

# Trees and development

## Supplementary Planning Document



Adopted February 2012

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## Summary

The Trees and Development Supplementary Planning Document sets out the London Borough of Barking and Dagenham's policies on the protection of trees in the borough. These policies are based on the Local Development Framework and the Urban Design Framework, the London Plan and best practice as recommended by DEFRA and CLG. Its purpose is to guide developers and householders on legislation, planning requirements and the protection of trees.

This document provides guidance on key issues including:

- Trees and the design of development: New development and extensions to existing developments need to be designed so that existing trees are protected and integrated into the design of the development as far as possible and given long term protection.
- Surveys of land and trees: Land and tree surveys need to be carried out before designs for a site are developed. These surveys will help with the production of a tree constraints plan which in turn will influence the layout of development so that the retention and protection of trees is maximised.
- Protecting trees during construction: Trees are vulnerable to damage from a variety of construction activities. As well as the guidance in this document, developers are advised to take account of the British Standards Institute British Standard BS 5837: 2005 Trees in relation to construction.
- Tree preservation orders (TPOs): TPOs may be applied to trees before, during or following construction, to ensure they are protected from accidental or intentional damage.
- Conservation Areas: There are currently four Conservation Areas in Barking and Dagenham. Trees in Conservation Areas receive a similar level of protection to trees protected by TPOs.
- Wildlife: Developers and householders need to be aware that bats, birds and water voles are protected by the law. It is important the developer employs a suitably qualified ecologist to determine if any of these species are present

Greening the urban environment and securing trees for future generations can only be achieved by protecting trees at each stage of the development cycle. The benefits of protecting trees now will be appreciated by existing and future residents of the borough.

# 1. Introduction

- 1.1 The London Borough of Barking and Dagenham is committed to creating a greener environment for local people to enjoy. This commitment is reflected in the council's Community Plan (2009), Regeneration Strategy (2008 – 2013), Urban Design Framework (2007) and the Local Development Framework. These policies and strategies recognise the importance of green space and trees and the benefits they bring to the people that live and work in the borough.

The Government's Strategy for England's Trees, Woods and Forests (2007) promotes the creation of liveable neighbourhoods through the protection and creation of green infrastructure. The aims of the strategy include:

- Securing trees and woodlands for future generations.
- Ensuring resilience to climate change.
- Protecting and enhancing natural resources
- Increasing the contribution that trees, woods and forests make to our quality of life.
- Improving the competitiveness of woodland businesses and products.

- 1.2 The Trees and Development Supplementary Planning Document (SPD) is a material consideration for the local authority when processing planning applications. Its purpose is to guide developers and householders on legislation, planning requirements and the protection of trees. It should help protect those trees that make an important contribution to the local landscape whilst ensuring new developments make use of trees in their landscaping schemes whenever possible. This will help create liveable neighbourhoods in both existing and new developments.

- 1.3 A tree takes many years to grow to maturity but it only takes minutes to cut it down. As the development cycle becomes shorter (the average is 30 years in London) mature trees are being continually lost to development. Their replacements are then felled before they are significant enough to make a contribution to the amenity or wildlife of an area. The loss of tree cover in the urban environment is an important issue for local residents and will have a major impact on the local effects of climate change.

- 1.4 The Trees and Development SPD seeks to redress the balance between trees and development so that trees are retained and protected during the development cycle. The council's Community Plan makes a commitment to ensuring our streets and public spaces are cleaner, tidier and greener. This will help the borough achieve its ambition for a greener environment.

## **2. Status of the Trees and Development SPD**

- 2.1 This guidance has been put together in accordance with the framework provided in the Government's Planning Policy Statement 12: Local Spatial Planning (2008). The Statutory Development Plan is the starting point when determining planning application for the development or use of land. The Development Plan consists of the London Plan (July 2011) and the London Borough of Barking and Dagenham's Development Plan Documents (DPDs).
- 2.2 This SPD provides further detail on the implementation of DPD policy that applicants must follow to ensure they meet the policy requirements.

## **3. Relevant policies and legislation**

- 3.1 The Town and Country Planning Act 1990, as amended, sets out the duties of the local planning authority, when it is considering planning applications. Section 70(2) states that:

"In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."

Section 197 requires the local planning authority:

"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,"

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".

In addition 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.



## Barking and Dagenham Local Development Framework

3.2 The Local Development Framework sets out the council's policies for ensuring sustainable development within the borough. The relevant policies that impact on the protection and promotion of trees are provided in Appendix 1 Local Development Framework Policies. Sections of certain policies are provided below.

<b>Core Strategy Development Plan Document</b>	
CM1: General principles for development	Sustaining the Natural and Built Environment: Natural and built assets including natural resources, air and water quality, biodiversity and habitats, the historic environment, local distinctiveness, and the Borough's network of open spaces should be protected and enhanced. Development should take account of natural constraints, particularly the risk of flooding, and should make the fullest contribution to the mitigation and adaptation of climate change and minimise emissions from carbon dioxide.
CM3: Green Belt and Public Open Spaces	The Council will ensure that important areas of public open space are identified and protected from development, that public open space is created and improved in areas of deficiency, and support the implementation of the East London Green Grid, the Blue Ribbon Network, and the Barking and Dagenham Landscape Framework Plan.
CR1: Climate Change and Environmental Management	The Council will plan in harmony with landscape and biodiversity.
CR2: Preserving and enhancing the natural environment	The Council will encourage development that enhances existing sites and habitats of nature conservation value (including strategic wildlife and river corridors) or which provide new ones, in particular where this will help meet the objectives of the Local Biodiversity Action Plan for Barking and Dagenham.
CC3: Achieving community benefits through developer contributions	Developer contributions could be used to provide: <ul style="list-style-type: none"> <li>• Environmental sustainability measures</li> <li>• Environmental and biodiversity enhancements (including those identified in the Landscape Framework Plan)</li> </ul>
CP2: Protecting and promoting our historic environment	The council will take particular care to: <ul style="list-style-type: none"> <li>• Protect and wherever possible enhance our historic environment</li> <li>• Reinforce local distinctiveness</li> </ul>

