forward Plan	No
Executive or Council Decision	Executive (Cabinet)



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Tree Protection: Supplementary Planning Guidance

SUPPORTING INFORMATION

REPORT

1. Tree Protection - Supplementary Planning Guidance

- 1.1 Section 1 of the document, which is the introduction, sets out its status as supplementary planning guidance.
- 1.2 Section 2 outlines the way in which trees can be protected, by tree preservation orders, by their preservation in conservation areas and by conditions attached to planning permissions. Further to the consultation exercise undertaken, it also mentions that felling licences from the Forestry Commission can sometimes be required to cut down trees, although this would not normally apply to trees in the city.
- 1.3 Section 3 is about how trees work and how they can be damaged. It states that it is easy to see when the above ground parts of a tree have been damaged, but root damage can be at least as serious, and is not immediately noticeable. A diagram shows that tree roots are mostly small-diameter, shallow and susceptible to damage by soil compaction.
- 1.4 Section 4 is the most important part of the document. It states that the Council will require detailed information to be submitted with planning applications where trees may be affected by development proposals. This includes survey drawings identifying existing features and land levels, and tree information including the location, size, age class, condition and desirability for retention of each tree. Development proposal drawings should show all trees to be retained and any to be removed, any changes in land levels, the location of service trenches and where any materials, equipment or temporary buildings are to be stored or located.

Specifications are provided for the construction of temporary protective fencing around trees for use during the construction process, and also for laying hard surfaces (such as driveways and parking areas) close to trees, in such a way as to minimise damage to their rooting areas. It also states that the needs of the future occupiers of development must be considered in designing layouts, so that, for instance, windows receive sufficient light.

- 1.5 Later Sections and Appendices relate to the consultation exercise, relevant publications and contacts.

2. Consultation

- 2.1 The following organisations and individuals have been consulted on this supplementary planning guidance.

All Departments of the City Council

Leicestershire County Council

The Government Office for the East Midlands

The Arboricultural Association

Five local tree contractors and consultants approved by the Arboricultural Association

Sixteen development companies that are active in the local area.

- 2.2 Some changes were made to the initial draft as a result of responses received to the internal consultations. Only two responses were received from external consultees - from the arboricultural consultancy Symbiosis and from the Arboricultural Association. Both responses were generally favourable, but did suggest certain changes. The comments and responses are summarised in the attached Appendix.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

1. Financial Implications

There are no direct financial implications for the City council arising from this report.

2. Legal Implications

There are no direct legal implications for the City Council arising from this report.

3. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	No		
Policy	Yes	Throughout - the SPG will become City Council policy supporting the Local Plan and EMAS	
Sustainable and Environmental	Yes	Throughout – trees are an important part of the natural environment, and when lost take many years to replace. They are an important part of a sustainable development	
Crime and Disorder	No		
Human Rights Act	No		
Elderly/People on Low Income	No		

4. Background Papers – Local Government Act 1972

5. Consultations

See Section 2 of the main report and Appendix 1.

6. Report Author

Paul Champion, Urban Design Group, ext. 7263

Appendix 1: Results of external consultation on *Tree Protection - Supplementary Planning Guidance*

Summary of Consultee Comments and Responses

No	Consultee	Sec.	Comment	Response
1	Symbiosis Consulting	2.6	Reference should be made to felling licences, albeit this would be a rare requirement in the city.	<i>Agreed</i> Insert new para. 2.9
2	Symbiosis Consulting	2.5	The inclusion of the current level of fines may be useful.	<i>Agreed</i> Add to para. 2.5
3	Symbiosis Consulting	4.2	“Spot levels” is more common terminology than “spot heights”.	<i>No change needed</i> BS document refers to spot heights
4	Symbiosis Consulting	Fig. 3	Tree retention categories should be cross-referenced to the British Standard.	<i>Agreed</i> Add new para. 4.1.9 and refer to British Standard in the table
5	Symbiosis Consulting	Fig. 3	Crown radii of trees should be required information.	<i>Agreed</i> Add new column “Crown radius”
6	Symbiosis Consulting	4.3.1	Heras fencing should be acceptable, provided it is securely fixed.	<i>No change needed</i> Text and diagram relate to free-standing heras fencing
7	Symbiosis Consulting	4.4	Reference to reduction of protection distances should state it is up to a maximum of one third.	<i>Agreed</i> Add “by up to one third”
8	Symbiosis Consulting	4.5.1	Reference should be made to the relevant publication.	<i>Agreed</i> Add “in the publication <i>Arboricultural Practice Note 1</i> (Appendix 1)”
9	Symbiosis Consulting	4.5.1	Full details should be required of specifications of “no dig” driveways and parking areas near trees.	<i>Agreed</i> Add para. 4.5.2 requiring full specification

10	Arboricultural Association	Fig. 3	Tree retention categories should be cross-referenced to the British Standard.	<i>Agreed</i> As 4
11	Arboricultural Association	4.4	Review of the British Standard may delete the reference to reduction of protection distances.	<i>No change needed</i> General reference to likely changes to British Standard to be added new para. 4.1.8
12	Arboricultural Association	5	It would be more logical to refer to indirect threats to trees earlier in the text, as these must be considered as part of the design process.	<i>Agreed</i> Section 5 to be deleted. Indirect threats to trees to be referred to in new Sections 4.1.3 to 4.1.7

Other Proposed Changes

1	Fig. 4	Error on diagram – retained tree at front of site should be shown with a continuous line, not dotted.
2	Fig. 6	Minor changes to make diagram clearer.
3	New 4.1.8	Make more explicit reference to the guidance in British Standard BS5837 and also to the fact that it is currently under review. Tree protection measures should be in line with current best practice, so those outlined should be updated as new guidance is published.
4	Appendix	Add Forestry Commission details.