East Northamptonshire Tree Strategy: revised document following consultation.

Purpose of report
The Tree Management Guidance and Principles document (or “Tree Strategy”) provides improved direction and guidance for tree management across East Northamptonshire. The Document has now been updated following public consultation, and the final version is attached to this report.

Attachments
Appendix 1: Consultee List
Appendix 2: Representations
Appendix 3: Consultation responses and action
Appendix 4: Tree Management Principles
Appendix 5: East Northamptonshire Tree Management - Guidance and Policies Document

1.0 Background

1.1 The Committee previously approved the Tree Management Guidance and Policies document for consultation at its meeting on the 19th February 2018, where it resolved to approve the draft document for consultation and allow any minor amendments to be made by the Head of Planning Services in consultation with the Chairman and Vice Chairman of the Planning Policy Committee.

2.0 Tree management Guidance and Policies document consultation (21st May – 2nd July 2018)

2.1 Consultation on the draft document was run in accordance with the recommendation of the Committee for a period of 6 weeks (21st May – 2nd July 2018). The consultation took the form of an online survey and was sent to all ward councillors, Town and Parish Councils, Neighbouring Councils, internal departments (Planning, Waste and Environmental Protection) along with a list of private industry consultees. In addition, articles were posted on both the Council’s Social Media and in the local press. The survey targeted main consultee bodies Councillors and Officers, private sector consultees and the public, with the questions tailored to each group. (Appendix 1 refers).

3.0 Key issues raised through the consultation

3.1 The results of the consultation were on the whole positive with only minor adjustments requested. (Appendix 2 refers). A summary of the consultation responses and action proposed is summarised in Appendix 3 for clarity. This included clarification as to the Council’s response to claims of compensation; (i.e. the Council may consider compensation for a longer time span after the determination of an application under special circumstances), updating of the NHBC Standards and some clarification of common law rights.
3.2 Further comments related to the structure of the document itself; e.g. a suggestion that the order of the document could be changed to have the principles at the front of the document. Some respondents argued that they found the document to be confusing and difficult to navigate. This has been addressed in two ways:

- The electronic version of the document now has a hyperlinked contents page which will aid in the navigation of the document; and
- A companion document has been created ‘Tree Management Principles’ which contains only the principles laid out within the main document (Appendix 5 refers)

4.0 Conclusion

4.1 The recent consultation for the Tree Management Guidance and Principles has been mostly positive and has enabled some further improvements to the document. No major issues have arisen as a result of the consultation. Therefore these amendments have been agreed as set out in paragraph 1.1 above. Members are therefore asked to note the minor changes to the document which will then be published on the Council’s website. The final document is provided at Appendix 4 to this report.

5.0 Equality and Diversity Implications

5.1 There are no equality and diversity implications arising from this report.

6.0 Legal Implications

6.1 The policies and guidance within the document all conform to the relevant legislation and British Standards.

7.0 Risk Management

7.1 There are no further risk implications arising from this report.

8.0 Resource and Financial Implications

8.1 There are no direct resource or financial implications at this time, however if town and parish councils adopt the management principles in the future, there may likely be some resource and financial needs.

9.0 Constitutional Implications

9.1 This report does not have any constitutional implications.

10.0 Privacy Implications

10.1 There are no implications arising from this report

11.0 Implications for our Customers

11.1 The published document will provide clarity and clear direction in relation to responsibilities and good practice relating to tree protection and maintenance within East Northamptonshire.

12.0 Corporate Outcomes

12.1 The relevant Corporate Outcomes are:
• Good Quality of Life – sustainable development and high quality environment
• High Quality Service Delivery – ensure information is available to those that may require it in a way that meets their needs
• Effective Management- ensuring a sustainable well-managed tree stock as an asset for the District

13.0 **Recommendation**

13.1 The minor amendments to the document have been agreed as set out in this report. The Committee is therefore recommended to:

(1) Note the outcome of the consultation and acknowledge that the report is published on the Council's website for information

*(Reason - to provide a positive management tool to protect and enhance the tree stock within East Northamptonshire)*

|-------------|-----------------------------------------------------------------------------------------------------------
| Background Papers: | None                                                                                     |
| Person Originating Report: | Name, Henry Pearson Senior Tree and Landscape Officer 01832 742140 hpearson@east-northamptonshire.gov.uk |
| Date: | 9/7/2018                                                                                           |
**Contact Group Name:** Tree Management Guidance and Principles Consultation

**Members:**

- Apples To Oaks Tree Care
- Community Development Councillors
- Bedford Borough
- Rutland County Council
- Tommy Plumber Trees Services
- Environmental Services envprotect
- Eden Tree specialists
- Heather Webb
- JPU
- James Rowlett
- John Lockhart
- Little Addington PC
- Huntingdon Council
- Nene Valley Trees
- Corby Planning
- Kettering Planning
- Wellingborough Planning
- Peterborough Council
- planning enforcement
- PS Admin
- PS DC and Enf
- PS DC Tech Team
- Sharon Hosegood
- Sue Taylor
- Keystone Tree Services
- Tamsin Dennis
- T & P Clerks
- Waste Team

Public Consultees reached through the ENC Social Media Pages and an article in Nene Valley News
### Public Consultation for East Northamptonshire
**Council Tree Management - Guidance and Principles**

#### 1. Page 1

**What type of consultee are you?**

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>1 Councillor or Council Officer</td>
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<tr>
<td>2 Member of the public</td>
<td>53.85%</td>
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<td>3 Private industry consultee</td>
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<td>4 Other (please specify):</td>
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**Analysis**

- Mean: 1.77
- Std. Deviation: 0.8
- Satisfaction Rate: 25.64
- Variance: 0.64
- Std. Error: 0.22

**Other (please specify): (1)**

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<th>ID: 88557327 local council</th>
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<td>22/06/18 12:21PM</td>
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#### 2. To what extent do you agree with the following statements?

**I found the document informative**

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<thead>
<tr>
<th>Response</th>
<th>Percent</th>
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</tr>
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<tbody>
<tr>
<td>1 Strongly Agree</td>
<td>20.00%</td>
<td>1</td>
</tr>
<tr>
<td>2 Agree</td>
<td>80.00%</td>
<td>4</td>
</tr>
<tr>
<td>3 Neither agree nor disagree</td>
<td>0.00%</td>
<td>0</td>
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<tr>
<td>4 Disagree</td>
<td>0.00%</td>
<td>0</td>
</tr>
<tr>
<td>5 Strongly Disagree</td>
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**Analysis**

- Mean: 1.8
- Std. Deviation: 0.4
- Satisfaction Rate: 20
- Variance: 0.16
- Std. Error: 0.18

**I found the content easy to understand**

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<thead>
<tr>
<th>Response</th>
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</tr>
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<tbody>
<tr>
<td>1 Strongly Agree</td>
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<tr>
<td>2 Agree</td>
<td>80.00%</td>
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</tr>
<tr>
<td>3 Neither agree nor disagree</td>
<td>0.00%</td>
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<tr>
<td>4 Disagree</td>
<td>0.00%</td>
<td>0</td>
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<td>5 Strongly Disagree</td>
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</table>
I found the content easy to understand

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<td>Variance:</td>
<td>0.16</td>
<td>Std. Error: 0.18</td>
<td>answered 5</td>
</tr>
</tbody>
</table>

The recommendations within the document are fair and responsible

| 1 | Strongly Agree | 20.00% | 1 |
| 2 | Agree         | 60.00% | 3 |
| 3 | Neither agree nor disagree | 20.00% | 1 |
| 4 | Disagree      | 0.00%  | 0 |
| 5 | Strongly Disagree | 0.00%  | 0 |

Analysis

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<td>Std. Error: 0.28</td>
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Please explain why you disagree. Comments: (1)

1 23/05/18 10:41AM
ID: 85375403

However in the section 2.7 it does not acknowledge that someone may wish to apply to fell a tree under a TPO. It says "which trees you wish to prune". It also says you have to give supporting documentation if the reason for the works is safety or damage to property but does not acknowledge that this may be potential future damage to property. It seems to assume you have to wait until your house is being damaged before you can take any action.

