

Supplementary Guidance: Trees and Woodlands

1. Status of Supplementary Guidance

This Supplementary Guidance (SG) forms part of the Development Plan and is a *material consideration* in the determination of planning applications.

The SG expands upon the following Aberdeen Local Development Plan policies:

- Policy NE5 – Trees and Woodlands

2. Introduction to Topic

Trees are an essential element of our urban environment. It is widely recognised that trees provide many benefits and are a key component of urban infrastructure which make our cities a more attractive and pleasant place to live. Trees offer multiple benefits within our urban environment including health benefits, improvement of air quality, noise reduction, carbon storage and provide shelter for wildlife.

It is essential that the retention of existing and integration of new trees should be considered at an early stage during the design and layout of proposed developments.

The correct assessment of trees is vital in the planning process. Local Planning Authorities have a statutory duty to have regard for the preservation and planting of trees.

The aim of this SG is to:

- Better inform developers on how existing trees and woodlands and new tree planting can best be incorporated within new developments
- Smooth the planning process for developers, by stating what information will be required, so that their application can be determined as quickly as possible

This guidance is not a substitute for the knowledge and expertise of a professional arboriculturalist (tree specialist). The services of a competent arboriculturalist should be engaged at the earliest possible stage in the planning process. If the correct information is not provided in relation to trees and a proposed development then it will result in either a delay in the determination or refusal of an application.

Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information can be found within the [Scottish Government's Control of Woodland Removal Policy](#). Ancient woodlands are of particular importance for nature, not just because of the trees, but for soil structure and diversity of flora created over time. They can also provide valued places for people to enjoy through recreation. Once destroyed, ancient woodlands cannot be recreated. The Scottish Government's Control of Woodland Removal Policy includes a strong presumption against the removal of ancient woodland.

Please also see the [Natural Heritage Supplementary Guidance](#), which includes information on bats and birds as these may be present within trees and are legally protected.

3. How Are Trees Protected?

Trees are protected in a number of different ways through different pieces of legislation. This means you may be required to fulfill certain obligations if you wish undertake works to a protected tree. To find out if a tree is protected and for more information on how to go about securing any necessary consent, please contact the Council's Environmental Policy Team (see useful contacts at the back of this document).

- **Tree Preservation Orders (TPOs)**

Tree Preservation Orders are administered by Aberdeen City Council and may apply to an individual tree, a group, an area or woodland. Anyone who cuts down, uproots, tops, lops, willfully damages or willfully destroys a tree subject to a TPO without permission is guilty of a criminal offence. Anyone wishing to undertake works to a TPO tree must apply to the Council to undertake those works.

- **Trees in Conservation Areas**

Conservation areas are also administered by the Council. All trees within conservation areas (75mm diameter or greater measured at 1.5 meters above ground level) regardless of species, are protected by law because they may contribute to the landscape

character or setting of the area.

Anyone wishing to undertake work to a tree in a Conservation Areas must serve notice in writing on the Local Planning Authority 6 weeks prior to undertaking those works. At this point, the Council may take action to protect the tree via a TPO or allow the work to go ahead after the notification period has expired.

- **Planning Conditions**

Conditions attached to planning consents are often used by Aberdeen City Council as a means of securing the retention of trees, hedgerows and other landscape features on development sites.

- **Felling Licences**

Felling Licences are administered by the Forestry Commission under the Forestry Act 1967. Outside of gardens, churchyards, orchards and public open spaces, a felling licence may be required for the felling of trees. Further advice should be obtained from Forestry Commission Scotland. Note that a felling licence is not required to remove trees for the implementation of a planning permission, and planning consent is not required for carrying out work as part of a plan or operation approved by the Forestry Commission. Where an application for a felling licence is made for the removal of trees that are the subject of a Tree Preservation Order or within a

Conservation Area, the Forestry Commission will pass the application to the Council to determine.

