

Trees and Development



Supplementary Planning Guidance

July 2018



TREES, WOODLANDS, HEDGEROWS AND DEVELOPMENT

SUPPLEMENTARY PLANNING GUIDANCE

July 2018

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1. Introduction

- 1.1. Trees, woodlands and hedgerows are an integral part of the urban and rural landscape of the Vale of Glamorgan. The presence of trees in a local environment brings a wide range of environmental, economic and social benefits. Within our towns and villages, trees play a vital role in promoting healthy communities, providing visual amenity, contributing to a sense of place, supporting biodiversity and playing an important role in tackling climate change, acting as dust filters, improving local air quality and reducing noise.
- 1.2. Trees can contribute to the character and amenity of a local area softening hard features, providing screening and privacy and marking the seasons. Their positive contribution to a local environment attracts visitors and businesses which can help boost the local economy. Within new developments, landscaping and structure planting can create public places, link new developments with existing buildings and features and help soften the impact of new developments on the surrounding environment.
- 1.3. It is therefore vitally important to ensure that any development proposals safeguard existing mature trees and hedgerows by ensuring that careful consideration is given to them and the areas around them at the earliest stages of development. Similarly, new development should seek to enhance existing tree stock through the introduction of newly planted trees and hedgerows where they are successfully integrated within the development.

2. Status of the Guidance

- 2.1. This draft guidance was approved for public consultation on the 30th April 2018. The Council will take account of comments received during the consultation exercise before finalising the document for publication. Once adopted, this guidance will be a material consideration in relevant planning decisions and appeals.
- 2.2. Planning Policy Wales (PPW) advises that SPG may be taken into account as a material consideration where it has been prepared in consultation with the general public and interested parties and it has been the subject of a Council resolution.

3. Purpose of the Guidance

- 3.1. This SPG has been prepared to provide guidance to homeowners, land owners, contractors, developers and other interested parties involved in the planning process on how to fully consider trees and hedgerows as part of new development proposals.
- 3.2. **Section 4** - Sets out the relevant legislation, national and local planning policy in respect of trees and hedgerows. It also provides makes reference to the Council's draft Tree Strategy which seeks to maintain and where possible enhance tree cover in the Vale of Glamorgan, with particular emphasis on protected trees, veteran trees, ancient woodlands and hedgerows.
- 3.3. **Section 5** - Provides information on the Council's requirements for undertaking works to trees and the responsibilities of land owners where trees are present and the permissions required to undertake works to trees, including those protected by Tree Preservation Orders or located within a Conservation Area.
- 3.4. **Sections 6 to 10** - Provide guidance for the protection and integration of existing trees within new developments. It also sets out the Council's requirements in respect of the steps to be taken when submitting proposals for new development where trees are either within or in close proximity to a proposed development. These sections also include the Council's requirements where new proposals would result in the removal of trees and guidance on the provision of new landscaping features.
- 3.5. **Section 11** - Provides guidance on the protection of hedgerows and their integration within new developments, and the responsibilities of land owners where a hedgerow is present and permission is required to remove a hedgerow.
- 3.6. **Section 12** - Explains the approach that the Council will take when assessing development proposals that might impact on trees, woodlands and hedgerows; and its powers (statutory controls) for protecting trees against unlawful damage or removal.

4. Legislative and Policy Context

4.1. Relevant Legislation

4.1.1. The **Well-being of Future Generations (Wales) Act (2015)** is concerned with improving the social, economic, environmental and cultural well-being of Wales. It requires the public bodies listed in the Act to think more about the long-term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach. The Act puts in place seven well-being goals under a range of headings. The protection and planting of trees can contribute to achieving the following goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A globally responsive Wales.

4.1.2. **The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the wellbeing objectives set out above. This SPG has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In creating this SPG, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.**

4.1.3. The **Environment (Wales) Act 2016** - The Environment (Wales) Act puts in place the legislation needed to plan and manage Wales' natural resources in a more proactive, sustainable and joined-up way. Part 1 of the Act sets out Wales' approach to planning and managing natural resources at a national and local level with a general purpose linked to statutory 'principles of sustainable management of natural resources' defined within the Act. The Act has been carefully designed to help secure Wales' long term well-being so that current and future generations benefit from a prosperous economy, a healthy and resilient environment and vibrant, cohesive communities. The protection and planting of trees can contribute to many of the objectives of the Act through the sustainable management of natural resources, support for biodiversity and contributes to addressing the impact and causes of climate change.