None of the points I made in my email of 27th March 2018 seem to have been taken into account. It does not explain that you put in a planning application and that this can be called in to committee rather than dealt with under delegated powers. In fact it does not mention anything other than an appeal to the Planning inspectorate.

Also the 12 month compensation does not give any leeway to a resident who has an application to fell a tree turned down and then 2 years later they discover their house or a neighbours has subsidence as a result of the tree roots. There ought to be some recognition that under special circumstances you may be able to apply to get compensation if the advice given proves incorrect.

The document addresses many of the regular concerns I deal with from residents

| 1 | Strongly Agree | 40.00% | 2 |
| 2 | Agree         | 60.00% | 3 |
| 3 | Neither agree nor disagree | 0.00%  | 0 |
| 4 | Disagree      | 0.00%  | 0 |
| 5 | Strongly Disagree | 0.00%  | 0 |

Analysis

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## I feel that my Town/Parish is currently working at these standards

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<tr>
<th>Response</th>
<th>Percent</th>
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<tr>
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<td>0</td>
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<tr>
<td>Agree</td>
<td>20.00%</td>
<td>1</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>80.00%</td>
<td>4</td>
</tr>
<tr>
<td>Disagree</td>
<td>0.00%</td>
<td>0</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>0.00%</td>
<td>0</td>
</tr>
</tbody>
</table>

**Analysis**

- **Mean:** 2.8
- **Std. Deviation:** 0.4
- **Satisfaction Rate:** 45 answered 5 skipped 8

Please explain why you disagree. Comments: (1)

I am an external consultee and so can not give an opinion

## I think the recommendations could be followed by my Town/Parish Council

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<th>Response</th>
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</tr>
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<tbody>
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</table>

**Analysis**

- **Mean:** 2.2
- **Std. Deviation:** 0.75
- **Satisfaction Rate:** 30 answered 5 skipped 8

Please explain why you disagree. Comments: (1)

I am an external consultee and so can not give an opinion

## I would support the adoption of this document and its guidance policies by my Town/Parish Council

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Total</th>
</tr>
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<tr>
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<td>40.00%</td>
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</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>20.00%</td>
<td>1</td>
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<tr>
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<td>0</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>0.00%</td>
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</table>

**Analysis**

- **Mean:** 1.8
- **Std. Deviation:** 0.75
- **Satisfaction Rate:** 20 answered 5 skipped 8

Please explain why you disagree. Comments: (1)
I would support the adoption of this document and its guidance policies by my Town/Parish Council

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
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1 29/05/18 9:50AM
ID: 86830599

I am an external consultee and so can not give an opinion.

3. Page 3

Do you own or manage trees within your property?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Response Total</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>No</td>
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Analysis
Mean: 1.25
Std. Deviation: 0.43
Satisfaction Rate: 25
answered 8
skipped 5

I found the document informative

<table>
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<tbody>
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<td>0</td>
</tr>
<tr>
<td>Agree</td>
<td>37.50%</td>
<td>3</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>62.50%</td>
<td>5</td>
</tr>
<tr>
<td>Disagree</td>
<td>0.00%</td>
<td>0</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>0.00%</td>
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</table>

Analysis
Mean: 2.62
Std. Deviation: 0.48
Satisfaction Rate: 40.62
answered 8
skipped 5

Please explain why you disagree. Comments: (2)

1 05/06/18 10:24AM
ID: 87397701

BUT think Management Principles sections should come at front of document, as it gives the context for everything else.

2 29/06/18 1:19PM
ID: 89096924

The appears a contradiction, the web site and press releases refer to a strategy and this is not a strategy, it is tree guidance.
If it were a strategy it would talk strategically about the role trees play, i.e. ecosystem services - wider landscape context - the threats to trees - climate change, invasive diseases -
What measures are in place to manage these threats - how is the tree stock measured/maintained etc

Section 3 has the only vague mention of something strategic, but would require significant extrapolation

So the question is is this just a confusion of terms, will a strategy follow

I found the content easy to understand
<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>Agree</td>
<td>37.50%</td>
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<tr>
<td>Neither agree nor disagree</td>
<td>25.00%</td>
<td>2</td>
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<tr>
<td>Disagree</td>
<td>12.50%</td>
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<td>Strongly Disagree</td>
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### Analysis

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Please explain why you disagree. Comments: (2)

1. 02/06/18 1:44PM
   ID: 87166261
   Far to fragmented and complicated, too boring to read

2. 05/06/18 10:24AM
   ID: 87397701
   BUT think Management Principles sections should come at front of document, as it gives the context for everything else.

### The recommendations within the document are fair and responsible

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly Agree</td>
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</tr>
<tr>
<td>Agree</td>
<td>37.50%</td>
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<tr>
<td>Neither agree nor disagree</td>
<td>50.00%</td>
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<tr>
<td>Disagree</td>
<td>12.50%</td>
<td>1</td>
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<tr>
<td>Strongly Disagree</td>
<td>0.00%</td>
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### Analysis

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<th>Mean: 2.75</th>
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</table>

Please explain why you disagree. Comments: (1)

1. 02/06/18 1:44PM
   ID: 87166261
   Once again complex

### The document address many of the regular concerns I have had

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Total</th>
</tr>
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<tbody>
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<tr>
<td>Agree</td>
<td>12.50%</td>
<td>1</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>62.50%</td>
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</tr>
<tr>
<td>Disagree</td>
<td>12.50%</td>
<td>1</td>
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### Analysis

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Please explain why you disagree. Comments: (2)
The document addresses many of the regular concerns I have had.

### I feel that my Town/Parish is currently working at these standards

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Strongly Agree</td>
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<td>0</td>
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<td>2 Agree</td>
<td>25.00%</td>
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<td>3 Neither agree nor disagree</td>
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<td>0</td>
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<tr>
<td>5 Strongly Disagree</td>
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<td>0</td>
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**Analysis**
- Mean: 2.75
- Std. Deviation: 0.43
- Satisfaction Rate: 43.75
- Answered: 8
- Skipped: 5

Please explain why you disagree. Comments: (1)

1 02/06/18 1:44PM ID: 87166261: Spend most of the time worrying about trees.

### I would support the adoption of this document and its guidance policies by my Town/Parish Council

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Total</th>
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<tbody>
<tr>
<td>1 Strongly Agree</td>
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<tr>
<td>2 Agree</td>
<td>62.50%</td>
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<tr>
<td>3 Neither agree nor disagree</td>
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<td>4 Disagree</td>
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</tr>
<tr>
<td>5 Strongly Disagree</td>
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**Analysis**
- Mean: 2.5
- Std. Deviation: 0.71
- Satisfaction Rate: 37.5
- Answered: 8
- Skipped: 5

Please explain why you disagree. Comments: (2)

1 05/06/18 10:24AM ID: 87397701: BUT think Management Principles sections should come at front of document, as it gives the context for everything else.

2 29/06/18 1:19PM ID: 89096924: These are not really policies either mostly a guide to national tree and planning issues refer to tpo - conservation planning statements.

4. To what extent do you agree with the following statements?
<table>
<thead>
<tr>
<th>I found the document informative</th>
<th>Response Percent</th>
<th>Response Total</th>
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<tbody>
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<td>2 Agree</td>
<td>0.00%</td>
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<tr>
<td>3 Neither agree nor disagree</td>
<td>0.00%</td>
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<td>4 Disagree</td>
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<td>5 Strongly Disagree</td>
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<table>
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<th>Response Percent</th>
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<tbody>
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<td>2 Agree</td>
<td>0.00%</td>
<td>0</td>
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<td>0.00%</td>
<td>0</td>
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<tr>
<td>4 Disagree</td>
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<tr>
<th>The document addresses many of the regular concerns I deal with from customers</th>
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I feel that the recommendations in the report are inline with industry standards

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I feel that Town and Parish Councils throughout your catchment are currently working at these standards

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I think the recommendations could be followed by Town and Parish Councils within my catchment

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I would support the adoption of this document and its guidance policies by my Town/Parish Council

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5. Page 5

Are there any areas you would like to see further details added? Please give details below.