<b>Borough Wide Development Policies Development Plan Document</b>	
BR2: Energy and On-Site Renewables	<p>Energy assessments should demonstrate the following:</p> <ul style="list-style-type: none"> <li>• That energy demand is minimised through passive design, appropriate choice of building fabric, appropriate choice of building services (e.g. ventilation with heat recovery), <b>external summer shading and vegetation on and adjacent to proposed developments.</b></li> </ul>
BR3: Greening the urban environment	<p>The Council will expect, where appropriate, all development proposals to demonstrate that the sequential approach set out below to preserving and enhancing the natural environment has been followed:</p> <ul style="list-style-type: none"> <li>• Retain, enhance or create features of nature conservation value and avoid harm;</li> <li>• Mitigate for impacts to features of nature conservation value;</li> <li>• Where there is no viable alternative, compensate for the loss of features of nature conservation value.</li> </ul> <p>Where there are no existing features of nature conservation on a site, development should seek to create nature conservation enhancements to help 'green the urban environment'.</p>
BP2: Conservation Areas and Listed Buildings	<p>The Council will seek to conserve or enhance the special character and appearance of each Conservation Area and their setting.</p> <p>Aside from the four conservation areas, other areas which are locally distinctive and historically important (such as the Becontree Estate) will be identified, celebrated and promoted.</p>
BP11: Urban Design	<p>To naturalise and green the urban environment through an interconnected network of parks, open spaces, tree-lined streets, wildlife corridors, woodlands, pedestrian and cycle routes.</p>
<b>Barking Town Centre Area Action Plan</b>	
BTC20: Parks, Open Spaces, Play Areas and Tree Planting	<p>To improve the linkages between the parks and open spaces in the Area Action Plan area, the Council will wish to see extensive tree planting along some streets to form a network of "green streets" which as well as linking parks and open spaces also softens the environment, and provides pleasant routes for pedestrians and cyclists.</p> <p>The key routes which the Council wishes to develop as tree lined streets radiate out from Abbey Green to Barking Park, Greatfields Park, Essex Road Gardens, the Quaker Burial Ground and the River Roding.</p> <p>Where appropriate the Council will expect developers to contribute towards programmes of tree planting in the town centre.</p>

## Biodiversity Supplementary Planning Document

- 3.3 This document sets out how the council will protect and enhance wildlife and habitats within the borough. It explains what is required of developers in the planning process to both protect existing biodiversity and make use of opportunities to increase biodiversity on development sites. The protection of trees and the planting of trees are an important aspect of biodiversity and the reader is recommended to consult the Biodiversity Supplementary Planning Document which is available on the council's web site [www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)

### Regional policies and strategies

- 3.4 The London Plan (July 2011) is the current planning strategy for London and has specific policies concerning trees and woodland, including:

#### **Policy 2.18 Green infrastructure: the network of open and green spaces**

- E Development proposals should:
- a incorporate appropriate elements of green infrastructure that are integrated into the wider network
  - b encourage the linkage of green infrastructure, including the Blue Ribbon Network, to the wider public realm to improve accessibility for all and develop new links, utilising green chains, street trees and other components of urban greening (Policy 5.10).

#### **Policy 3.6 Children and young people's play and informal recreation facilities**

- A The Mayor and appropriate organisations should ensure that all children and young people have safe access to good quality, well-designed, secure and stimulating play and informal recreation provision, incorporating trees and greenery wherever possible.

#### **Policy 5.10 Urban greening**

- C Development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening, including the public realm. Elements that can contribute to this include tree planting, green roofs and walls, and soft landscaping.



### **Policy 5.11 Green roofs and development site environs**

- A Major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible, to deliver as many of the following objectives as possible:
  - a adaptation to climate change (ie aiding cooling)
  - b sustainable urban drainage
  - c mitigation of climate change (ie aiding energy efficiency)
  - d enhancement of biodiversity
  - e accessible roof space
  - f improvements to appearance and resilience of building
  - g growing food.

### **Policy 7.5 Public realm**

- B Opportunities for the integration of high quality public art should be considered, and opportunities for greening (such as through planting of trees and other soft landscaping wherever possible) should be maximised.

### **Policy 7.19 Biodiversity and access to nature**

- C Development proposals should:
  - a wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity
  - b prioritise assisting in achieving targets in biodiversity action plans (BAPs) set out in Table 7.3 and / or improve access to nature in areas deficient in accessible wildlife sites.

### **Policy 7.21 Trees and woodlands**

- A Trees and woodlands should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework (or any successor strategy).
- B Existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree'. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species.

## London Plan Tree & Woodland Framework

3.5 The Tree and Woodland Framework sets out the Mayor of London's key aims for trees and woodlands in London:

- To ensure trees and woodlands contribute to a high quality natural environment.
- To help shape the built environment and new development in a way that strengthens the positive character and diversity of London.
- Through people's contact with trees and woodlands to help foster community and individual people's well-being and social inclusion.
- To support the capital's economy.

The framework advocates a Right Place Right Tree approach to planting trees to help ensure trees are located in the right place and are not planted to the detriment of other habitats. Appendix 2 provides a copy of the Right Tree Right Place Checklist.

## All London Green Grid (incorporating the East London Green Grid)

3.6 The East London Green Grid Area Frameworks form part of an emerging All London Green Grid. The Mayor of London intends to publish supplementary guidance on the All London Green in 2012.

A green grid is defined as a multifunctional network of open spaces, wildlife corridors and the links between them, providing benefits for people and wildlife to support sustainable communities.

The East London Green Grid is a strategy for implementing green infrastructure in East London. It consists of a spatial framework, identifying deficiencies in access to public open space and nature sites as well as specific projects that will contribute to the creation of the green grid. The East London Green Grid Supplementary Planning Guidance can be downloaded from:

[http://www.london.gov.uk/thelondonplan/guides/spg/spg\\_09.jsp](http://www.london.gov.uk/thelondonplan/guides/spg/spg_09.jsp)

Detailed information can be found in the following documents: Area Framework 2 Epping Forest and River Roding; Area Framework 3 Thames Chase, Beam and Ingrebourne; and Area Framework 4 London Riverside. These documents can be downloaded at:

[www.designforlondon.gov.uk](http://www.designforlondon.gov.uk)

## 4. Trees and Development

- 4.1 Trees are a material consideration in the determination of planning applications. Developers are advised that land and tree surveys, and tree constraint plans, are important elements in the evaluation of planning applications by Barking and Dagenham Council and should be submitted prior to the planning application validation stage.

This section describes the requirements for:

- Trees and the design of development
- Land surveys
- Tree surveys
- Tree constraint plans
- Tree protection during construction
- Arboricultural Implications Assessment (AIA)
- Arboricultural Method statement (AMS)

### Trees and design of development

- 4.2 Developers must endeavour to design new developments or extensions to existing developments so that:
- Existing trees and other natural features do not need to be removed.
  - Existing trees and other natural features are not harmed, either in the short or long term.
  - Conflict between trees and buildings in the future is minimised through the design, layout and construction of the development. The removal of trees to avoid this conflict is not acceptable.
  - Where tree removals are exceptionally agreed, a greater number of replacements will be expected. Replacement trees will require an appropriate level of maturity.

Developers are encouraged to employ a trained professional to advise on landscape design from the outset of a development project.

The layout of the development will need to take into account the canopy of existing and newly planted trees both in the short term and the long term. For certain species of trees this will be for more than 100 years.

The layout of the development will need to take into account the root spread of existing and newly planted trees both in the short term and the long term. Building foundations must be designed to accommodate the retention of existing trees and the planting of new trees.

Foundations must be constructed to appropriate standards to ensure they are resistant to any future soil shrinkage whether the cause is trees or climate change.