4.1.4. Section 197 of **The Town and Country Planning Act 1990 (as amended)** places a duty on Local Planning Authorities to:

- a) *“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; and*

b) *“make such orders (Tree Preservation Orders) under Section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.”*

- 4.1.5. **The Town and Country Planning (Trees) Regulations 1999 (as amended)** make provision for, amongst other things, the form of tree preservation orders and for applications for consent to carry out work on trees subject to an order. The order makes it an offence to cut down, uproot, prune, lop or damage the tree in question without first obtaining the Council's consent. A TPO can apply to a single tree, a group of trees or woodland. Anyone who wishes to fell or carry out work to a tree protected by a TPO must apply to the Council to obtain permission.
- 4.1.6. The **Hedgerow Regulations 1997** protect important hedgerows by controlling their removal through a system of notification. Under the Regulations, it is unlawful to remove or destroy most countryside hedgerows (excluding those forming garden boundaries) without the written permission of the local planning authority.
- 4.1.7. **The Conservation of Habitats and Species Regulations 2017 protects certain fauna and habitats, protected species in this case are referred to as European Protected Species (EPS). Where an EPS is present, and maybe affected by a development, a licence from the relevant licencing authority (NRW) may be required in addition to any other consents. The Vale of Glamorgan Council have a duty to consider all protected species in the exercising of its functions.**
- 4.1.8. **The Environment (Wales) Act 2016 identifies habitats and species that are a priority for conservation (“Priority Habitats and Species”). Priority habitats include trees, woodland and hedgerow plus animal species that live in these habitats or are dependent upon them. The Vale of Glamorgan Council is required to ensure the proposed works are undertaken within the law and that priority habitats and species are conserved and enhanced.**
- 4.1.9. **It is an offence under the Wildlife and Countryside Act 1981 (as amended) to damage or destroy the nest of any wild bird while it is in use or being built. Some birds have additional protection beyond this, and there are some exceptions (but these do not include development). Therefore, works to trees and hedgerows should take account of bird breeding seasons to ensure no nests are disturbed as a result of any proposed works. General best practice for works to trees, woodlands and hedgerows is that works should be undertaken outside of the bird breeding season, to avoid potentially damaging or destroying nests or nest sites. This includes regular maintenance activities such as pollarding, hedge trimming etc.**

4.2. National Planning Policy

- 4.2.1. The importance of protecting trees, woodlands and hedgerows is outlined in paragraphs 5.2.9 and 5.2.10 of **Planning Policy Wales Edition 9 (November 2016)**:

“Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.

Local planning authorities should, as appropriate, make full use of their powers to protect and plant trees to maintain and improve the appearance of the countryside and built up areas.”

- 4.2.2. PPW is supported by a range of Technical Advice Notes (TANs) and the following are relevant to trees and development:

- **TAN 5 Nature Conservation (2009)** highlights the role that trees and hedgerows have in supporting biodiversity, and states that new development proposals must fully consider the potential impacts it may have on the natural environment conservation, and further reinforces the use of planning conditions by local planning authorities to ensure the protection of existing trees and hedgerows as well as securing new landscaping (paragraph 4.6.2).
- **TAN 10 Tree Preservation Orders (1997)** provides comprehensive guidance on where local planning authorities are to make adequate provision for the preservation and planting of trees when granting planning permission through the process of making Tree Preservation Orders (TPOs).
- Similarly, **TAN 12 Design (2016)** Paragraph 5.11.3 highlights the importance of ensuring that new developments respect the surrounding environment, and for site layouts to be designed to enable the integration of mature trees and hedgerows as well as providing opportunities for the introduction of new planting schemes appropriate to the area.