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<tr>
<td>87166261</td>
<td>02/06/18</td>
<td>1:44PM</td>
<td>I would like a comprehensive document detailing relevant information to the public regarding trees, not a hide and seek ‘open this’ open that time consuming gobbledygook</td>
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<tr>
<td>87348577</td>
<td>04/06/18</td>
<td>8:13PM</td>
<td>A tree management policy/strategy for existing developments</td>
</tr>
<tr>
<td>88499400</td>
<td>21/06/18</td>
<td>2:37PM</td>
<td>No comment</td>
</tr>
<tr>
<td>89096924</td>
<td>29/06/18</td>
<td>1:19PM</td>
<td>Develop a tree strategy - issue guidance notes - suggest you look at <a href="http://www.huntingdonshire.gov.uk/media/1171/tree-strategy-introduction.pdf">http://www.huntingdonshire.gov.uk/media/1171/tree-strategy-introduction.pdf</a></td>
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Do you have any further comments to make? Please give details below.

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<td>1</td>
<td>85015333</td>
<td>21/05/18 3:36PM</td>
<td>A lot of information. Personally I would also find helpful a leaflet sized information pack about our trees. Quick easy basic information on local protected trees and conservation areas so as an individual could ‘keep an eye’ on. Make us feel more involved and included. As trees are imperative to our wellbeing, maybe updating us on trees you HAVE protected and have refused felling would be uplifting. Thanks</td>
</tr>
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| 2 | 86830599 | 29/05/18 9:50AM | 2.0 TPOs and CAs
In 2.2 the consultation stats that the S211 notification must be on the same form as an application for consent to prune a tree under TPO - this should be clarified as a local requirement only.
3.0 Management
3.1.2 - could there be a reference to adjusting age-class distribution as an objective - aligns with FC policy
3.2 policy 13 - level monitoring should be for a period of at least 14 months (or whatever period you require) to be meaningful
policy 15 - NHBC is now available as 2018
policy 20 - reverse expedient and amenity to reflect the emphasis in the government's guidelines
4.0 FQs
4.2 - are common law rights really removed is a tree is under TPO/CA - I didn't think that was the case
4.5 "grossly" is a bit emotive!
Overall very useful, a lively and readable style which is to be encouraged
policy 21 - CA notifications must be determined after six weeks |
| 3 | 87348577 | 04/06/18 8:13PM | I would like to know if there is a tree management policy/strategy for existing developments and if there is any help for residence who are unable to manage potential damage from sycamore saplings. Sycamore trees do contribute to the environment, nature and biodiversity, however the area surrounding and underground requires careful management. I am aware of some locations in Raunds where this is not happening |
| 4 | 88499400 | 21/06/18 2:37PM | No comment |
| 5 | 88557327 | 22/06/18 12:21PM | The parish council welcomes this guidance as it provides clarity |
Dear Henry

Thats fine. Please do so.

Regards
Gill

Cllr Gill Mercer

---

Sent from Yahoo Mail on Android

On Wed, 28 Mar 2018 at 14:02, Henry Pearson <hpearson@east-northamptonshire.gov.uk> wrote:

Dear Gill,

Thank you very much for your comments. Unfortunately I was at a site meeting all morning and will be off until Tuesday. Is it ok for me to give you a ring on Tuesday morning?

Kind regards,

Henry Pearson BSc (Hons) TechArborA

Senior Tree and Landscape Officer

East Northamptonshire Council

Cedar Drive, Thrapston, Northamptonshire, NN14 4LZ

Tel: 01832 742148

Mob: 07515191796

Email: hpearson@east-northamptonshire.gov.uk
Dear Henry,

I am looking into the Tree strategy that it is out for consultation.

Under 2.7 How to get Consent to work on a tree covered by a TPO, it states "If you give the reason for work being safety or damage to property you will need to provide written and qualified evidence of this."

This paragraph does not allow you to get permission for potential damage. If the tree is within a certain distance of a house the roots could cause subsidence. The paragraph needs to be extended to provide a case for damage that might happen in the future. This could come from an arboriculturalist. (Surely we should not expect a householder to wait until they have damage on their property to be able to cut down a tree that is likely to affect it).

There is no mention here of the planning application to do the works, or that if the householder does not agree with the decision they could get the application called in to the planning committee. 2.8 just deals with the next stage of going to a planning
In 2.9 Can you get compensation if your application is refused....

It states "If you wish to make a claim for compensation you should write to the District Council within 12 months of our decision."

Consider this scenario- you refuse to allow a tree with a TPO to be taken down even though it is very close to the house and the roots are likely to cause damage in the future. This damage does not manifest itself for 2 years, but the householder is not able to get compensation because this is 2 years after the permission was refused. This does not seem fair.

I would like to talk to you about this situation and would be grateful if you could give me a ring on . I am in tomorrow morning, but out at meetings all afternoon tomorrow. I will be at Thrapston on Thursday afternoon for a Board meeting.

Regards

Gill

Cllr Gill Mercer

Warning: Although East Northamptonshire Council has taken reasonable precautions to ensure no viruses are present in this e-mail, the Council cannot accept responsibility for any loss or damage arising from the use of this e-mail or attachments. This e-mail, including any attachments, is intended for the exclusive use of the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. Any views or opinions expressed in this e-mail do not necessarily represent those of East Northamptonshire District Council and are not to be relied upon without subsequent written confirmation by an authorised representative. If you are not the addressee any disclosure, reproduction, distribution, forwarding or other dissemination or use is strictly prohibited. If you have received this in error please notify East Northamptonshire District Council.

East Northamptonshire Council, Cedar Drive, Northants, NN14 4LZ. Telephone +44 (0) 1832 742000
Hi Henry, congratulations on your tree strategy, highly readable, comprehensive yet succinct. Understandable & very useful for all. Partic. Like the scenarios and QAs for homeowners.

Most importantly it comes across from the outset from the right perspective.

I am no arborist but keen to learn more about how we can recognise and promote the importance of, and cherish trees in our environment.

Am aware of NTSG, but unsure of current position on B.Reg & B. Standard. Would appreciate any direction if have chance.

Kind regards,

Nigel Price Bsc (Hons) Dip. Urban Design
Landscape Architect
Sent from Mail for Windows 10
## Appendix 3: Consultation responses and actions

<table>
<thead>
<tr>
<th>Response</th>
<th>Action taken</th>
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<tbody>
<tr>
<td>The Council should consider compensation with for a greater time period than 12 months following determination of a planning application.</td>
<td>Document text was adjusted to outline that the 12 months is dictated by the legislation but under special circumstances the council may consider awarding compensation after a greater period. This was raised by a council member; this would not be a usual action however it would be a decision that members could chose to make.</td>
</tr>
<tr>
<td>Press release described the document as a strategy, it is not a strategy</td>
<td>This was an error made internally however it was decided that a retraction would not have any benefits. A tree strategy for ENC would be problematic to write as we have very little land holdings, with the majority of publicly owned trees being owned and managed by town and parish councils.</td>
</tr>
<tr>
<td>The management principles should be put at the front of the document.</td>
<td>The document is ordered in a logical way that explains the legislation so that the principles can be understood. A secondary companion document has been produced containing just the management principles.</td>
</tr>
<tr>
<td>Policies is the wrong word.</td>
<td>The terminology of policies has been changed to principles. This reflects the ethos of the document as guidance for those making decisions as opposed to strict rules.</td>
</tr>
<tr>
<td>Clarification of some terminology regarding use of 1app form and common law rights</td>
<td>These have been updated to more accurately reflect current regulations and legislation.</td>
</tr>
<tr>
<td>Update of NHBC standards to 2018</td>
<td>Updated</td>
</tr>
<tr>
<td>Requests for a strategy for existing developments and trees</td>
<td>This area is largely out of the council’s control as these issues usually occur on private property. The principles within the document give guidance and structure to how the council aims to deal with these issues caused by council owned trees. However where the council has no powers or involvement they demonstrate an acceptable procedure to follow.</td>
</tr>
<tr>
<td>The document in some cases seems to be difficult to navigate</td>
<td>The document is broken down into small sections with titles aimed at giving a clear explanation of the content. To aid in navigation of the document the contents page has been hyperlinked (electronic version) to take the reader directly to the relevant sections.</td>
</tr>
<tr>
<td>There is a lot of information and a more</td>
<td>The document that has been produced</td>
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concise (leaflet) sized information pack about the trees with quick easy and basic information, Locations of protected trees with updates on planning applications approved/refused and ect…

covers a lot of areas regarding tree management and aims to assist at all levels. The majority of sections are summaries of the areas they cover. All the information requested in this comment is currently available on the ENC Website (Via In My Area) however an update section within council news letters/social media ect.. could be considered. Resource and time implications would be quite restrictive as there is only 1 tree officer in the council, this could be done in partnership with the Comms team however this would be a separate project for the future and outside of the scope of the document.
Contents

1.0 Overall Management Principles .................................................................................................... 3
2.0 Council Owned Trees .................................................................................................................. 3
3.0 Privately Owned Trees ................................................................................................................ 5
3.1 New Development ....................................................................................................................... 5
3.2 Existing Trees .............................................................................................................................. 5
3.4 Woodland Management ............................................................................................................. 6
1.0 Overall Management Principles

1. The Council aims to increase the tree population/canopy cover across East Northamptonshire. The tree stock will be expanded with new tree planting where appropriate and practicable.