- 4.3 Underground services should wherever possible be routed in shared service ducts. This will improve access for maintenance and prevent the creation of large areas where tree planting is prevented due to utilities.

Where new highways are being created pavements should be wide enough to accommodate pedestrians and street trees. Developers should aim to create tree lined streets whenever possible.

- 4.4 Trees live longer than the average development cycle and this makes it difficult to increase the stock of mature trees in the borough. Developers should identify areas where trees are likely to be retained permanently, regardless of redevelopment in the future, and therefore will be able to grow to maturity. Larger trees should be planted in these areas.

#### Land and tree surveys

- 4.5 A detailed land survey and tree survey must be submitted with any planning application where trees are on the development site or adjacent to the site (except where the application is for change of use). These documents must be submitted before the validation of the planning application by the local planning authority takes place.

Householder applicants do not need to provide a full tree survey but they do need to indicate where trees are on the land affected by the planning application.

The applicant will need to provide details of how the trees will be protected from the impacts of construction during development (please see Page 12).

Following the completion of a new development a TPO may be applied to trees on the site (and adjacent to the site if necessary) to ensure their long term protection.

New trees that replace trees protected by an existing TPO will become protected by the original order or may become the subject of new orders.

## Land surveys

4.6 The land survey should be topographical and accurate and should show:

- The position of all trees, shrub masses, significant individual shrubs, hedges, and tree stumps within the site.
- Any relevant features such as streams, structures, boundary features, service and drainage runs.
- Spot heights of ground level throughout the site so as to avoid level changes in proximity to retained trees
- The location of trees on adjacent land, including highway trees,

A topographical negative can assist in determining the impact of changes in surface treatment and ground level on trees. A full hydrological and / or soil survey may also be required on larger or more complex sites.

## Tree surveys

4.7 The pre-development tree survey must be carried out by a qualified arboriculturist and should be carried out before any specific design is produced. The survey should include all trees identified in the land survey and any trees that have not been identified in the land survey. The survey should categorise trees and groups of trees for their quality and value and should comply with the British Standards Institute British Standard BS 5837:20-05 Trees in relation to construction.

The survey should include a plan that shows:

- The location to within 1 metre of all existing trees on the site.
- The trees should be individually numbered as specimens or individuals, or as groups where the trees are growing together.
- Hedgerows should be accurately plotted.
- Shrubs of significant interest should be shown.

### Woodland

- If woodland is within the site, it must be plotted accurately and all boundary trees shown.
- If the proposed development is within the woodland, all trees must be plotted.
- If woodlands are outside the site boundary, the woodland edge (including crown spread) must be plotted.

4.8 The tree survey will need to provide the following information for each tree:

- Reference number as recorded on the tree survey plan
- Tree species
- Height in metres
- Stem diameter in millimetres
- Branch spread in all directions
- Height of crown clearance
- Age class
- Physiological condition
- Structural condition
- Preliminary management recommendations
- Estimate of safe useful life expectancy in years
- Retention category grade

Any trees that are protected by Tree Preservation Orders (TPOs) must be identified and their TPO reference provided if known.

Any evidence of bats, nesting birds and / or water voles should be recorded (please see Chapter 8 for more information).

#### Tree constraints plan

4.9 A tree constraints plan should be produced that indicates the influence that trees on and adjacent to the site will have on the layout of the development. It should show below ground constraints (the root protection zone) and the above ground constraints (size, position, aspect and future growth of the tree).

Where there are no trees on the site, a tree constraints plan is required where new trees will be planted as part of landscaping.

#### Tree protection during construction

4.10 Developers are advised to take account of Section 11 and Annex C of the British Standards Institute British Standard BS 5837: 2005 Trees in relation to construction, which deals with

- i) Demolition and construction in proximity to existing trees on and adjacent to development sites;
- ii) How development can damage trees.

The following protection / precautions must be taken before construction / development works begin, including site clearance and fencing of the site:



## Protective fencing

- 4.11 Trees must be fenced around the Root Protection Area or the extent of the canopy, whichever is greatest. The fencing will prevent damage to the trees from construction / site clearance activities such as the storage of materials, fires, excavations, erection of site accommodation, deposition of waste due to tipping or leakage, ground compaction by traffic or any other actions likely to affect the health of the tree.

The fencing must be to the standard set out in British Standard Document BS 5837:2005 or any subsequent updates: the fencing will normally be at least 2m high, constructed of metal mesh panel fencing and braced by scaffold poles to the standard set out in British Standard Document BS 5837:2005.

All protective fencing must be correctly maintained during construction to provide adequate protection. Protective fencing may only be removed when the development is complete.

If protective fencing needs to be temporarily removed or rearranged before completion of the development, permission must first be obtained from the council.

## Bracing of protective fencing.

- 4.12 Fencing should be braced by scaffold poles or similar to ensure the fencing is robust. Trees of high amenity value, trees in areas close to construction activity, or trees particularly sensitive to damage may require more substantial fencing or protective measures.

## Warning signs

- 4.13 The protected area will require signs to be in place informing staff on site of the nature of the protected area as set out in the above British Standard or any subsequent updates.

## Fires

- 4.14 As fires are often used during demolition and site clearances, extreme care needs to be taken to ensure that trees are not damaged by radiated heat. There must be a distance of at least 5m between a fire and any part of a tree. Large fires will need a greater exclusion zone than 5m.

## Signage and trees

- 4.15 Cables, signs, boards, timbers or other materials must not be nailed or screwed to tree as the puncture wounds damage the health of the tree and can lead to decay and premature death.

## Winching

- 4.16 No tree should be used as an anchor point for winching as this can cause compression damage beneath the tree's bark and to the bark itself and can weaken the tree's root system.

## Arboricultural Implications Assessment

- 4.17 An Arboricultural Implications Assessment (AIA) and an Arboricultural Method Statement (AMS) may be required as a condition of planning permission to ensure trees are adequately protected during construction and to protect areas for new trees from compaction.

The Arboricultural Implications Assessment is based on the land and tree survey and the tree constraints plan following consultation with the council's Tree Officer. The AIA is often required as a condition attached to planning permission and will include:

- A protected tree protocol for workers on site. This protocol should be incorporated into the site induction procedure.
- A detailed description of the site including tree cover, topography and soils.
- Analysis of tree cover including: total number of trees, the numbering sequence, analysis of trees to be lost for development, trees to be lost for any other reasons and proposals for replacement planting.
- An Arboricultural Method Statement (AMS) with specifications and methodology for the implementation of any aspect of the development that may lead to loss or damage to a tree.
- A tree protection plan: a scale drawing that shows the final layout, tree protection measures with the root protection zone and the construction exclusion zone.

## Arboricultural Method Statement

- 4.18 The Arboricultural Method Statement provides detailed information on how construction works will be managed and trees protected when construction takes place close to trees. An AMS will often be required as a condition for planning consent to ensure that retained trees are adequately protected.