- **Restrictive Covenants**

Covenants or other restrictions in the title of a property or conditions in a lease may require the consent of a third party prior to carrying out some sorts of tree work, including removing trees and hedges. This may be the case even if TPO, Conservation Area and felling license regulations do not apply. It may be advisable to consult a solicitor.

4. **British Standards and Guidance**

The British Standards (BS) are recognised industry standards for the protection and management of trees. The following are of particular relevance:

- BS 5837: 2012 Trees in Relation to Design, Demolition and Construction - provides information on the recommended methods to achieve the retention of trees on development sites in a satisfactory manner.
- BS 3998: 2010 Recommendations for Tree Work - gives general recommendations for tree work, and guidance on management options for established trees.

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- BS 8545:2014 Trees: From Nursery to Independence in the Landscape – Recommendations. The Tree & Design Action Group (TDAG) have produced two guides that offer recognised best practice solutions that demonstrate how trees can be successfully integrated into the urban environment.
 - Trees in Hard landscapes: A Guide for Delivery (2014) – explores the challenges involved in integrating trees into urban landscapes and offers practical solutions.
 - Trees in the Townscape: A Guide for Decision Makers (2012) – sets out 12 principles of best practice that will assist in the long-term retention of trees within our urban landscape.

Aberdeen City Council will require compliance with these recommendations and guides from all planning applications where trees are present on the site. There may be circumstances where the Council will consider additional information is required over and above those as recommended in BS 5837.

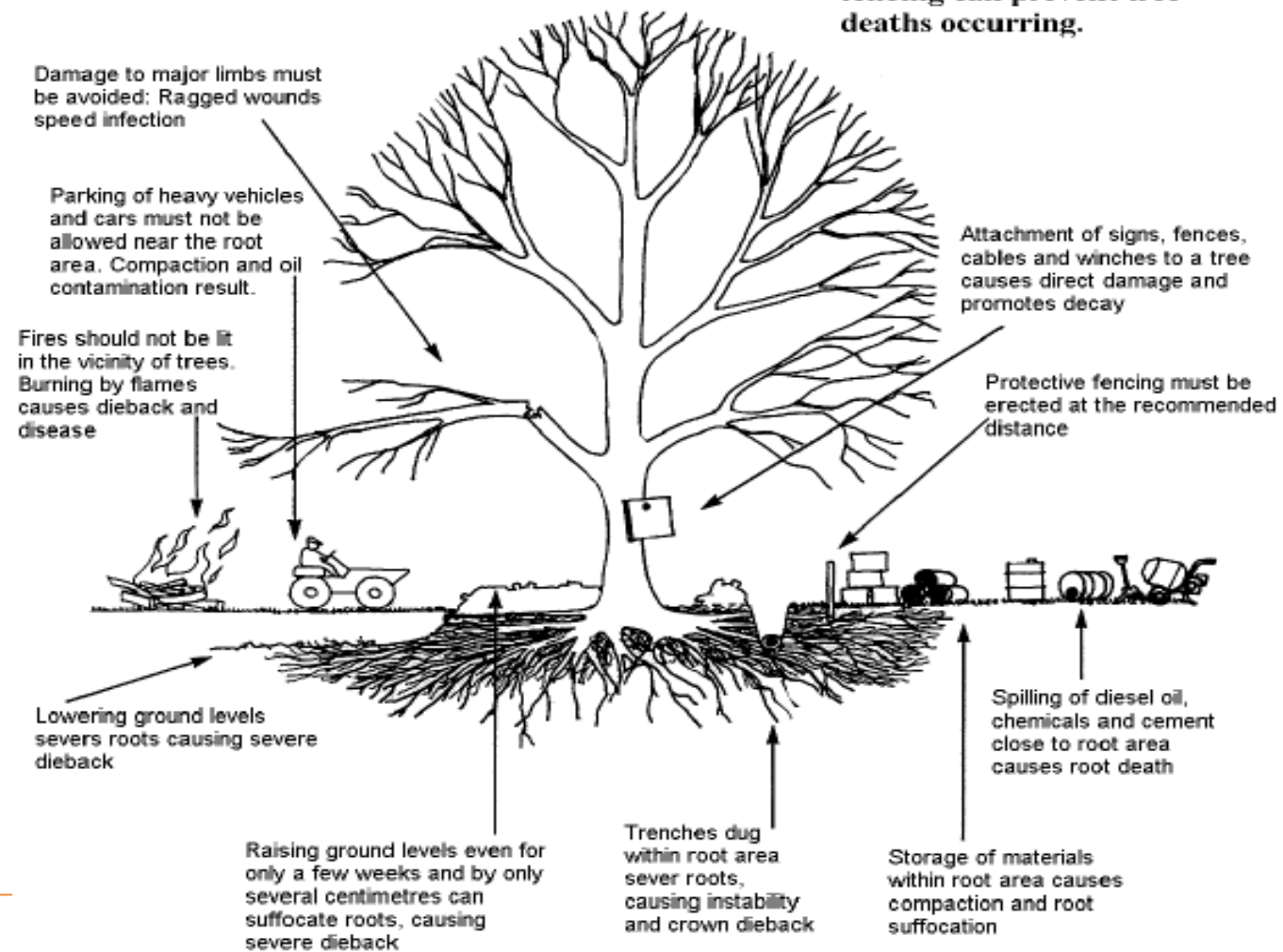
5. Hiring a Competent Professional Arboriculturalist