2. The Council will help Town and Parish Councils to provide and maintain a high quality and sustainable tree stock. Native species will be planted to maximize indigenous flora and fauna, particularly, but not exclusively, in rural areas. A diversity of tree species at varying levels of maturity will be established to help mitigate against the effects pests and disease that can threaten entire species.

3. The Council will also provide and promote the highest standards of tree care to the British standard BS 3998: 2010 ‘Tree Work – Recommendations’ as well as adopting relevant arboricultural legislation and research development.

4. The Council will resist the unnecessary removal of trees unless there are justifiable arboricultural, planning or legal reasons. (If you own or you buy a property, then the nearby and valued trees and your responsibilities towards those trees are all part of that same property).

2.0 Council Owned Trees

5. Take all reasonable steps to fulfil duties and obligations to ensure tree safety for public and private property.

6. Carry out replacement planting when a tree is removed. The replacement planting location and species of tree will be assessed.

7. The Council will not normally undertake any tree pruning works or removal of trees in direct response to any natural or seasonal phenomena, for example:

   a. falling leaves;
   b. sap exudation, (honeydew);
   c. falling fruits, nuts or seeds;
   d. bird droppings;
   e. blossom or pollen;
   f. reduction or increased moisture to gardens;
   g. germinating seeds from council owned trees;
   h. blocked or obstructed drains, gutters, flat roofs from tree deposits and leaves; or
   i. presence of algae, moss build up.

8. The Council will not normally undertake any tree pruning work due to:

   a. Loss or interference with TV or satellite signal reception;
   b. Loss of sunlight or man-made lighting during any part of the day;
   c. Damage or “heave” to adjacent surfacing due to a nearby tree;
   d. Blocking or obstruction of a view from a residence.
9. The Council will not normally prune trees to avoid shading solar panels.

10. The Council will not remove or prune a tree even if someone is willing to pay.

11. Where birds are found to be nesting in trees, tree works will normally be delayed until the end of the nesting season (February – August), or the birds have fledged (whichever is sooner).

12. Any trees identified and confirmed to be supporting roosting bats will not be worked on until Natural England is consulted. The Council will then act upon the advice received.

13. When investigating claims of subsidence/heave and damage to properties from underground tree roots, evidence will be required from claimants by way of a report from an appropriately qualified person. The report should discuss the following:

   a. A description of the property, including a description of the damage and the crack pattern, the date that the damage first occurred/was noted, details of any previous underpinning or building work, the geological strata for the site identified from the geological map.

   b. Details of vegetation in the vicinity and its management since discovery of the damage. Include a plan showing the vegetation and affected building or surfacing material.

   d. Measurement of the extent and distribution of vertical movement using level monitoring over a period of no less than 12 months. This ensures an accurate representation of the typical annual soil movement of the site and demonstrating the seasonal changes of which trees may have an impact.

   e. A profile of a trial/bore hole dug to identify foundation type and depth of soil characteristics

   f. The sub-soil characteristics including soil type (particularly that on which the foundations rest), liquid limit, plastic limit and plasticity index.

   g. The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out.

   h. Proposals and estimated costs of options to repair the damage.

   i. A report from an arboriculturist to support the tree work proposals, including arboricultural options for avoidance or remediation of indirect tree-related damage.

14. The Council will not permit notices to be affixed to Council owned trees by any means.
3.0 Privately Owned Trees

3.1 New Development

15. The Council will strive for the provision of tree planting on development and privately owned sites meeting national and local policies and including National Planning Policy Framework (NPPF) and North Northamptonshire Joint Core Strategy 2011-2031 (JCS), supported by any relevant Supplementary Planning Documents. Foundation details should follow the recommendations of the National House Building Councils practice note 4.2 : 2018 Building near trees (revised 2017) and distance from buildings complies with BS 5837:2012 ‘Trees in relation to design, demolition and construction. Recommendations’.

16. The Council will expect to see tree reports in accordance with BS 5837:2012 ‘Trees in relation to design, demolition and construction. Recommendations’ with submitted planning applications where nearby trees might be affected.

17. The Council will expect to see works on construction sites that might affect trees, to be carried out in accordance with BS 5837:2012 ‘Trees in relation to design, demolition and construction. Recommendations’ and that foundation details follow the recommendations of the National House Building Councils practice note 4.2 : 2014 Building near trees.

18. The Council will impose robust, tree specific planning conditions to ensure that trees are cared for during construction work. This will include arboricultural site supervision when it is appropriate and proportionate. We will enforce any breach of such safeguarding conditions.

19. Planting schemes within new developments will be expected to utilise engineering solutions to ensure that trees planted will have sufficient space and resources to survive and thrive.

3.2 Existing Trees

20. The Council will make Tree Preservation Orders when expedient to do so in the interests of amenity.

21. When considering applications to carry out works to trees protected by a Tree Preservation Order or in Conservation Areas where the Council will expect to see all required information and process the application within 8 weeks for TPO applications and 6 Weeks for Conservation Area Notifications. Applications to carry out work will not normally be permitted when the considerations highlighted in policies 6, 7 and 8 apply.

22. When considering applications to carry out work where subsidence/heave is alleged, the level of detail set out in policy 13 is required.

23. The Council will enforce and, where appropriate, will prosecute tree related contraventions.
3.4 Woodland Management

24. The Council will take reasonable steps to preserve and enhance woodland trees; particularly those that are indigenous to the area served by East Northamptonshire Council, and will work towards the maintenance and development of Rockingham Forest. JCS Policy 21 gives a target of 40ha per annum for new tree planting within the Rockingham Forest area of North Northamptonshire.

25. Where possible the Council will encourage natural regeneration in our woodlands.

26. Where possible, subject to public safety assessments, the Council will retain dead trees in woodlands preferring to prune rather than fell. In situ dead timber and felled trees are left to benefit habitat creation, or where appropriate with funds permitting, public art.

27. The Council will manage woodlands as a long term sustainable resource. This includes the woodland management technique of woodland thinning of young to enable the best trees to flourish.

28. The Council will actively support and encourage community involvement in the planning and operation of woodland management.

29. The Council will produce and implement woodland management plans for all Council owned woods where relevant and required which will take into account the wider landscape, historic and ecological issues.