An AMS will need to provide a timetable showing when and how specific works close to trees will be carried out. This will cover:

- Demolition of built structures.
- Removal of hard standing.
- Air-spade and hand excavation within 2m of root protection areas.
- Root-zone soil decompaction / amelioration, root pruning, surface changes etc.
- Installation of root-barriers.
- Installation of tree protective barriers.

Engineering specification sheets should be included for items such as the design of protective fencing, special surfaces, methods of trenching etc.

Bills of quantities for materials such as specialised tree sands, soils, porous paving etc must be included where necessary.

Site supervision by an arboriculturist will usually be required for some or all of the operations associated with trees. An Arboricultural Association Approved Contractor with experience of root - zone and aerial Arboricultural operations will be required to carry out such works.

- 4.19 The method statement should include:

- Schedule and timing of
  - Tree surgery works (prior to and upon completion of construction works).
  - Root zone soil amelioration works etc.
  - Construction of protective barriers.
  - All tree related construction or specialist engineering works.
- Root protection area and exclusion zone detail (areas, distances, type of barrier, installation method etc).
- Specification for any surface changes.
- Method of operation for surface changes.
- Specification for any level changes.
- Specification for trenching works.
- Method of operation for trenching works.
- Proposed location of bonfires, chemicals, site huts etc.

- Contingency Plans (chemical spillage, collision, emergency access to the root protection zone).
- Proposed post construction landscaping near trees.
- Tree planting (storage of trees, site preparation).
- Contact listing (council officers, arboriculturist, architect etc).
- Other Items – e.g. use of trenchless technology for service runs.

Additionally a method statement may need to include items such as copies of site plans and a tree survey schedule.

## 5. Trees and landscape proposals

- 5.1 Borough Wide Development Policy BR3: Greening the urban environment requires all development proposals to retain, enhance or create features of nature conservation. All proposals should be accompanied by a landscape scheme that incorporates existing features of nature conservation, including trees, and new nature conservation features to help green the urban environment.

Further information is provided in the Biodiversity Supplementary Planning Document available on the council's web site [www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)

- 5.2 Developers should include tree planting in landscaping proposals wherever it is feasible. Areas for future planting should be plotted on the tree constraints plan and protected from damage by construction activities such as soil compaction, for example by the use of barriers. If this protection is not possible, remediation measures should be carried out prior to planting.

The Right Place Right Tree checklist in Appendix 2 can help ensure that suitable species are planted in the most appropriate locations on the site.

The use of peat for soil improvement or the planting of shrubs and trees should be avoided.

Areas designated for car parking and cycle parking are expected to be landscaped to a high standard and make extensive use of trees and shrubs.

A programme of aftercare and maintenance should be provided for new trees to ensure that newly planted trees continue to contribute to the landscape scheme in the long term.

### Species for new planting

- 5.3 Development sites within 250m of a Site of Importance for Nature Conservation, wildlife corridor or green / blue infrastructure are expected to use only native species of local provenance in landscape schemes. (Maps showing the location of SINCS and the 250m zones are provided in the Biodiversity Supplementary Planning Document). On other development sites, at least 50 per cent of the area planted should consist of native species AND all new tree and plant species should be shown to have benefits for native wildlife.

## Street trees

- 5.4 The Local Development Framework and the Urban Design Framework require the naturalisation of the urban environment, including the provision of tree-lined streets.

Where appropriate the council may require street trees to be included in the landscaping scheme. This may include streets created within developments and / or where the development fronts onto a street where there are already trees in the highway. Where this is not feasible the council will expect developers to contribute to programmes of tree planting off site, including street trees.

- 5.5 The Barking Town Centre Area Action Plan specifically plans to develop tree lined streets that radiate out from Abbey Green to Barking Park, Greatfields Park, Essex Road Gardens, the Quaker Burial Ground and the River Roding.



## 6. Tree Preservation Orders

- 6.1 The Town and Country Planning Act 1990, Section 23 of the Planning and Compensation Act 1991 and the Town and Country Planning (Trees) Regulations 1999 enables local planning authorities (in this case the London Borough of Barking and Dagenham) to apply a Tree Preservation Order or TPO to any trees within its area.

The term 'tree' is not defined in the legislation and there is no minimum size below which a TPO cannot be applied. A TPO can also be made to protect trees within hedges or to protect an old hedge which has become a line of trees. However shrubs and bushes are not covered by the above legislation.

- 6.2 The following works are prohibited on any tree protected by a TPO unless the Local Planning Authority has given written consent:

1. Cutting down
2. Uprooting
3. Topping
4. Lopping
5. Pruning
6. Cutting of roots
7. Wilful damage
8. Wilful destruction

Any works that may affect the roots of the tree such as construction work or compaction of soil will also need written permission from the Local Planning Authority.

- 6.3 In designated Conservation Areas works cannot be carried out on any trees that have a diameter greater than 75mm at 1.5m above the ground without the written permission of the local planning authority. More information on Conservation Areas in the borough is provided below and in Appendix 3.

If any works are carried out that affect a tree protected by a TPO or a tree within a Conservation Area and written permission from the local planning authority has not been obtained, the authority may take enforcement action. The person responsible may be fined up to £20,000 and where a tree has been felled or significantly damaged, a replacement tree will be planted. Note that it is no defence for a defendant to plead that they were unaware that a TPO existed on a particular tree.

- 6.4 Trees that are on land owned by the council but rented to council tenants cannot be pruned or felled without the permission of the council, even if the tree is not protected by a TPO. Council tenants

should contact the council's Housing Department or the council's Tree Officer for further advice.

### When are TPOs made?

- 6.5 Local Planning Authorities use TPOs to protect the local environment and its enjoyment by the public. Trees protected by TPOs are usually visible from a public place such as a road or footpath. However, trees not in public view (for example, in back gardens) may still be protected by TPOs if the trees are considered to contribute to the overall amenity of the area.

Factors that are taken into account when a tree is being assessed for a TPO include:

- Intrinsic beauty of the tree.
- Contribution the tree make to the landscape.
- Screening of eyesores or future development by the tree.
- Scarcity of trees.
- Importance of the tree as wildlife habitat.

A standardised assessment form is used by the council's Tree Officers to ensure consistency and fairness in the application of TPOs.

TPOs may be applied during the planning application process to ensure that trees identified for retention, and newly planted trees, on and adjacent to the development site are protected. Further information on trees and planning applications is provided in Chapter 4.

- 6.6 Tree Preservation Orders are used to protect individual trees as well as groups of trees and areas of trees. Where a tree is under immediate threat an emergency TPO can be applied. An emergency TPO will be reviewed and within 6 months of the order being made, the TPO will either be made permanent or revoked. Trees protected by TPOs are regularly checked to ensure they have not been damaged or felled.

