

Bolton Metropolitan Borough Council

**Environment Department**

**Planning Control Policy Notes**



**7. Trees: Protection and Planting in New Developments**

August 2004



# **Bolton Metropolitan Borough Council**

## **Environment Department**

### **Planning Control Policy Notes**

In December 1995 Bolton Council adopted its Unitary Development Plan (UDP) as the sole statutory land use plan for the whole Borough. This plan has since been reviewed. The latest plan is the Second Deposit Version Unitary Development Plan (SDVUDP) which was published in January 2001 and subject to Public Inquiry between November 2001 and December 2002. Proposed Modifications were published in September 2004 and on adoption in Spring 2005 the SDVUDP will replace the 1995 UDP as the statutory plan for the Borough.

The Council has a number of Planning Control Policy Notes, of which this is one, providing detailed policy advice to supplement UDP and SDVUDP policies and help those who wish to understand the Council's detailed planning requirements and advice. These notes will have been subject to public consultation before being finalised.

The interpretation of this advice will relate to the circumstances and particulars of a planning application which will be determined on its own merits.

In the context of changing local, regional and national planning policies it may be necessary for the Council to revise its Planning Control Policy Notes to take these changes into account.

Prospective applicants requiring clarification of the Note's contents should contact the Council's Planning Control Section.

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# Trees: Protection and Planting in New Development

## Introduction

1. Trees are a vital part of the landscape in the Borough. Trees and woodlands enhance both the built and natural environment and generally promote a better quality of life in both rural and urban areas.
2. Trees and woodlands form an important habitat for a wide range of wildlife and encourage animals and birds to live in an area. A number of woodland types are regarded as having very high value in a local, regional and national sense. This includes ancient woodlands and those habitats such as wetwoodlands regarded as priority habitats for conservation in the UK Biodiversity Action Plan (BAP) and Bolton BAP. They also play a significant role environmentally by absorbing carbon dioxide and releasing oxygen into the atmosphere, helping to clean and filter the air of harmful particulates and gases, and reducing noise levels.
3. This policy note supplements UDP policies and provides advice and guidance for developers and landowners where there are existing trees which should be protected and integrated into the development or where new or additional tree planting is to be carried out. The advice should be followed when submitting planning applications. The effective implementation of these objectives requires a partnership between Bolton Council and the developer. A flexible approach by both parties within a strong clearly defined framework will lead to an efficient planning and implementation process, resulting in an overall higher quality of both built development and the undeveloped landscape.

## Bolton's Aims

4. Bolton is one of six local authorities, which are partners in the Red Rose Community Forest initiative. The aim is to create an attractive mosaic of well-wooded landscapes, providing opportunities for recreation, conservation, education and timber production. Integrating trees into the built up

areas will provide a wooded landscape from the rural countryside to the heart of the urban areas. New planting on development sites will make an important contribution to the Red Rose Forest.

5. Bolton's Wildlife Strategy states that 'The ability to enjoy the countryside should not be restricted to those people who own cars and can travel to nature reserves or national parks'. There is therefore a need for natural habitats close to where people live and work. Incorporating trees into developments is essential to meeting the goals of this strategy. This document has recently been superseded by the Bolton BAP, which recognises the nature conservation and human values of trees and woodlands, and which sets targets for woodland conservation in the Borough.
6. Bolton's Local Agenda 21 requires that biodiversity be encouraged through proper land management and habitat creation increased through control over development and landscaping. Many of the opportunities for new tree planting, particularly those in urban areas, arise through the development of land. This may be for residential, industrial, commercial or recreational uses. In addition to encouraging new planting to improve the landscape and complement development, the Council will seek to preserve and enhance existing trees and hedgerows.

## Policy

7. The Town and Country Planning Act 1990 places a duty on any local planning authority:
  - a. "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.
  - b. To make such Orders (Tree Preservation Orders) under Section 198 as appear to the Authority to be necessary in a

connection with the grant of such permission whether for giving effect to such conditions or otherwise”.

8. Bolton Council will be guided by Government advice as set out in Department of the Environment Circular 36/78 'Trees and Forestry' and by the Department of Environment, Transport and the Regions publication 'Tree Preservation Orders: A Guide to the Law and Good Practice'.
9. In support of Bolton Council's duty as set out in the 1990 Act, policies have been set out in the Councils UDP which govern the protection and planting of trees principally: N7, N8, and N9.
10. In addition to the above, the presence or suspected presence of a number of species, for example bats and badgers, has legal implications for management, including the planting of trees.