30. The Council will apply for the appropriate licenses for felling, from the Forestry Commission for works in woodlands under the control of the Council.
Tree Management
DRAFT
Guidance and Principles
Contents

1.0 Introduction .......................................................................................................................... 4
2.0 Tree Preservation Orders and Conservation Areas .............................................................. 5
2.1 What is a Tree Preservation Order? ...................................................................................... 5
2.2 What is a conservation Area? ............................................................................................... 5
2.3 What types of tree can be covered by a TPO? ....................................................................... 5
2.4 How can you find out if a tree has a TPO? ........................................................................... 5
2.5 Who is responsible for maintaining a tree with a TPO? ....................................................... 5
2.6 Are the Council able to recommend a good tree surgeon? ................................................ 5
2.7 How to get Consent to work on a tree covered by a TPO? .................................................. 5
2.8 If you are refused Consent can you appeal? ....................................................................... 6
2.9 Can you get compensation if your application is refused or conditions are attached? ........ 7
2.10 Will I be told if a TPO is made on a tree on my property? .................................................. 7
2.11 How can you object to, or express support for, a new TPO? .............................................. 7
2.12 When can you prune a protected tree without Consent? ................................................... 7
2.13 Will I have to plant a replacement tree? ............................................................................ 8
2.14 What happens if I carry out work on a protected tree without permission? ...................... 8
3.0 Management Principles ....................................................................................................... 9
3.1 Overall Management Principles .......................................................................................... 9
3.2 Council Owned Trees .......................................................................................................... 10
3.3 Privately Owned Trees ......................................................................................................... 12
3.3.1 New Development .......................................................................................................... 12
3.3.2 Existing Trees ................................................................................................................. 13
3.4 Woodland Management ..................................................................................................... 14
4.0 FAQ’s ................................................................................................................................... 15
4.1 Introduction .......................................................................................................................... 15
4.2 My neighbour’s trees encroach across my boundary - can I cut them back? ...................... 15
4.3 My neighbour’s trees are blocking my light - what can I do? ............................................ 16
4.4 My neighbours have a high hedge - what can I do about it? ............................................ 16
4.5 I have a big tree near my property and I’m worried about the damage the roots may be doing to my house - what should I do? ........................................................................ 17
4.6 Tree roots are blocking my drains - what can I do? ............................................................ 18
4.7 A tree is lifting paving slabs / affecting my drive - can I cut the roots of a protected tree? .... 18
4.8 Are there any controls on the type of tree I can plant in my garden? ................................. 18
5.0 Buying or moving to a house with a tree in the garden? ......................................................... 19
5.1 Advice for new homeowners ............................................................................................... 19
5.2 The legal bits ........................................................................................................................................19
5.3 So if you buy 'The Oaks' can you fell one of the trees if it has a TPO on it? ........................................19
5.6 Who pays if works are needed to trees covered by Tree Preservation Orders? .................................20
5.7 So what do you do? ..........................................................................................................................20
5.8 Will the roots undermine my property? ............................................................................................20
5.9 What if the tree is on my neighbour's property? ..............................................................................20
5.10 The drive is cracking, can I replace it? ............................................................................................21
5.11 So why would anyone want a tree in their garden? .......................................................................21
5.12 Important ..........................................................................................................................................21
6.0 Additional Information..........................................................................................................................22
6.1.1 Arboricultural Impact Assessment ...............................................................................................22
6.1.2 Tree Protection Plan and Arboricultural Method Statement ........................................................23
6.2 BS 3998 : 2010 – Tree Works Recommendations ...........................................................................23
6.3 BS 8545:2014 -Trees: from nursery to independence in the landscape. Recommendations ...........23
Useful Links – ........................................................................................................................................24
1.0 Introduction

Trees - What do they mean to us? To you?

Trees are a wonderful resource, not only for the timber and its products we use every day but they clean our air, feed us, provide shelter and fodder for wildlife both big and small, make our places beautiful, show the passing of the seasons, and benefit our health and wellbeing and so much more. We have all touched trees and all enjoyed them, benefited from their presence, it’s this close relationship that drives our passion for trees.

This document has been created by East Northamptonshire Council to provide guidance on the effective and responsible management of trees within the district, in both the public and private realms. This document is made available for adoption by all Town and Parish councils within the district aiming to create a framework for decision takers to ensure a consistent methodology and practical management of our trees and woodlands.

Throughout this document there is advice and guidance for tree owners on the laws and practices in place to protect this vital resource and explain how this affects you.

Figure 1 - Old Sulehay Wood
2.0 Tree Preservation Orders and Conservation Areas

2.1 What is a Tree Preservation Order?

A Tree Preservation Order (TPO) is an order made by a local planning authority, in this case East Northamptonshire Council, under The Town and Country Planning (Tree Preservation)(England) Regulations 2012, which makes it an offence to cut down, lop, top, uproot, wilfully damage or wilfully destroy a tree without first getting permission from us. They are usually made to protect trees that make a significant contribution to a public amenity or area. They may be made when it is felt that a tree could be under threat.

2.2 What is a Conservation Area?

A Conservation Area is a designation under Section 69 of the 1990 Planning (Listed Buildings and Conservation Areas) Act. By which areas of special architectural or historical interest are protected. Trees within these areas often contribute to the character of the area, as such all trees of a stem diameter of 75mm or above at 1.5m from ground level are protected. It is an offence to cut down, lop, top, uproot, wilfully damage or wilfully destroy a tree without giving prior notification to the Local Planning Authority, this must be submitted as a Section 211 Notification (East Northamptonshire Council require the notification is provided on the same form as an application to perform works to a tree covered by a Tree Preservation Order to ensure all relevant information is submitted). The notification allows the Council to determine if the proposed works would be detrimental to the character of the Conservation Area. The Council may accept the S.211 Notification or refuse it by serving a Tree Preservation Order on the tree.

2.3 What types of tree can be covered by a TPO?

All types of trees, native and ornamental, including trees within hedgerows, may be the subject of a TPO. A TPO cannot protect hedges, bushes, or shrubs.

Figure 2 - TPO Trees, Little Addington and Stanwick
2.4 How can you find out if a tree has a TPO?

East Northamptonshire Council has made all of its TPO’s publically accessible through the use of the “In My Area” online mapping application (In My Area). This map shows all protected trees.

When you are buying a property the presence of a TPO should be revealed by the search of the local land charges register.

2.5 Who is responsible for maintaining a tree with a TPO?

The owner of a protected tree is responsible for its maintenance, condition and any damage it causes. However, if you are the owner, you will still need to get a consent from the Council before carrying out most types of work. Tree work is a dangerous and highly skilled operation and trees are complex living structures which are easily damaged by poor quality or unsympathetic tree work. We strongly advise you to talk to a professional tree surgeon or arborist to advise you and undertake any work needed.

2.6 Is the Council able to recommend a good tree surgeon?

No, as a public body the Council cannot make any recommendations. However, please refer to the well qualified Arborists and Tree Surgeons recommended by the Arboricultural Association via their website at: http://www.trees.org.uk/Find-a-professional.

2.7 How to get Consent to work on a tree covered by a TPO?

If you wish to carry out work to a tree protected by a TPO you must make an application on the standard application form – with any necessary supporting information. You can do this in writing to:

East Northamptonshire Council, Cedar Drive, Thrapston, Northamptonshire, NN14 4LZ

or online via the planning portal available through the Council’s website.

Before submitting an application it is advised to read through the guidance, which is available here.

Applications not made on the standard application form cannot be accepted and will be returned to you. You must include a plan showing exactly which trees you wish to prune, although this need not be to scale. You must also indicate exactly what sort of work you wish to carry out and the reasons why.

Certain types of work, especially where there are implications of high or potentially high risks will need appropriate supporting documentation. For example, if you give the reason for work as being safety, damage or risk of future damage to property you will need to provide written and qualified evidence of this. You can find information about supporting documentation in the guidance notes for the standard application form.

The Council will write to confirm receipt and registration of your application, and consider it and let you know our decision within eight weeks. Applications are determined in one of two ways; the majority of applications are determined by a delegated officer within East Northamptonshire Council’s planning department (as per the Council constitution). However an application can be called in to be determined by the Planning Management Committee, this is normally the procedure for applications of a particularly sensitive nature, or if a Councillor or Officer has a personal connection to the applicant or is the applicant. If you feel an application should be determined by committee please contact your local district councillor who can request the application be taken to committee.
2.8 If you are refused Consent can you appeal?

Yes. If your application is refused or if you do not receive a decision within eight weeks, you can appeal to the Planning Inspectorate who will consider your appeal on behalf of the Secretary of State. The Council will send you details of how to appeal along with the decision notice refusing Consent.

You may also appeal if the Council grants permission subject to certain conditions. During the appeal process the information you submitted along with your application and any made comments will be carefully considered by an independent Planning Inspector.
2.9 Can you get compensation if your application is refused or conditions are attached?