In general TPOs are not applied to trees that are already under the arboriculture management of the local authority. For example, street trees and trees in parks are usually on council owned land and are managed by the local authority. However if a tree on council managed land is considered to be under threat or is of exceptional value, a TPO can be applied.

## Applications for tree works to protected trees

- 6.7 The local planning department will be able to inform you if a particular tree is covered by a TPO or if the tree is in a Conservation Area. If you wish to carry out work to a protected tree you will need to apply to the local planning authority on a form that they will provide. This form is also available on the council's web site: [www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)

A tree inspection by the council's Tree Officer may be necessary before permission for works can be granted. The Tree Officer can also provide a list of contactors qualified to carry out tree work.

- 6.8 The council occasionally receives requests for the pruning or felling of a protected tree due to issues such as bird droppings, bird noise, fallen leaves, fallen fruit or honey dew on cars. These problems do not justify the pruning or felling of a protected tree. However, the Tree Officers can provide advice on measures that can be taken to help reduce problems for residents.

If a tree protected by a TPO is considered to be immediately dangerous then measures may be taken to render it safe. You are advised to consult the council prior to undertaking such work to avoid the possibility of legal action. You are also advised to keep evidence of the need for this work. It is likely that a replacement tree will be required.

- 6.9 Where the removal of a tree protected by a TPO has been agreed by the Local Planning Authority, any replacement tree will become protected by the original order or may become the subject of new orders.

## 7. Conservation Areas

- 7.1 Conservation Areas are designated to protect the architecture, historical interest, character or appearance of a particular area. This is a planning designation and is enforced by the local planning authority. In a Conservation Area works cannot be carried out on any trees that have a diameter greater than 75mm at 1.5m above the ground without the written permission of the local planning authority.

There are four Conservation Areas in the London Borough of Barking and Dagenham

- Abbey and Barking Town Centre Conservation Area
- Abbey Road Riverside Conservation Area
- Dagenham Village Conservation Area
- Chadwell Heath Anti-aircraft Gun Site Conservation Area

Detailed information is provided on the council's web site [www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)

- 7.2 The locations of the Conservation Areas within Barking and Dagenham and a map of each one are provided in Appendix 3.

## 8. Wildlife Protection

### Birds

- 8.1 The Wildlife and Countryside Act 1981 makes it an offence to kill, injure, or take wild birds, their young, their eggs or nests. It is also an offence to disturb birds at the nest. In addition, there are special penalties for offences related to birds listed on Schedule 1 of the Act.
- 8.2 Any works to trees, hedges or shrubs, including pruning or felling, should not take place between 15 February and 31 August if nesting birds are present or if it is not possible to determine if nesting birds are present. A survey by a qualified ecologist should take place no more than 5 days before the planned works to determine if nesting birds are present.

### Bats

- 8.3 All bat species are defined as **European Protected Species** and are protected by the Conservation of Habitats and Species Regulations 2010, which transposes the European Union's Habitats Directive into UK law. Bats are also protected by the Wildlife and Countryside Act 1981 (as amended).

It is an offence to kill, injure, or take, any bat. It is also an offence to interfere with places used by bats for shelter or protection, or to intentionally disturb bats occupying such places.

- 8.4 Bat roosts are protected regardless of whether they are occupied at the time of the intended works. For example a tree that is used for a summer roost is still protected by law during the winter even though the bats are absent. Bats can make use of trees throughout the year: for maternity roosts in the summer (May to September); for mating roosts in the autumn (September to November); and for hibernation in the winter (November to April).
- 8.5 Trees identified for removal or for pruning should be surveyed by a qualified ecologist no more than 5 days before the planned works to determine if bats are present. If bats are found, the developer must apply to Natural England for a licence. Works cannot proceed without the licence being granted. In addition the developer must inform the local authority's planning officers.
- 8.6 If a bat is discovered once works have started, work should cease immediately, and the licensed bat worker and Natural England called for advice. This advice may include leaving the bat to disperse of its own accord, or waiting for the licensed handler to arrive and move the bat. Builders and contractors are explicitly forbidden from handling bats.

## Water Voles

- 8.7 Trees are a common feature of riverbanks and may contribute to water vole habitat. Water voles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 which makes it an offence to kill, injure, or take water voles. It is also an offence to interfere with places used by water voles for shelter or protection, or to intentionally disturb water voles occupying such places.

Any proposal to remove trees on the banks of water courses must demonstrate there will be no negative impact on water voles or their habitat.



## 9. Checklist for planning applications

### Pre-application

9.1 These documents need to be supplied with your planning application and must be available before the application is validated. (Validation is the process where the planning application form is checked to see that it has been completed properly and all required information has been submitted):

- Land survey
- Tree survey
- Tree constraints plan
- Wildlife survey

### Post-application

9.2 These documents may be required as a condition of planning permission:

- Arboricultural Implications Assessment (AIA)
- Arboricultural Method Statement (AMS)

## References

<b>Author</b>	<b>Title</b>
Barking and Dagenham Partnership (2009)	Barking and Dagenham's Community Plan
Communities and Local Government (2008)	Trees in Towns II: A new survey of urban trees in England and their condition and management.
Communities and Local Government (2000)	Tree Preservation Orders: A Guide to the Law and Good Practice
DEFRA (2007)	Strategy for England's Trees, Woods and Forests
London Borough of Barking and Dagenham (2010)	Biodiversity Supplementary Planning Document
London Borough of Barking and Dagenham (February 2011)	Barking Town Centre Area Action Plan
London Borough of Barking and Dagenham (July 2010)	London Borough of Barking and Dagenham Local Development Framework Core Strategy Development Plan Document
London Borough of Barking and Dagenham (March 2011)	London Borough of Barking and Dagenham Local Development Framework Borough Wide Development Policies Development Plan Document
London Borough of Barking and Dagenham	Regeneration strategy 2008 – 2013
London Borough of Barking and Dagenham (2007)	Urban Design Framework Supplementary Planning Document
London Borough of Havering (April 2009)	Protection of Trees during Development Supplementary Planning Document
Design for London (2007)	East London Green Grid Area Frameworks 2 (Epping Forest and River Roding), 3 (Thames Chase, Beam and Ingrebourne) and 4 (London Riverside)
Mayor of London (2005)	Connecting Londoners with Trees and Woodlands: A Tree and Woodland Framework for London
Mayor of London (2008)	East London Green Grid Framework London Plan (Consolidated with Alterations since 2004) Supplementary Planning Guidance
Mayor of London (July 2011)	The London Plan Spatial Development Strategy for Greater London
Norwich City Council (September 2007)	Trees and Development Supplementary Planning Document
Trees and Design Action Group (2008)	No trees, No future - Trees in the urban realm

## **Contacts**

### **London Borough of Barking and Dagenham**

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Web site: [www.barking-dagenham.gov.uk](http://www.barking-dagenham.gov.uk)

### **The Arboricultural Association**

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Ullenwood  
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Gloucestershire GL53 9QS