4.3. Local Planning Policy and Strategy

Vale of Glamorgan Local Development Plan 2011 – 2026

- 4.3.1. The adopted Vale of Glamorgan LDP includes ten strategic objectives which set out the overall social, economic and environmental context and policy direction of the Plan. The following objectives and policies are of relevance to this SPG:

- 4.3.2. **Objective 2** – seeks to ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change.
- 4.3.3. **Objective 4** – seeks to protect and where appropriate enhance the Vale of Glamorgan’s historic, built, and natural environment as an important resource for local residents and visitors.
- 4.3.4. **Policy SP1 Delivering the Strategy**, states the strategy will seek to improve the living and working environment, promote enjoyment of the countryside and coast and manage important environmental assets.
- 4.3.5. **Policy SP10 Built and Natural Environment**, seeks to preserve and where appropriate enhance the rich and diverse built and natural environment of the Vale of Glamorgan. The supporting text identifies that new development will be required to minimise its impact on natural systems, landscapes, species and habitats environment and where appropriate provide new opportunities for the creation of new or the enhancement of existing habitats.
- 4.3.6. **Policy MD2 Design of Development**, sets out the key design principles for all new developments within the Vale of Glamorgan, and emphasises that new development should contribute positively to creating high quality, healthy, sustainable and locally distinct places. The policy directs that new development should:
- Contribute to the context and character of the surrounding natural and built environment and protect existing features of townscape and landscape interest;
 - Safeguard existing public and residential amenity with particular regard to privacy and noise;
 - Incorporate sensitive landscaping, including the retention and enhancement of existing landscape features and biodiversity interests;
 - Mitigate the causes of climate change.
- 4.3.7. **Policy MD9 Promoting Biodiversity** requires all new developments to conserve and where appropriate, enhance biodiversity interests and only allows the loss of biodiversity where it is fully justified and where any losses are offset to ensure no net loss in biodiversity. Further advice in respect of promoting nature conservation can be found within the Council’s **Biodiversity and Nature Conservation Supplementary Planning Guidance**.

The Vale of Glamorgan Draft Tree Strategy 2018 - 2028 (January 2018)

- 4.3.8. The Council’s Draft Tree Strategy (supported by an action plan) sets out a strategic framework for the management of trees across the Vale of Glamorgan over a ten year period. The strategy aims to ensure that the Vale of Glamorgan has an increasingly healthy, diverse and growing tree population that provides multiple benefits to all those living, working and visiting the Vale now and for

future generations. The strategy provides information and guidance on maintaining and managing both the Council's own tree stock (highways trees, park trees etc.) as well as trees on private land.

4.3.9. Specifically, the primary Vision Statement of the Draft Tree Strategy is:

“To protect, enhance and reverse the trend of tree loss by ensuring no net loss of tree canopy cover in the Vale of Glamorgan, improving social, economic and environmental benefits now and in the future.”

4.4. Supplementary Planning Guidance

4.4.1. The Council has also produced a number of Supplementary Planning Guidance (SPG) in support of the LDP and the following SPG may be relevant to new development proposals that impact upon trees and/or hedgerows within the Vale of Glamorgan or where trees contribute towards local amenity:

- Residential and Householder Development
- Conversion and Renovation of Rural Buildings
- Biodiversity and Development
- Planning Obligations

4.4.2. The Council has produced Conservation Area Management Plans for the 39 Conservation Areas in the Vale of Glamorgan. These identify the special attributes and features within these areas that contribute towards their character. This can include trees and hedgerows and emphasise important features and why they should be retained.

5. Works to Trees in the Vale of Glamorgan

- 5.1.1. Trees within the Vale of Glamorgan are protected in a number of ways, either by specific protection through the designation of a Tree Preservation Order (TPO), by being located within one of the 39 local Conservation Areas (TCA) or by being a part of a protected woodland or hedgerow.
- 5.1.2. If you propose to undertake works to a tree or plan development within close proximity of a tree, it is the responsibility of the land owner / developer to check if the tree(s) is protected.
- 5.1.3. If it is established that the tree(s) is subject to special protection, owners / developers are required to seek formal consent from the Council prior to commencing any work. This applies whether the proposed work involves tree maintenance / felling or where work is required to the tree as a result of the proposed development (see Tree Preservation Orders (TPO) section below). Where new development proposals affect protected tree(s) any proposed works can be considered as an integral part of the normal planning application process.
- 5.1.4. The link below will enable you to find out whether a tree in the Vale of Glamorgan is protected by a TPO or is within a Conservation Area. A copy of the Order itself can be viewed on the Council's web site, on the Planning register. Please see Appendix 4, which explains how to find the Order.