There are limited circumstances where you can make a claim for compensation if you are refused permission to carry out work to a protected tree or conditions which prohibit the abatement of a significant nuisance.

If you wish to make a claim for compensation you should write to the Council within 12 months of the decision or within 12 months of the Secretary of State's decision if the application has been subject to an appeal. The time scale is dictated by The Town and Country Planning (Tree Preservation)(England) Regulations 2012. However in some cases, under special circumstances the Council may agree to award compensation beyond the 12 month period.

Details can be found on the government guidance Here.

2.10 Will I be told if a TPO is made on a tree on my property?

Yes. When the Council proposes to make a TPO, it will send copies to the owner of the property and land affected by the Tree Preservation Order. The TPO will be served as a Provisional Order which will last for 6 months unless it is confirmed or abandoned by the Council.

2.11 How can you object to, or express support for, a new TPO?

To object to a new TPO or to express your support for it, write to the Council within the time allowed, 28 days after the Provisional Order has been made. The Council will then take into account all representations when deciding whether or not to confirm the TPO.

2.12 When can you prune a protected tree without Consent?

There are certain circumstances when you can carry out work to a protected tree without first seeking the Council’s Consent. All exemptions still, however, require a 5 day notification to the Council; this can be done in writing or over the phone.

Exemptions include:

- If the tree is dead or dangerous. The danger must be present and the onus will be on you to prove this if the facts are questioned. It is good practice to let us know if you plan to carry out work on this basis at least five days in advance so that we can agree with you which trees are dead or dangerous. Removal of dead wood from an otherwise healthy tree is considered to be covered by this exemption.
- If you are obliged to carry out work by an Act of Parliament. Most commonly, this applies to trees overhanging a public highway where you have an obligation to maintain reasonable clearance above the road. This usually equates to 2.5m above a footway or 5.5m above a vehicular carriageway.
- Where work is absolutely necessary to implement a detailed planning permission. This does not apply to an outline permission or to development carried out as “Permitted Development” – that do not require planning permission from the Council.
- If the tree is a fruit tree and you prune it in accordance with good horticultural practice, or if it is a fruit tree in a commercial orchard.
- If the work is to be carried in accordance with a Forestry Commission grant scheme or if a felling licence has been granted by the Forestry Commission.
2.13 Will I have to plant a replacement tree?

If you cut down or destroy a protected tree you will have to plant a new one if:

- You did so in breach of a TPO or without notifying your intention in a conservation area
- You did so because the tree was dead or dangerous (except if in a woodland)
- You obtained permission but a condition requiring a new tree to be planted was attached to the permission
- In most cases where the Forestry Commission grants a felling licence.

2.14 What happens if I carry out work on a protected tree without permission?

*Unauthorised works to a TPO tree?*

If you deliberately destroy a protected tree or damage it in a manner likely to destroy it, you could be fined up to £20,000 if convicted in a magistrates’ court. For other offences you can be fined up to £2,500. Furthermore, you will normally have to plant a new tree if the tree was cut down or destroyed.

*Unauthorised works to trees with in a Conservation Area*

It is an offence to cut down, prune, lop, top, uproot or wilfully damage or destroy a tree in a conservation area without serving prior written notice to the Council. The notification form is the same as that for Tree Preservation Order.

The penalties for failing to notify the Council are similar to an offence affecting a tree under a TPO.
3.0 Management Principles

3.1 Overall Management Principles

1. The Council aims to increase the tree population/canopy cover across East Northamptonshire. The tree stock will be expanded with new tree planting where appropriate and practicable.

2. The Council will help Town and Parish Councils to provide and maintain a high quality and sustainable tree stock. Native species will be planted to maximize indigenous flora and fauna, particularly, but not exclusively, in rural areas. A diversity of tree species at varying levels of maturity will be established to help mitigate against the effects pests and disease that can threaten entire species.

3. The Council will also provide and promote the highest standards of tree care to the British standard BS 3998: 2010 ‘Tree Work – Recommendations’ as well as adopting relevant arboricultural legislation and research development.

4. The Council will resist the unnecessary removal of trees unless there are justifiable arboricultural, planning or legal reasons. (If you own or you buy a property, then the nearby and valued trees and your responsibilities towards those trees are all part of that same property).

Figure 3 - Poor Pruning of protected Oak tree prior to tree protection. This tree was protected to prevent further damage.
3.2 Council Owned Trees

5. Take all reasonable steps to fulfil duties and obligations to ensure tree safety for public and private property.

6. Carry out replacement planting when a tree is removed. The replacement planting location and species of tree will be assessed.

7. The Council will not normally undertake any tree pruning works or removal of trees in direct response to any natural or seasonal phenomena, for example:
   a. falling leaves;
   b. sap exudation, (honeydew);
   c. falling fruits, nuts or seeds;
   d. bird droppings;
   e. blossom or pollen;
   f. reduction or increased moisture to gardens;
   g. germinating seeds from council owned trees;
   h. blocked or obstructed drains, gutters, flat roofs from tree deposits and leaves; or
   i. presence of algae, moss build up.

8. The Council will not normally undertake any tree pruning work due to:
   a. Loss or interference with TV or satellite signal reception;
   b. Loss of sunlight or man-made lighting during any part of the day;
   c. Damage or “heave” to adjacent surfacing due to a nearby tree;
   d. Blocking or obstruction of a view from a residence.

9. The Council will not normally prune trees to avoid shading solar panels.

10. The Council will not remove or prune a tree even if someone is willing to pay.

11. Where birds are found to be nesting in trees, tree works will normally be delayed until the end of the nesting season (February – August), or the birds have fledged (whichever is sooner).

12. Any trees identified and confirmed to be supporting roosting bats will not be worked on until Natural England is consulted. The Council will then act upon the advice received.
13. When investigating claims of subsidence/heave and damage to properties from underground tree roots, evidence will be required from claimants by way of a report from an appropriately qualified person. The report should discuss the following:

a. A description of the property, including a description of the damage and the crack pattern, the date that the damage first occurred/was noted, details of any previous underpinning or building work, the geological strata for the site identified from the geological map.

b. Details of vegetation in the vicinity and its management since discovery of the damage. Include a plan showing the vegetation and affected building or surfacing material.

c. Measurement of the extent and distribution of vertical movement using level monitoring over a period of no less than 12 months. This ensures an accurate representation of the typical annual soil movement of the site and demonstrating the seasonal changes of which trees may have an impact.

d. A profile of a trial/bore hole dug to identify foundation type and depth of soil characteristics

e. The sub-soil characteristics including soil type (particularly that on which the foundations rest), liquid limit, plastic limit and plasticity index.

f. The location and identification of roots found. Where identification is inconclusive, DNA testing should be carried out.

g. Proposals and estimated costs of options to repair the damage.

h. A report from an arboriculturist to support the tree work proposals, including arboricultural options for avoidance or remediation of indirect tree-related damage.

14. The Council will not permit notices to be affixed to Council owned trees by any means.
3.3 Privately Owned Trees

3.3.1 New Development

15. The Council will strive for the provision of tree planting on development and privately owned sites meeting national and local policies and including National Planning Policy Framework (NPPF) and North Northamptonshire Joint Core Strategy 2011-2031 (JCS), supported by any relevant Supplementary Planning Documents. Foundation details should follow the recommendations of the National House Building Councils practice note 4.2: 2018 Building near trees (revised 2017) and distance from buildings complies with BS 5837:2012 ‘Trees in relation to design, demolition and construction. Recommendations’.

16. The Council will expect to see tree reports in accordance with BS 5837:2012 ‘Trees in relation to design, demolition and construction. Recommendations’ with submitted planning applications where nearby trees might be affected.

17. The Council will expect to see works on construction sites that might affect trees, to be carried out in accordance with BS 5837:2012 ‘Trees in relation to design, demolition and construction. Recommendations’ and that foundation details follow the recommendations of the National House Building Councils practice note 4.2: 2014 Building near trees.

18. The Council will impose robust, tree specific planning conditions to ensure that trees are cared for during construction work. This will include arboricultural site supervision when it is appropriate and proportionate. We will enforce any breach of such safeguarding conditions.