Telephone: 01242 522152  
Email: [admin@trees.org.uk](mailto:admin@trees.org.uk)  
Web site: [www.trees.org.uk](http://www.trees.org.uk)

### **Bat Conservation Trust**

15 Cloisters House  
8 Battersea Park Road  
London SW8 4BG  
United Kingdom

Bat Helpline: 0845 1300 228  
Office Telephone: 020 7627 2629  
Web site: [www.bats.org.uk](http://www.bats.org.uk)

### **London Bat Group**

Email: [enquiries@londonbats.org.uk](mailto:enquiries@londonbats.org.uk)  
Web Site: [www.londonbats.org.uk](http://www.londonbats.org.uk)

### **London Tree Officers Association**

Arboricultural Services  
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7th Floor Town Hall Extension  
Argyle Street  
London WC1H 8EQ

Telephone and Fax: 020 7974 4124  
Mobile: 07771 976238  
Web site: [www.ltoa.org.uk](http://www.ltoa.org.uk)

**Natural England**

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London SW1E 6DE

Tel: 0300 060 2634

Email: [london@naturalengland.org.uk](mailto:london@naturalengland.org.uk)

General enquiries: Tel: (local rate): 0845 600 3078

Web site: [www.naturalengland.org.uk](http://www.naturalengland.org.uk)

## Appendix 1: Local Development Framework Policies

Core Strategy Development Plan Document	
CM1: General principles for development	Sustaining the Natural and Built Environment: Natural and built assets including natural resources, air and water quality, biodiversity and habitats, the historic environment, local distinctiveness, and the Borough's network of open spaces should be protected and enhanced. Development should take account of natural constraints, particularly the risk of flooding, and should make the fullest contribution to the mitigation and adaptation of climate change and minimise emissions from carbon dioxide.
CM3: Green Belt and Public Open Spaces	The Council will ensure that important areas of public open space are identified and protected from development, that public open space is created and improved in areas of deficiency, and support the implementation of the East London Green Grid, the Blue Ribbon Network, and the Barking and Dagenham Landscape Framework Plan.
CR1: Climate Change and Environmental Management	The Council will plan in harmony with landscape and biodiversity.
CR2: Preserving and enhancing the natural environment	The Council will encourage development that enhances existing sites and habitats of nature conservation value (including strategic wildlife and river corridors) or which provide new ones, in particular where this will help meet the objectives of the Local Biodiversity Action Plan for Barking and Dagenham.
CC3: Achieving community benefits through developer contributions	Developer contributions could be used to provide: Environmental sustainability measures Environmental and biodiversity enhancements (including those identified in the Landscape Framework Plan)
CP2: Protecting and promoting our historic environment	The council will take particular care to: <ul style="list-style-type: none"> <li>• Protect and wherever possible enhance our historic environment</li> <li>• Reinforce local distinctiveness</li> </ul>

Borough Wide Development Policies Development Plan Document

BR2: Energy and On-Site Renewables	<p>Energy assessments should demonstrate the following:</p> <ul style="list-style-type: none"> <li>• That energy demand is minimised through passive design, appropriate choice of building fabric, appropriate choice of building services (e.g. ventilation with heat recovery), <b>external summer shading and vegetation on and adjacent to proposed developments.</b></li> </ul>
BR3: Greening the urban environment	<p>The Council will expect, where appropriate, all development proposals to demonstrate that the sequential approach set out below to preserving and enhancing the natural environment has been followed:</p> <ul style="list-style-type: none"> <li>• Retain, enhance or create features of nature conservation value and avoid harm;</li> <li>• Mitigate for impacts to features of nature conservation value;</li> <li>• Where there is no viable alternative, compensate for the loss of features of nature conservation value.</li> </ul> <p>Where there are no existing features of nature conservation on a site, development should seek to create nature conservation enhancements to help 'green the urban environment'.</p>
BP2: Conservation Areas and Listed Buildings	<p>The Council will seek to conserve or enhance the special character and appearance of each Conservation Area and their setting.</p> <p>Aside from the four conservation areas, other areas which are locally distinctive and historically important (such as the Becontree Estate) will be identified, celebrated and promoted.</p>
BP9: Riverside Development	<p>Riverside development is expected to:</p> <ul style="list-style-type: none"> <li>• Protect and enhance biodiversity (important species and habitats) in and along the river and banks and provide, preserve and enhance wildlife corridors where appropriate.</li> </ul>
BP11: Urban Design	<p>To naturalise and green the urban environment through an interconnected network of parks, open spaces, tree-lined streets, wildlife corridors, woodlands, pedestrian and cycle routes.</p>

Barking Town Centre Area Action Plan

BTC20: Parks, Open Spaces, Play Areas and Tree Planting

To improve the linkages between the parks and open spaces in the Area Action Plan area, the Council will wish to see extensive tree planting along some streets to form a network of “green streets” which as well as linking parks and open spaces also softens the environment, and provides pleasant routes for pedestrians and cyclists.

The key routes which the Council wishes to develop as tree lined streets radiate out from Abbey Green to Barking Park, Greatfields Park, Essex Road Gardens, the Quaker Burial Ground and the River Roding.

Where appropriate the Council will expect developers to contribute towards programmes of tree planting in the town centre.