A competent arboriculturalist (tree specialist) should be an integral part of the design and development team for any proposal where trees may be impacted due to their proximity. They should be involved in the development process from start to finish. They can aid the design process, help in the purification of conditions, and ensure that the relevant protection measures are properly implemented and maintained. We expect any relevant plans, surveys and assessments that may be required to be completed by a competent arboriculturalist.

Figure 1 shows common causes of tree death on development sites

The use of properly positioned protective fencing can prevent tree deaths occurring.

Figure 1: How Are Trees Damaged on a Construction Site?



6. Development Proposals

Planning applications must be accompanied by sufficient information to allow the individual case officer to accurately assess the trees affected by the proposals, whether that is during site masterplanning or detailed planning application stage. The amount and type of information will vary on the type of application and should be discussed with the Council at as early a stage as possible. Below is a brief breakdown of what is required depending on the type of application. More information may be requested by the case officer as appropriate, depending on the potential impact on trees and the nature of the proposed development.

6.1 Pre-Application

The pre-application stage is crucial, particularly where there are a large number of trees on site or where the proposals are contentious in terms of potential tree loss.

6.2 Masterplanning

At the start of the masterplanning process, consideration must be given to the retention of existing trees and the planting of new trees. Early consideration should also be given to the enhancement of the existing tree stock and how areas of new tree planting can be linked to existing green networks.

7. Applications for Planning Permission

7.1 Householder Applications

All trees present on a development site and within 15 metres of the site must be shown on the plans. The tree species, position of the trunk, diameter of the trunk and canopy spread must also be indicated on the plans. The planning case officer will then determine if any additional information is required.

7.2 Permitted Development

Where works fall under Permitted Development and do not require planning permission, due consideration should still be given to any trees that are likely to be affected. In cases where trees are the subject of statutory protection, the relevant consent to carry out any tree work will still be required. There will be a presumption against the removal of trees for the purposes of permitted development.

7.3 Planning Applications in Principle and Detailed Planning Applications

Where trees are present on sites that will be subject to Planning Applications in Principle and Detailed Planning Applications, then all trees within the application site and

within 15 metres of the red line boundary should be included in the tree survey submitted with the planning application.