19. Planting schemes within new developments will be expected to utilise engineering solutions to ensure that trees planted will have sufficient space and resources to survive and thrive.

Figure 4 - TDAG 2014 – Trees in Hard Landscapes – A Guide for Delivery
3.3.2 Existing Trees

20. The Council will make Tree Preservation Orders when expedient to do so in the interests of amenity.

21. When considering applications to carry out works to trees protected by a Tree Preservation Order or in Conservation Areas the Council will expect to see all required information and process the application within 8 weeks for TPO applications and 6 Weeks for Conservation Area Notifications. Applications to carry out work will not normally be permitted when the considerations highlighted in policies 6, 7 and 8 apply.

22. When considering applications to carry out work where subsidence/heave is alleged, the level of detail set out in policy 13 is required.

23. The Council will enforce and, where appropriate, will prosecute tree related contraventions.
3.4 Woodland Management

24. The Council will take reasonable steps to preserve and enhance woodland trees; particularly those that are indigenous to the area served by East Northamptonshire Council, and will work towards the maintenance and development of Rockingham Forest. JCS Policy 21 gives a target of 40ha per annum for new tree planting within the Rockingham Forest area of North Northamptonshire.

25. Where possible the Council will encourage natural regeneration in our woodlands.

26. Where possible, subject to public safety assessments, the Council will retain dead trees in woodlands preferring to prune rather than fell. In situ dead timber and felled trees are left to benefit habitat creation, or where appropriate with funds permitting, public art.

27. The Council will manage woodlands as a long term sustainable resource. This includes the woodland management technique of woodland thinning of young to enable the best trees to flourish.

28. The Council will actively support and encourage community involvement in the planning and operation of woodland management.

29. The Council will produce and implement woodland management plans for all Council owned woods where relevant and required which will take into account the wider landscape, historic and ecological issues.

30. The Council will apply for the appropriate licenses for felling, from the Forestry Commission for works in woodlands under the control of the Council.
4.0 FAQ's

4.1 Introduction

Trees add immeasurably to our quality of life and contribute multiple benefits to the urban environment, where so many of us live and work. However, they have some characteristics that can often be viewed as an inconvenience and occasionally give rise to more serious concerns about enjoying our property. Such circumstances can give rise to disputes where the tree concerned is not in the ownership of the person affected.

4.2 My neighbour’s trees encroach across my boundary - can I cut them back?

Your common law rights allow you to remove branches that cross over your boundary without the need to seek your neighbour’s permission. However, it is always advisable to let your neighbour know of your intentions before cutting any branches. When you prune back trees from neighbouring land you must not cross the boundary or enter the land to do so. For example, leaning a ladder over the boundary to rest against the trunk of the tree could be classed as trespass. You should not dispose of the branches or any other waste material from the tree over your fence into your neighbour’s garden but first ask your neighbour if they wish the material returned to them. If they don’t want it, it will be your responsibility to dispose of it.

It is recommended that you prune the tree in accordance with the principles of good arboricultural and horticultural practice, or use a qualified professional, if the tree becomes dangerous as a result of your pruning, you could be liable.

If a tree is protected by a TPO or is in a Conservation Area, the common law right is not removed but you will are required to seek formal Consent from the Council prior to undertaking work to living parts of the tree. Permission can be sought by third parties however, the tree owner’s permission will be required for permitted works on the owners land.

![Figure 5 - Ash Tree overhanging boundary and causing a nuisance](image)
4.3 My neighbour’s trees are blocking my light - what can I do?

Technically your neighbour only has a duty to ensure that their trees are maintained in a sound and healthy condition to minimise risks to people and property affected by them. There is no restriction governing the height to which trees are allowed to grow. If you have concerns about a tree ask your neighbour how they intend to maintain it: you may be able to cut the overhanging branches back to the boundary. However, before either you or your neighbour undertake work to any tree it is important to check they are not covered by a TPO or in a Conservation Area.

For more information, contact the Council’s Senior Tree and landscape Officer on 01832 742000 or e-mail customerservices@east-northamptonshire.gov.uk.

4.4 My neighbours have a high hedge - what can I do about it?

The high hedges legislation was introduced on 1 June 2005 under part 8 of the Anti-social Behaviour Act 2003 and applies to evergreen and semi-evergreen hedges of over 2m in height. The legislation provides for people who feel a neighbour's hedge is hindering reasonable enjoyment of their property to the extent that they submit a formal complaint to us.

The Council will investigate the matter and may, if appropriate, serve a notice on the hedge owner requiring them to reduce the hedge in height. The fee for dealing with a high hedges complaint at East Northamptonshire Council is currently £375 (fee may be reviewed over time). In most cases, it should be possible for neighbours to agree on a course of action between them without a formal complaint. This is certainly a preferred approach for everyone.

Further guidance can be found in this document produced by the Office of the former Deputy Prime Minister – “High hedges: complaining to the Council”. Click here to obtain a copy.
4.5 I have a big tree near my property and I'm worried about the damage the roots may be doing to my house - what should I do?

Tree roots may potentially cause damage to built structures in two ways:

**Direct damage** - damage can be caused by tree branches moving in the wind. This type of damage is generally minor – dislodged roof tiles or possibly broken windows. The remedy is usually a straightforward matter of keeping the tree cut back from the building. Damage can also happen when a tree is in constant physical contact with a building or structure by the gradual growth of the tree pushing against it. The most common manifestation of this type of damage is lifting of flagstones and tarmac by tree roots. Fences and walls can also be damaged. Damage cannot be caused to substantial buildings in this way because forces involved are not strong enough. The greatest risk of direct damage is close to the tree from the incremental growth of the main stem and secondary thickening of the roots, this diminishes rapidly with distance.

**Indirect damage** - forces involved where trees cause subsidence by water abstraction are much greater and there can be significant damage to buildings. This damage only occurs on clay soils. When water is removed from clay the spaces between the soil particles close and the material shrinks. This affects support for building foundations.

Whether a building is affected by a tree in this way is impossible to predict. It depends on the interactions between a number of factors, including shrinkability of the soil, the construction and depth of foundations, the size, species, vigour and rooting pattern of the tree, effects of other vegetation and any surface treatment, drainage and local weather conditions.

Some trees can cause subsidence damage to buildings at considerable distance, while others can grow very close without causing any damage. Current building standards require that the presence of trees is taken into consideration when specifying foundations for new buildings and foundations can be specified that will not subside. Older buildings occasionally have foundations which are inadequate by modern standards.
Sometimes structural problems are caused when buildings are constructed on ground already dried by tree root action if the tree is removed and the soil consequently re-wets and swells. This is the converse of tree-related subsidence, and is known as heave. It is not a common phenomenon, and it rarely occurs where the building is older than the tree.

Figure 6 - Large lime trees situated in close proximity to a house with no structural issues

4.6 Tree roots are blocking my drains - what can I do?

It is very unusual for roots to physically break drains and pipe work. However, tree roots are opportunistic and if an old pipe with poor joints is leaking into the surrounding soil this will attract the roots that may then exploit the existing weakness. When repairs are required, a proliferation of tree roots often leads to blame being placed with a nearby tree. However replacement of faulty drains/pipes with modern materials will usually eliminate the leak and stop problems from reoccurring.

4.7 A tree is lifting paving slabs / affecting my drive - can I cut the roots of a protected tree?

Cutting the roots of any tree is generally ill-advised as it may affect the tree's health and stability. If a tree is covered by a TPO or if it is in a Conservation Area you will need to make an application to the Council before root pruning can take place. The advice of a qualified arborist should be sought prior to the pruning of any tree roots.

4.8 Are there any controls on the type of tree I can plant in my garden?

There are no controls on the type of tree that can be planted in your garden. However, there are a number of points are worth considering:

- How much space is available? It is always best to ensure the space is sufficient to
accommodate the tree at its mature height and spread

- Are there any overhead wires or below ground services?
- In what position is the tree in relation to the property? A new tree situated to the south or west may block afternoon or evening sun, while a tree to the north will not restrict direct light from entering the building
- What is the site usage and occupancy? Leaves of some species may cause problems, particularly in the autumn, by blocking gullies and gutters. Fruit can cause slippery patches and accumulation of honeydew may be damaging to surfaces and vehicles.