## Appendix 2: Right Place Right Tree Checklist

### Tree & Woodland Framework: Right Place – Right Tree checklist

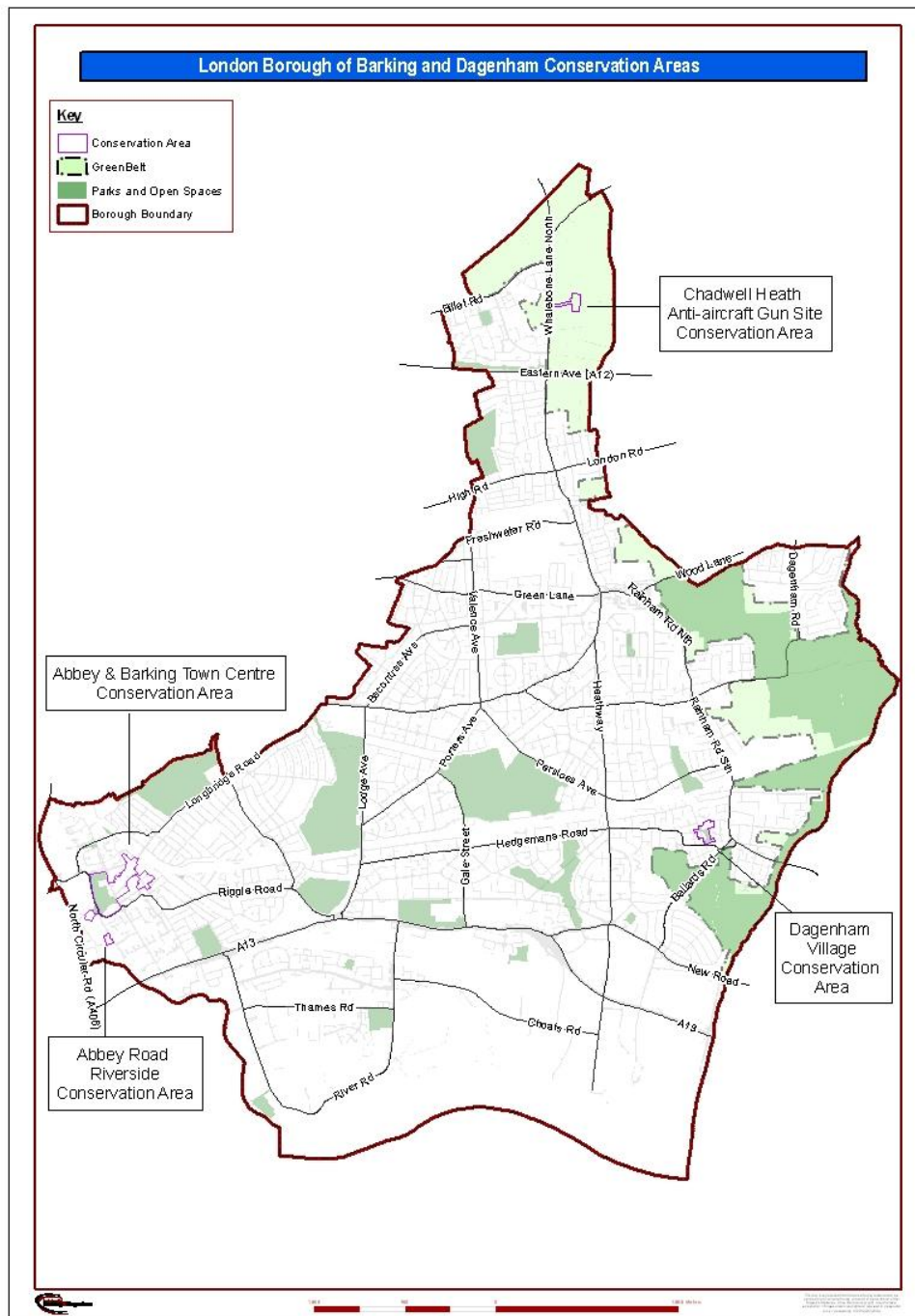
<b>RIGHT PLACE - RIGHT TREE CHECKLIST:</b>	
<b>Appropriate locations</b>	- <b>What is the existing value of the space, and would the impact of trees be positive?</b>
	- Existing habitat and landscape value: establish the habitat and landscape type of the site - shade cast by trees, and their demands on soil, water and nutrients, mean that they can kill or damage valuable wildlife habitats such as wetlands, heathlands, flower rich grasslands and brownfields so check for existing value before committing to planting.
	- Tree cover history: check historical records to see if the site is in an area where there have been trees in the past, to establish whether the creation of new woodland or tree cover would be appropriate.
<b>Appropriate species and design</b>	- Development design: trees should not be located where they will experience inappropriate growing conditions e.g. in the shadow of tall buildings.
	- Local character: check if there is a history in the area for the use of particular species that could be a reflected in the planned planting.
	- Work with nature: in natural areas, employ stock of locally native origin. Best of all, work with natural colonisation.
	- Great trees of the future: where the setting allows, take opportunities to plant large species of trees with a long lifespan.
	- Accessibility: new trees and woodlands are most needed where they can provide people with access to nature and natural landscape in areas presently lacking in such access.
	- Infrastructure: consider existing and future infrastructure requirements – do not plant too close to over/underground infrastructure. Replace removed trees in the same pit if appropriate.
	- Highways: meet the statutory safety requirements to maintain a clear route along roads (consider heights of buses, HGVs, cars, cycles and horses).
	- Space: check available space against the final height and spread of the proposed species with a view to minimising frequency and amount of pruning required.
	- Soil condition: the soil in hard landscaped areas is often poor. Soil compaction needs to be limited in the tree pit and adequate nutrients supplied. Use species known to be robust to these limitations.



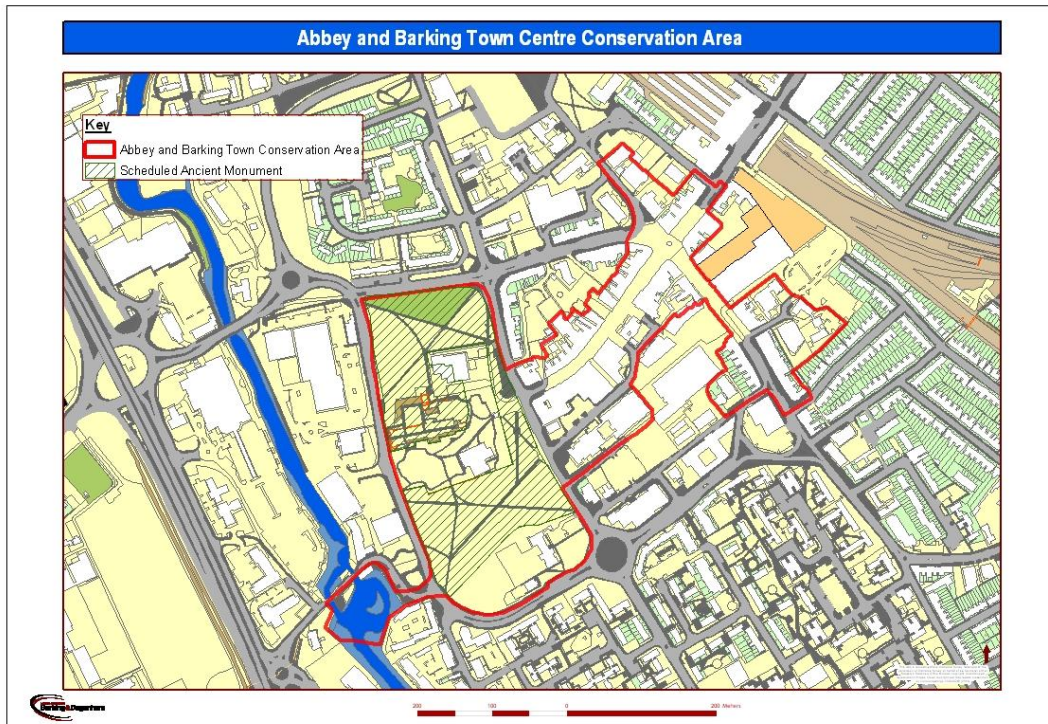
## Appendix 3: Conservation Areas

This appendix provides a map showing the location of the four Conservation Areas in the borough as well as a detailed map for each Conservation Area. The Conservation Areas are:

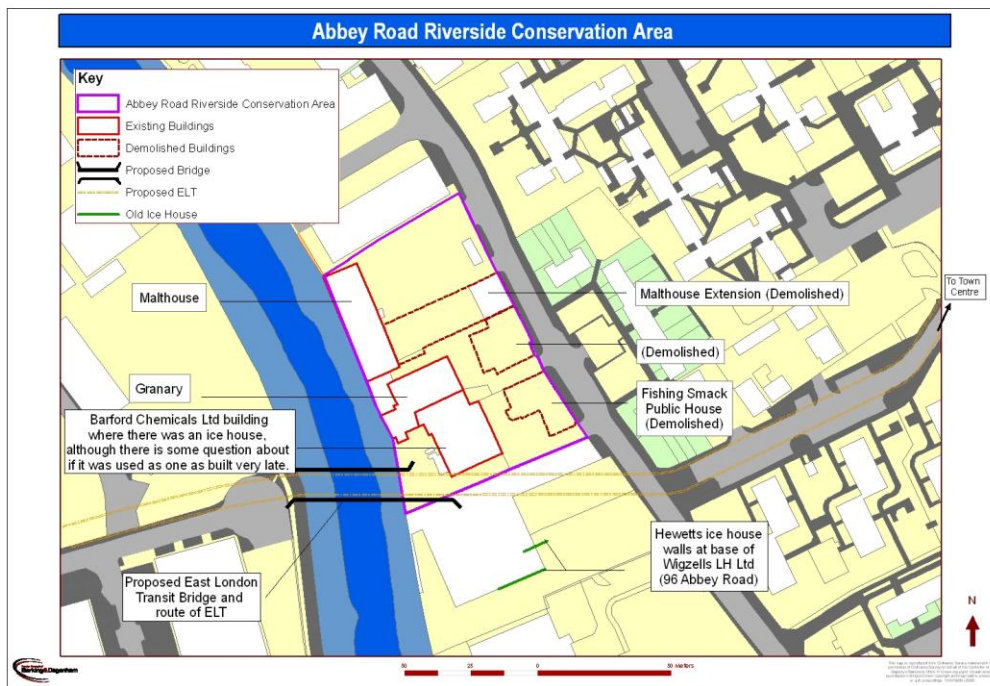
- Abbey and Barking Town Centre Conservation Area
- Abbey Road Riverside Conservation Area
- Dagenham Village Conservation Area
- Chadwell Heath Anti-aircraft Gun Site Conservation Area



## Abbey and Barking Town Centre Conservation Area

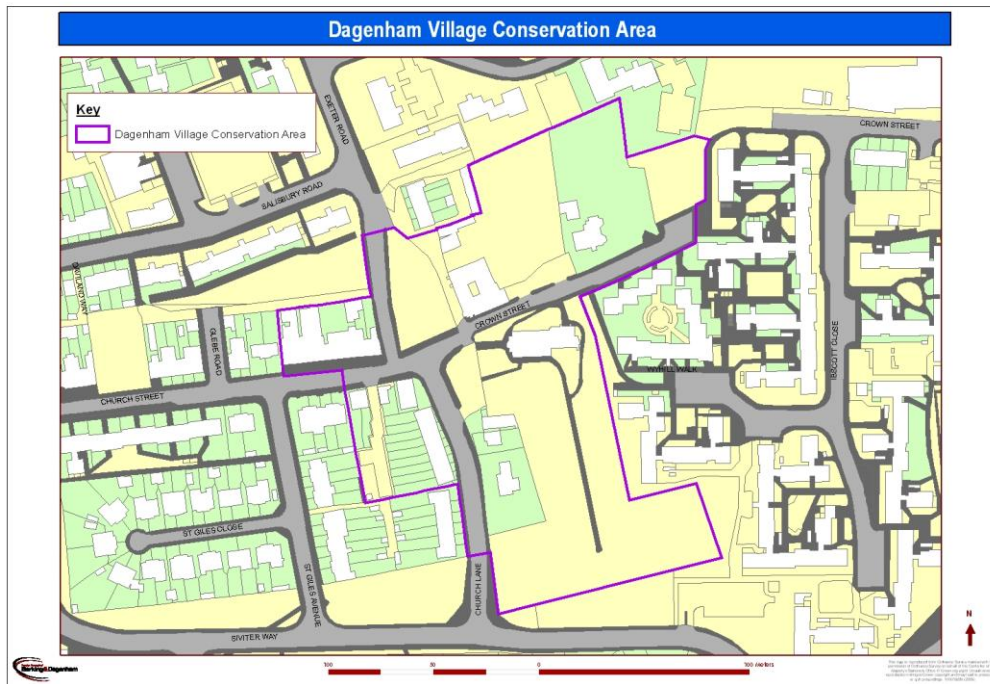


## Abbey Road Riverside Conservation Area

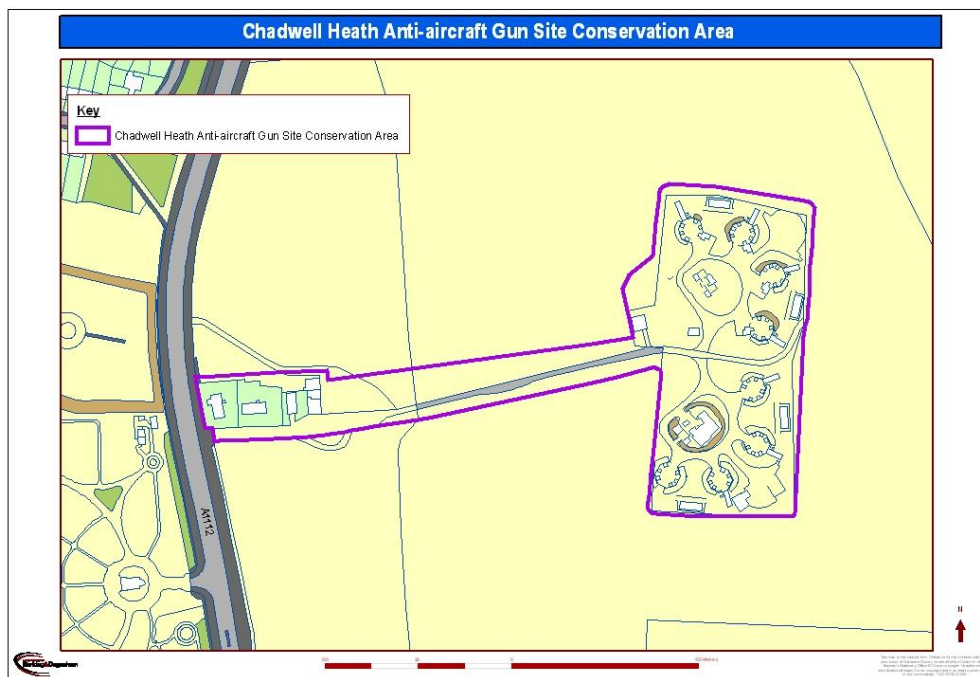




## Dagenham Village Conservation Area



## Chadwell Heath Anti-aircraft Gun Site Conservation Area



If you need help reading or understanding this document, please contact the

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