The tree survey should be undertaken to BS5837:2012 and must include a:

- Survey schedule;
- Tree Constraints Plan;
- Arboricultural Impact Assessment;
- Tree Protection Plan;
- Tree Planting/Landscaping Plan and, where necessary,
- Arboricultural Method Statements

This information is fundamental to the proper assessment of the planning application. Failure to provide this information from the outset may lead to delays. In cases where this information is not provided then the application will be considered for refusal.

8. Requirements for Surveys, Plans and Assessments

8.1 Land Survey (Topographical Survey)

This survey should be the starting point for any development and should be undertaken to correctly plot the site in its present condition. The survey typically will include the changes of levels across the site, all of the trees present on site, any trees overhanging the site, trees up to 15 metres from the site, existing relevant features such as drainage, buildings and structures, hard standing, boundary features and the location of the existing underground services. The exact location of the existing trees and the full extent of their crowns should be accurately plotted. Typically, this survey will include a written statement together with a detailed site plan.

8.2 Tree Survey

The tree survey has to be carried out by a competent arboriculturalist and include the following information: reference number/tag number, tree species, height, stem diameter, crown spread, crown clearance, age class, physiological and structural condition, management recommendations, estimated remaining contribution and category grading as per BS 5837.

It is vital that the tree survey is carried out independently of and prior to any development proposals being drawn up. Where trees form groups or woodlands, it may be more appropriate for the arboriculturalist to identify and consider these as groups and woodlands. If the groups are close grown, it will be more appropriate to assess their quality and value as a whole rather than individuals.

All trees that currently exist on the site and all those within 15 meters of the red line boundary of the site must be included within the tree survey. A tree survey plan must accompany the tree survey and the individual tag numbers or relevant groups and woodlands must be accurately plotted on the plan. If tree removal is required as part of a development proposal and is approved, no subsequent permission will be granted for the removal of additional trees due to changes to the proposals.

8.3 Tree Constraints Plan (TCP)

Following the completion of the tree survey, a Tree Constraints Plan needs to be produced by the arboriculturalist. This is a design tool that is used to inform the proposed layout of the new development. When this is submitted with the planning application, this will be used to show how due consideration has been given to the retention of trees as part of the proposed layout. The TCP will include information highlighting the constraints above and below ground posed by the trees.

The plan will show the constraints above ground posed by the current physical size of the tree, taking into account their movement in the wind, future growth, perceived safety concerns, shade cast by the trees and the existing crown spread. The constraints below ground are represented by the Root Protection Area (RPA). The RPA is used to inform the construction exclusion zone.

Included in the TCP should be areas where proposed new tree planting will be carried out. These areas should also be protected from damage, particularly the movement of construction traffic, storage of materials and soil compaction.

While trees are only one consideration during the planning process, certain trees or groups of trees can be of such importance and sensitivity that they should significantly modify the design and layout or prevent developments altogether. Care has to be taken to ensure that the correct trees are identified as suitable for retention, and that attempts to retain too many unsuitable trees may result in excessive pressure on trees during the construction process. Regardless of the legal status of trees they are a material consideration in the planning system.

8.4 Arboricultural Impact Assessment (AIA) and Design Considerations

Once the detailed design proposals have been drawn up, an AIA needs to be carried out in order to assess the trees against the proposals. This assessment should detail:

- that structures are not sited within Root Protection Areas;
 - the presence of statutory tree protection (Tree Preservation Orders and Conservation Areas)
 - opportunities for new tree planting;
 - that new buildings/structures are sited clear of ultimate crown spread;
 - sufficient space is given for construction work, access, erection of scaffolding and storage of materials;
 - the effect of the proximity of trees to buildings, on daylight into windows and gardens, existing and future tree height and spread, perceived risks to safety and dominance of trees over properties (see the section below on the proximity of structures and infrastructure to trees for further information);
 - requirements for infrastructure, above and below ground services, roads and footpaths, visibility splays, CCTV requirements, refuse stores, substations, lighting and signage;
 - changes in ground levels, including existing, proposed and temporary;
- the effect of the proposed development on amenity values of trees on and near the site;
 - mitigation measures for any tree loss;
 - future pruning requirements.