### **Tree Preservation Orders**

11. Trees of high amenity value or those which have a significant impact on the environment are protected by a Tree Preservation Order (TPO) under Section 198 of the Town and Country Planning Act of 1990. This involves the tree or group of trees being identified on a location plan. Copies of the order are served on the owners of land on which the trees are growing and on the owner-occupiers of affected adjoining properties. Details of protected trees can be obtained from the Planning Control Section of the Environment Department in the Bolton Town Hall.
12. Once an order has been made, the consent of the Council is required before a tree may be pruned or felled. In certain circumstances pruning or removal may be permitted to accommodate development, or in the interests of good arboricultural practice. However, the presumption will be to retain protected trees unless they are of little amenity value or in poor health. A TPO will also enable the Council to obtain new planting to replace trees which have been removed.

13. If a tree under a TPO is cut down, uprooted or wilfully destroyed or is deliberately damaged, or pruned in a manner likely to destroy it, the responsible person may be prosecuted and is liable to pay a substantial fine.

### **Trees in Conservation Areas**

14. Trees in Conservation Areas are important features which contribute to their character and appearance. Anyone wishing to fell, prune or uproot trees in a Conservation Area must submit a Notice of Intention to the Council giving six weeks notice of the work unless they form a hazard to public safety or are already covered by a Tree Preservation Order. If work is carried out within that period without consent, the owner of the tree is liable to prosecution. The Regulations made under this Act contain certain exemptions from this requirement, and applicants are advised to contact the Planning Control Section if they are in any doubts about the procedures (Appendix 1).

### **Hedgerows**

15. Under the Hedgerows Regulations 1997 (SI No. 1160) it is against the law to remove most countryside hedgerows without permission. The way in which the regulations apply to individual hedgerows is quite complex. It is advisable, therefore to discuss informally with the planning control section at an early stage any plans to remove hedgerows- before you formally seek permission.

### **Forestry Act 1967 as amended**

16. A Felling Licence is required from the Forestry Commission for the removal of 5 cubic metres or more of timber from a site in any calendar quarter as long as no more than 2 metres are sold. Permission is not required if the trees are being felled for the purpose of carrying out development authorised by planning permission. There are other exceptions for

the need to obtain a licence, which can be obtained from the Forestry Commission.

## Advice

### Tree Surveys

17. There are a number of reasons for incorporating trees into development schemes. Existing trees can make a valuable contribution to the visual appearance of a site by screening development, providing an appearance of maturity and improving the character of the area.
18. However, existing trees on a development site should be inspected and classified by a competent arboriculturist prior to the preparation of detailed development plans. This survey should uncover in advance any potential problems such as roots of existing trees influencing the position and extent of underground works and surface levels.
19. Where any work is to be undertaken that is likely to result in a disturbance to bats or damage or destruction of a bat roost, English Nature will advise of the legal protection afforded to the species and the need for a licence application to Department for the Environment, Food and Rural Affairs.
20. Where a development proposal is likely to affect trees or hedgerows within a site, a tree survey will always be required as part of any planning application. Information should be provided on a plan at 1:200 scale indicating the following:
  - a. All existing site features such as roads, tracks, buildings, walls, sewers, drains, and services, watercourses etc.
  - b. The exact location of existing trees and hedges including those on adjacent land which may be affected by the development showing those to be retained and those to be felled.
  - c. Existing and proposed ground levels where changes are involved.
21. All trees should be individually numbered, although group numbering may be acceptable where the trees are growing together, except where development is within the crown spread of any individual within the group. Woodland numbering and the use of designated compartments are acceptable if no development is occurring within the woodland. Edge trees may still require individual numbering.
22. The plan should be supported by a schedule that should indicate.
  - a. The species of each tree, its trunk girth, height and spread of canopy together with an assessment of its likely future growth.
  - b. The condition of each tree including any defects and any remedial work required.
  - c. A clear indication of those trees to be retained and those to be felled.
23. Ecological advice should always be obtained and an assessment of the impact of any development should form part of the submission. It should be noted that trees are a valuable habitat to many protected species, for example bats.