### 5.0 Buying or moving to a house with a tree in the garden?

#### 5.1 Advice for new homeowners

So, you've found the house of your dreams, but what about the garden? Did you notice the trees? They may be in the garden or growing on land beyond the boundary of your new home. Trees can affect the future enjoyment of your property and garden.

#### 5.2 The legal bits

Following your local search your solicitor should ask for a copy of any TPO affecting the property. They will be able to show you the date any Order was made, the plan and the schedule (where protected trees are identified) and should be able to explain the consequences. Trees that are protected are shown on the plan either individually (a circle), as a group (a dashed line), as a woodland (a solid line), or enclosed within an area (a line of continuous dots; these dots do not indicate individual trees).

- Individual Tree
- Woodland
- Group of trees
- Area of trees

Some TPOs may have a combination of categories. Your house will not necessarily appear on the plan if it was built after the order was made. Although there may be no trees on your property, protected trees growing on adjoining land may also affect it and a search will not necessarily show this. Your property may be situated in a Conservation Area. This should also be revealed on your search and a similar level of protection will apply to any trees on your property. (See Paragraph 2.3)

#### 5.3 So if you buy 'The Oaks' can you fell one of the trees if it has a TPO on it?

Anyone can apply to the Council for Consent to carry out work to protected trees, each application is considered on its merit. A TPO is a statement by the Council that the tree is intended to remain unless there is a justifiable reason for it to be removed, such as if it is dead or dangerous.

The Council will be happy to advise you on this. A tree is not generally considered dangerous merely due to its height, spread or close proximity to a building. It will normally take up to eight weeks for the Council to issue a decision on a tree work application. If you don't like the tree –
think carefully about the implications before purchasing the property. Do not assume that you can move in and then prune or fell existing trees.

5.6 Who pays if works are needed to trees covered by Tree Preservation Orders?

Trees on your property subject to TPOs remain your responsibility and this includes the cost of maintaining them properly. The TPO is there to ensure that the trees are not removed or made dangerous or unsightly due to poor pruning practice. By investing in your trees you could be directly improving your property and the appearance of the surrounding landscape. The presence of mature trees on a property can potentially increase its resale value and provide a more desirable environment.

5.7 So what do you do?

If you do not believe that you can live in your proposed new home without major tree removal, then you may wish to reconsider. You are not just buying the house; you are also buying the trees. They come as part of the package, not as an optional extra!

5.8 Will the roots undermine my property?

Any prospective buyer would be advised to obtain a full structural survey. In practice it is most unlikely that tree roots will damage a properly constructed house. Trees do not actively seek out house foundations. They influence the sub soil in which they grow due to the amount of water they demand and this can affect the way certain soil types behave. So called shrinkable soils; such as clays and silts change in volume when water is removed or added, causing them to shrink or swell respectively. The effects of such movement on a building can be mitigated by the construction of appropriate foundations, which extend to a depth below that influenced by the roots of mature trees. A full structural survey should address such issues and highlight any areas of concern.

5.9 What if the tree is on my neighbour’s property?

Anyone can apply for consent to prune a protected tree; however, the work will also require the permission of the owner.
5.10 The drive is cracking, can I replace it?

Yes possibly, but you must not without specialist arboricultural advice:

- Sever the roots
- Fell the tree
- Change existing soil levels

You may also be restricted in the choice of surface you use (a range of products are available on the market for installation close to trees that are designed to reduce the impact on existing tree roots).

5.11 So why would anyone want a tree in their garden?

Trees are of vital importance in maintaining and improving the quality of life for people who live and work in the District. They are one of the most obvious of our natural assets, by virtue of their sheer size and prominence. As they do not last forever and are vulnerable to changes in their surroundings, we must ensure that future generations are able to enjoy the many benefits that trees bring to our environment. They can greatly enhance an area's appearance and character. They provide contrasts of size, colour and texture to the landscape. They provide habitats for wildlife and reflect the changing of the seasons. You could be one of the fortunate people who own an important tree within the District.

5.12 Important

Trees may pre-date us by many years and survive with our care for many years after we have moved elsewhere. They are part of our legacy to future generations and deserve our care and respect. If you feel you are not able to offer them the basic care, please do not take on the responsibility.
6.0 Additional Information


Where there are proposals to develop land and there are trees of amenity value that may be affected it is often necessary to request developers to carry out a tree survey. This is to help us to make a well-informed decision about the proposed development and its likely impact on the trees.

Guidance on such surveys is given by the British Standard Guide for Trees in Relation to Design, Construction and demolition: BS 5837:2012. The information required to comply with the standards is as follows;

6.1.1 Arboricultural Impact Assessment

Tree Constraints Plan

- Location and species of all trees over 75mm stem diameter measured at 1.5m above ground level, plus any smaller specimens of particular interest or potential value.
- Location of other arboricultural features such as shrub masses and hedges.
- Location of features such as existing and proposed buildings, services, streams etc.
- Spot heights of ground levels throughout the site as a basis for avoiding changes in soil levels around retained trees.
- Location of trees on adjacent land that may be affected by the proposed development or that may be of relevance to it.

Tree Survey

- The height of each tree.
- Its trunk diameter at 1.5m above ground level.
- Its age class.
- Its crown spread (including its spread in each direction if it is asymmetric).
- Its health, condition and vigour.
- Its life expectancy.
- Any structural defects.
- Its suitability within the context of the proposed development.
  - Category A - Trees of high quality with an estimated remaining life expectancy of at least 40 years.
  - Category B - Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.
  - Category C - Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.
  - Category U - Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.
  - Sub Categories 1, 2 & 3 denote the nature of the amenity value:
    - 1 –Mainly Arboricultural Values
    - 2 – Mainly Landscape Qualities
    - 3 – Mainly Cultural Values

The condition of all trees included in the survey should be assessed by a person experienced and competent in arboriculture.

The information provided by the survey will help to ensure the retention of valuable trees for the benefit of all. It will also be used to avoid situations where trees intended to be retained are lost as a result of damage during construction or because of other conflicts with built development.
6.1.2 Tree Protection Plan and Arboricultural Method Statement

Once trees have been identified for retention, further details will be required to show how they will be physically protected prior to, during, and post construction.

A scaled plan will be required showing all retained trees, their corresponding Root Protection Areas (as per BS 5837:2012) and the location and specification of protection barriers outside these protected areas.

The scaled plan should also include the proposed location of all plant and materials, storage, service and drainage runs, roads and driveways, existing and proposed new accesses and any other surface or underground features that may affect trees on the site.

For larger and more complicated sites, an accompanying Arboricultural Method Statement detailing all tree protection methodology, specifications and timings will be required.

6.2 BS 3998 : 2010 – Tree Works Recommendations

This document comprises of a detailed evaluation and recommendation for practical tree works throughout the industry, the document explains methods of pruning and pruning operations for all levels of arboriculture. The recommendations are laid out in clear and simple language with an extensive glossary.

This document is the go to document for all arboriculturalists and is the standard that all tree works should be carried out to.

6.3 BS 8545:2014 -Trees: from nursery to independence in the landscape. Recommendations

This document has been devised to give guidance to all involved with the processes of resourcing, designing with, producing, planting and managing young trees from the nursery into the landscape.

The standard gives clear and reasoned decision making guides along with best practice guidance.

The document is divided into seven chapters –

- Policy and strategy
- Site evaluation and constraints
- Species selection
- Nursery production
- Dispatch, transportation and storage
- Planting
- Post planting and maintenance.

All of which should be considered by anyone planting trees in the landscape whether that should be for a small public park or a large development and everything in between.
Useful Links –

Arboricultural Association – www.trees.org.uk/
East Northamptonshire Council - https://www.east-northamptonshire.gov.uk/
Forestry Commission – www.forestry.gov.uk/
North Northamptonshire Joint Planning unit (NNJPU) - http://www.nnjpu.org.uk/
The Ancient Tree Forum - http://www.ancienttreeforum.co.uk/
The Royal Forestry Society - http://www.rfs.org.uk/
The Woodland Trust - https://www.woodlandtrust.org.uk/
Trees and Design Action Group - http://www.tdag.org.uk/