Particular attention should be given to large old or veteran trees that become enclosed within new developments. These trees are less resilient to the likely impacts of construction activity within close proximity and are therefore more likely to die or become unsafe. It may be more appropriate to incorporate them into open space or large gardens.

The AIA will be a written statement to accompany the Tree Constraints Plan. It may be the case that additional plans will need to be produced in order to demonstrate how the above issues are intended to be dealt with (for example, cross sections, alternative proposals and specific construction methods).

8.4.1 *Construction within Root Protection Areas*

BS5837:2012 states that the default position for structures should be outwith the Root Protection Area (RPA) of trees to be retained. Where there is an overriding justification for construction within the RPA technical solutions might be available that prevent damage to the tree.

An incursion into the RPA will only be considered where there is an acceptable overriding justification for construction within the RPA and where adequate technical information is submitted to support the technical solution proposed and that the technical solution will prevent damage to the tree.

For an overriding justification to be accepted the proposal must be considered to deliver social, economic or environmental benefits that benefit the wider community.

8.4.2 Proximity of Structures and Infrastructure to Trees

BS5837:2012, Subsection 5.3 outlines the need to consider the ultimate height, canopy spread and the available rooting environment of existing and proposed trees. Buildings and structures should be sited to allow adequate space for a tree's natural development and at the same time reduce future pressure for removal of trees. Buildings and associated infrastructure, including garden ground, should generally be located out with the zone of influence of existing and proposed trees. The zone of influence is generally considered to be the distance from the bottom of a tree that is equal to the mature height of an existing or proposed tree, see figure 2.

In certain cases the zone of influence may need to be increased to account for particular development site scenarios or to help retain important characteristics associated with individual or groups of trees and woodlands.

For example; the zone of influence may need to be increased between buildings and infrastructure proposed in proximity to woodlands to limit the impact of development on the neighbouring woodland and to preserve woodland edge habitats.

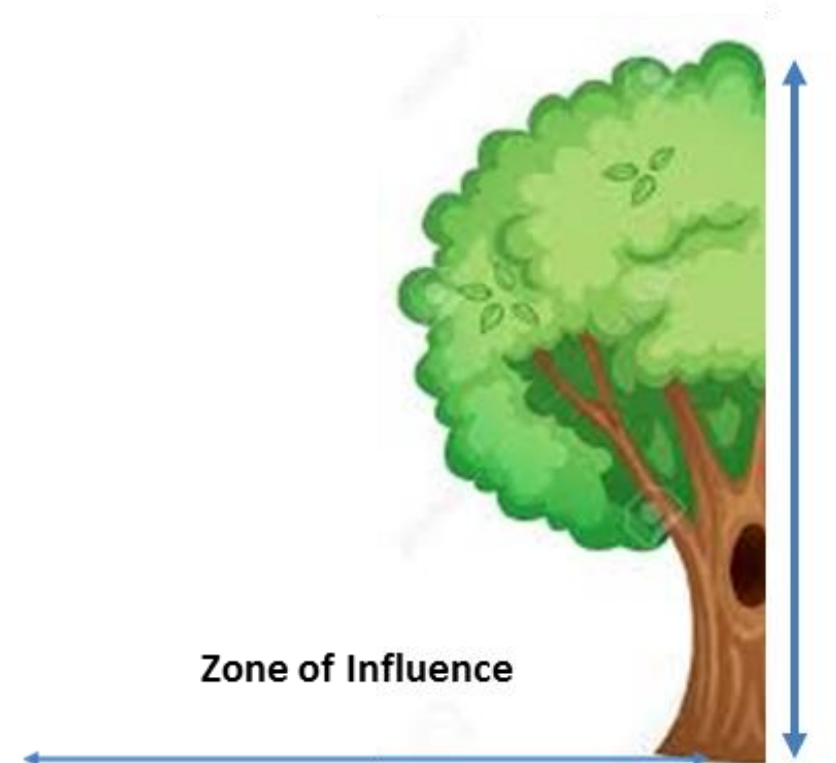


Figure 2: Zone of Influence

8.5 Tree Protection Plan and Arboricultural Method Statements

Upon finalising the design layout for the proposed development, a method and plan demonstrating how the trees on the site will be adequately protected during the construction phase of the development will be required. This information is often required through the conditions of the planning permission and these are used to enforce the protection measures.