### Protection of Trees

24. Trees on development sites should be protected at all stages of development, particularly prior to the commencement of any demolition works to avoid damage or felling of trees which have taken many years to reach maturity. Even a vacant site may incur damage from waste tipping, interference with the drainage system or by people or animals removing bark or breaking branches.
25. Trees can be damaged by the following factors on development sites.
  - a. Raising and lowering soil levels. Fluctuations for only a few weeks can

deprive roots of oxygen and water. The root system of most trees tends to be shallow and most of the active feeding root system is located in the top 800 mm of soil.

- b. Compaction of the ground by the storage of materials or by vehicular movements that can reduce the oxygen in the soil required by the tree roots.
  - c. Leaks and spills of petrol, diesel, sewage effluent, cement and excessive mulch that can be toxic to tree roots.
  - d. Fires built near trees can cause damage to the trunk and branches of the tree.
  - e. The digging of trenches for services that can cause damage to the root system.
  - f. Damage to the trunk and branches that is easily caused by vehicles such as cranes.
26. British standard 5837 (1991), 'Trees in relation to construction ' provides clear guidance on this matter and the Council expects the contents of this document to be followed and adhered to closely.
27. The Council will ensure the area around the trees is protected from disturbance by requiring the construction of protective fencing as part of any planning approval, before construction commences. This fencing should be positioned outside the canopy of the tree or at a distance equal to half the height of the tree whichever is the greater. The developer should contact the Council at least 48 hrs prior to the commencement of development in order that the specification and position can be checked on site. Details of the fencing will generally need to be approved before work commences, and during construction the fence should be properly maintained and protected. Frequent inspections will ensure that trees are not being damaged.
28. Where excavation works within the protected zone are unavoidable the advice of an experienced arboriculturist should be sought. All excavations should be undertaken by hand in order to minimise the disturbance to the root system. Roots greater than 25mm in diameter should not be cut before expert advice has been sought.
29. Where trees are to be retained within a development a Method Statement may be required that should include the following details and associated plans:
- a. Tree removal and tree surgery
  - b. Protective fencing details
  - c. Location of site compound and material storage
  - d. Special tree protection methods
  - e. New tree planting
  - f. Procedure for site supervision and communication with detailed list of contacts
30. When considering layout design, as much of the existing tree cover as possible should be retained. Sufficient space should be given to new and existing trees to ensure their future sustainability and to achieve the wider objectives of any landscaping. The Council will not permit the development of sites, which results in the loss of important trees or prejudices their future survival.
31. The physical size of a tree can dominate a building, causing safety concerns and obstructing light. In order to allow for undisturbed growth of a tree and avoid associated problems such as drain blockage and slippery surfaces, development should not take place within the maximum crown spread of the tree. Where trees are not mature, allowance should be made for their future growth.
32. The following factors should also be taken into account in the design of new development:

- a. In the case of residential buildings the siting should ensure that the principal windows (main window to a lounge, dining room or main bedroom) are not overshadowed by trees.
- b. Private gardens should not be planned to include an excessive proportion overshadowed by trees.
- c. No services should be placed within the root spread of trees. Where this is unavoidable all excavations should be done by hand to avoid root damage and filled in within 48 hours.
- d. Care should also be taken to ensure that trees do not cause a traffic hazard by obstructing visibility or the passage of high-sided vehicles.
- e. Trees should not reduce the adequacy of street lighting due to overhanging branches.
- f. Ground levels within the root spread of existing trees should not be raised or lowered. These areas should also be left largely unpaved or with a surface which permits adequate drainage.

## Landscaping

- 33. Landscaping should be considered at the early stages of development. Many opportunities for new tree planting, particularly in urban areas, arise from the development of land. The Council will require sustainable and high quality landscaping as part of any development proposal. Provision for new tree planting should therefore be made at the earliest stages of design and the layout plan should provide adequate space for both the retention of existing trees and new planting.
- 34. In order to ensure that landscaping forms an integral part of the development, landscaping details should be submitted with the initial planning application. Any landscaping plans

should be drawn on a suitably scaled site plan, usually 1:200, showing the locations, densities, spacing and sizes of trees and shrubs to be planted together with an indication of those trees to be retained and those to be felled.