However, the information is still required in advance of the issuing of the planning permission and if it is not supplied in advance, then the application may be delayed or refused.

The erection of a Construction Exclusion Zone will be required, consisting of a suitable barrier around the trees to prevent construction access and to ensure damage does not occur to the trees.

The Construction Exclusion Zone is a fundamental part of the Tree Protection Plan and this should be annotated on the plan with the following information:

- Trees to be retained;
- Trees to be removed;
- Trees to be pruned;
- The exact location of the Construction Exclusion Zone
- The exact location of protective barriers

- The location of any proposed ground protection showing the protective barriers/ ground protection
- Details of the type of fencing/physical barrier to be used
- Those areas of proposed or structural landscaping be protected to prevent damage to the soil structure;
- Finalised site layout;

Protective fencing must be of the default specification noted in BS5837:2012, Figure 2 and carry at all time weather proof signage with wording such as:
'CONSTRUCTION EXCLUSION ZONE – NO ACCESS'.

To ensure construction activity does not further impinge on the construction exclusion zone, consideration needs to be given to the following activities:

- Site access for construction, type of construction access and the frequency;
- Contractors car parking;
- Phasing of construction works;
- Siting of construction compounds, storage of materials, fuel, site huts, toilets and other temporary structures;
- Space for foundations excavation, construction works, erection of scaffolding, plant, cranes and access during construction works;

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- Changes in ground levels including the effect of creating new slopes, erection of retaining walls and steps;
 - Location and space required for all the service runs including gas, electricity, foul and water drains, land drains, oil, television, telephone and all other communication cables.

Root protection areas should be calculated using the formula noted within BS5837: 2012. Where applicable, root protection areas may need to be expanded to take account of future tree growth. Where the Council considers necessary, protective barriers may require to be inspected prior to development work taking place.

On sensitive sites, the appointment of an Ecological Clerk of Works (ECoW) may be required to inspect and report on the initial erection of protective barriers and periodically monitor the barriers throughout the development period. All protective barriers should meet the default specification for protective barriers as noted in Figure 2, BS5837: 2012.

Where work is unavoidable within the Construction Exclusion Zone of a tree, we will require a method statement relating to how damage will be minimised as part of the Arboricultural Method Statement and Tree Protection Plan.

Such work may include hard and soft landscaping and special construction techniques.

9. Conditions of Planning Approval

The granting of planning permission does not mean that the Planning Authority no longer has control over what happens on the site, particularly where trees are concerned. Where trees have been present on a site prior to the granting of planning permission there will be number of conditions of planning permission that will have to be adhered to. These Conditions may include:

- Implementation of the Tree Protection Plan
- The appointment of a suitably competent person to ensure the correct implementation of the Tree Protection Plan, prior to the start of construction on site, and the ongoing supervision of the arboricultural protection measures
- No tree work is to be carried out without the express written permission of the planning authority
- The protective fencing/barrier as part of the TPP is erected prior to the start of demolition and construction works on site
- No alteration to protective fencing/barrier and no activity to take place within the construction exclusion

zone during development, unless there is written consent of the Planning Authority

- The protective fencing/barrier is only to be removed upon completion of the development and prior to occupation and only with the written consent of the planning authority

Other planning conditions could also be used to control the use of particular construction methods close to trees, additional tree work as part of a tree/woodland management plan for the site, and various conditions for the control of landscape character and areas of existing and new landscaping.