- 35. The presence of trees will enhance the appearance and quality of almost any type of development, and mature trees on the site can help to give an instant appearance of maturity to new buildings. Whilst trees can enhance developments because of their intrinsic beauty, their maximum value is obtained when they are used to complement built development or in the following functional design role:
  - a. Screening development from wind, noise and unsightly views.
  - b. Giving a beneficial environmental effect, providing a wildlife habitat, or providing shade and shelter.
  - c. Accentuating height or natural contours.
  - d. Breaking up flat landscapes and adding points of interest.
  - e. Forming a backcloth to buildings to relieve rooflines.
  - f. Filling in space between buildings to add interest and focal points and to complete an otherwise disjointed layout.
  - g. Extending woodland by linking up existing trees on adjoining land with new planting.

## Choosing Species and Location

- 36. A list of native species in Bolton can be found in table 1 and of non-native species, that maybe acceptable in some locations, in table 2 (Appendix 2). Unless there are specific circumstances requiring the use of non-native species, preference should be given to the maintenance of local woodland and landscape character, by the use of locally native species of local provenance.

37. The following points should be considered when choosing tree species and location of planting:
- a. The dimensions of the tree when fully grown and whether it will shade windows and gardens during its growth. Careful species selection will limit the need for pruning.
  - b. Trees should not be planted over underground services or drains due to possible disturbance and potential damage by tree roots.
  - c. Trees such as limes and sycamores which are host to the sugar secreting aphid should not be planted near car parks and seating areas. These trees should also be kept away from gutters and drains.
  - d. On shrinkable clay sub-soils damage to foundations can be caused by the desiccation of the soil and which can be exacerbated by the presence of tree roots. Care should be taken with species selection and siting to prevent damage to buildings. Tree species that have a high water demand include poplars, willows and oak.
  - e. Tree species should be selected which are tolerant of the conditions prevailing both above and below ground. Factors to be considered include soil conditions, climate pollution and light availability.
  - f. The shape, ultimate size and colour of trees should be considered in relation to the design, size and layout of the buildings.
  - g. Native tree species will normally be required especially where the development borders onto existing semi-natural woodland or other appropriate habitat. Existing tree species and woodland habitat should also be taken into account to ensure that new planting is in keeping with the local character.
  - h. With high density development there is often little space available for large growing tree species that have the greatest impact in the landscape. It is therefore important to allow sufficient space in layouts so that such trees can be utilised.
  - i. Weeping trees should not be planted near footpaths or roads as these can cause obstruction when mature.
  - j. Thorny species should not be planted close to pathways and areas where children play, although these may provide a barrier to intruders in appropriate situations.
38. Existing trees on the development site may require removal because of their condition and limited life expectancy either at the time of development or after a relatively short period of time and planting schemes should take this into account. The most desirable state is to aim for a mixture of young, middle-aged and mature trees on a site thus ensuring continuity in the tree cover.
39. All landscape work must be carried out in accordance with the conditions of the planning permission. This includes replacement of landscaping which dies within 5 years of planting. It is therefore essential that provision be made for the aftercare of new planting to ensure its long-term survival.

### **Tree Care and Pruning**

40. Necessary pruning or felling of trees on development sites must be done correctly as it can result in trees being damaged and even becoming dangerous. All approved works must be undertaken by a qualified arboriculturalist to British Standard 3998: Recommendations for Tree Work (1989). A complete list of registered arboriculturalists can be obtained by contacting the Arboricultural Association (see contact list below).

## Tree Planting Schemes and Grants

41. There are financial incentives for tree planting schemes, such as the Forestry Commission Woodland Grant Scheme, details of which are available from the Bolton Metro Tree Section.

### Contacts

For further information contact:

Tree and Woodland Manager  
Bolton Metro  
Commercial Services  
3<sup>rd</sup> Floor, The Wellsprings  
Civic Centre  
Bolton BL1 1US  
Tel: (01204) 334071  
[www.bolton.gov.uk](http://www.bolton.gov.uk)

Bolton Metro  
Planning Control Section  
Environment Department  
3<sup>rd</sup> Floor, Town Hall  
Bolton BL1 1RU  
Tel: (01204) 336000  
[www.bolton.gov.uk](http://www.bolton.gov.uk)

Red Rose Forest Team  
Community Forest Centre  
Dock Office, Trafford Road, Salford Quays  
Manchester M5 2XB  
Tel: (0161) 872 1660  
[www.redroseforest.co.uk](http://www.redroseforest.co.uk)

Arboricultural Association  
Ampfield House  
Romsey, Hants. S051 9PA  
(01794) 368 717  
[www.trees.org.uk](http://www.trees.org.uk)

Bolton's Wildlife Advisory Group  
c/o Policy and Transport Planning Section  
5<sup>th</sup> Floor  
Town Hall  
Bolton  
BL1 1RU  
(01204) 336111

The Forestry Commission  
Linmere  
Delamere  
Northwich  
CW8 2JD  
(01606)889912  
[www.forestry.gsi.gov.uk](http://www.forestry.gsi.gov.uk)

### Useful Publications

'Tree Care Guide', published by the Commercial Services Department, Bolton Metro

Bolton's SDVUDP: Second Deposit Written Statement', January 2001

'Where the Town Meets the Hills - A Biodiversity Action Plan for Bolton', Bolton's Biodiversity Working Group, April 2001

'Bolton's Agenda 21', published by Bolton Environment Forum and Bolton Metro Environment Team, 1997

## **Appendix A - Conservation Areas in the Borough of Bolton**

Bank Top  
Barrow Bridge  
Birley Street  
Bradshaw Chapel, Bolton  
Chorley New Road  
Churchgate  
Deane Village  
Deansgate  
Dunscar Fold  
Eagley Bank  
Egerton  
Firwood Fold  
Greenside, Farnworth  
Hill Top  
Horwich Town Centre  
Mawdsley Street/Nelson Square  
Queens Park  
Riding Gate  
Ringley Fold  
Saint Paul's, Halliwell  
Silverwell Street/Wood Street  
St. Georges  
Town Hall  
Wallsuches  
Westhoughton Town Centre

Conservation Area Character Studies have been produced for these areas and are available from the Planning Control Section at the Town Hall.

## Appendix B – Tables of Tree Species

Table 1. Native Species in Bolton.

<i>Common Name</i>	<i>Latin Name</i>	<i>Height</i>	<i>Spread</i>
<b><i>Small</i></b>			
Hazel	<i>Corylus colurna</i>	5m	6m
Hawthorn	<i>Crataegus monogyna</i>	9m	6m
Holly	<i>Ilex aquifolium</i>	9m	5m
Rowan	<i>Sorbus aucuparia</i>	9m	5m
<b><i>Medium</i></b>			
Field Maple	<i>Acer campestre</i>	15m	12m
Alder	<i>Alnus glutinosa</i>	15m	8m
Silver Birch	<i>Betula pendula</i>	15m	7m
Downy Birch	<i>Betula pubescens</i>	15m	7m
Wild Cherry	<i>Prunus avium</i>	14m	10m
Bird Cherry	<i>Prunus padus</i>	14m	10m
<b><i>Large</i></b>			
Ash	<i>Fraxinus excelsior</i>	23m	15m
Beech	<i>Fagus sylvatica</i>	25m	15m
Oak	<i>Quercus petraea</i>	23m	15m
Lime	<i>Tilia cordata</i>	23m	12m

Table 2. Non-native Species

<i>Common Name</i>	<i>Latin Name</i>	<i>Height</i>	<i>Spread</i>
<b><i>Small</i></b>			
Thorn	<i>Crataegus species (in variety)</i>	9m	6m
Crab Apple	<i>Malus species (in variety)</i>	8m	5m
Cherry	<i>Prunus species (in variety)</i>	8m	5m
Rowan	<i>Sorbus aucuparia (in variety)</i>	10m	5m
<b><i>Medium</i></b>			
Italian Alder	<i>Alnus cordata</i>	15m	8m
Grey Alder	<i>Alnus incana</i>	15m	8m
Turkish Hazel	<i>Corylus colurna</i>	15m	6m
Flowering Ash	<i>Fraxinus ornus</i>	12m	8m
Flowering Pear	<i>Pyrus calleryana 'Chanticleer'</i>	12m	6m
Whitebeam	<i>Sorbus aria 'Lutescens'</i>	15m	8m
<b><i>Large</i></b>			
Norway Maple	<i>Acer platanoides</i>	20m	15m
Horse Chestnut	<i>Aesculus hippocastanum 'Baumani'</i>	20m	15m
Hornbeam	<i>Carpinus betulus</i>	15m	12m
London Plane	<i>Platanus X hispanica</i>	26m	15m
Red Oak	<i>Quercus rubra</i>	23m	15m
Lime	<i>Tilia euchlora</i>	25m	10m