<http://myvale.valeofglamorgan.gov.uk/myGlamorgan.aspx?MapSource=ValeOfGlamorgan/AllMaps&StartEasting=311570&StartNorthing=167940&StartZoom=250&o=1&Layers=plannhist>

- 5.1.5. The wilful damage or removal of a protected tree either as part of development works or as tree works not associated with development is an offence under Sections 210 and 211 of the Town and Country Planning Act 1990 (as amended) (TCPA) and the Council can prosecute those parties responsible for the damage or loss of the tree. Prosecution can result in significant financial penalties being incurred through the Courts.

5.2. Tree Preservation Orders (TPO)

- 5.2.1. Section 198 of the Town and Country Planning Act 1990 gives a local planning authority powers to make a TPO to preserve trees or woodlands which have particular amenity value, make a significant contribution to the landscape or townscape where they are growing or because there may be a potential threat to the trees. A TPO prohibits the cutting down, topping, lopping, uprooting, wilful damage or destruction of trees without the local planning authority's written consent.
- 5.2.2. Owners of protected trees must not carry out, or cause or permit the carrying out of, any of the prohibited activities without the written consent of the local planning authority.

5.2.3. A TPO cannot apply to bushes, shrubs or hedges. However, a TPO may be made to protect trees in hedgerows or an old hedge which has become a line of trees. Specific regulations on the protection of important hedgerows (The Hedgerow Regulations) came into force in June 1997 (see section 10 below).

5.2.4. To carry out any work on a tree subject to a TPO, permission must first be gained from the Council, by submitting a tree consent application form for works to tree which is available online via :

https://ecab.planningportal.co.uk/uploads/appPDF/Z6950Form031_wales_en.pdf

5.3. When will the Council serve a Tree Preservation Order?

5.3.1. When assessing whether a tree warrants a TPO, the local authority will use TEMPO, the Tree Evaluation Method for Tree Preservation Orders (November 2009). TEMPO is a systematic assessment which takes account of a range of factors including the amenity afforded by the tree, the tree's condition and how visible it is from public places as well as other relevant factors such as:

- Size and form;
- Future potential as an amenity;
- Rarity, cultural or historic value;
- Contribution to, and relationship with, the landscape; and
- Contribution to the character or appearance of a conservation area.

5.3.2. In addition to the primary elements above, the local authority may also consider taking into account other factors in their assessment. These could include the contribution that a tree or group of trees or woodland makes to nature conservation, their particular suitability to an area or the presence of other trees within an area.

5.3.3. A copy of a proposed TPO will be served on the owner(s) and occupier(s) of the land affected by the TPO, and they will be given the opportunity to state any objections or representations about any of the trees or woodlands covered by the TPO. The local authority are required to take into account all objections and representations before deciding whether to confirm the TPO. The local authority will then either confirm the TPO (either with or without modifications), or they may decide not to confirm the TPO. As soon as practicable after confirming a TPO the local authority will notify the owners and occupiers of land affected by the TPO of their decision and the date of confirmation.

5.3.4. The legislation provides no right of appeal against a TPO, either when made or confirmed. An appeal can be made, however, following any subsequent refusal of an application to cut down or carry out work on trees protected by the TPO. The validity of a TPO can only be challenged in any legal proceedings by way of application to the High Court, which must be made within six weeks from the date on which the TPO is confirmed.

5.4. Trees in Conservation Areas (TCA)

5.4.1. Section 211 of the Town and Country Planning Act 1990 makes trees in conservation areas subject to similar controls to TPO trees. It is an offence to cut down, top, lop, uproot, wilfully damage or destroy trees in Conservation Areas without consent from the Council, or following the expiration of a 6 week period of written notice detailing works proposed to trees in a Conservation Area.

5.4.2. To carry out any work on a tree located with a Conservation Area, permission must first be gained from the Council, by submitting an application form for works to trees which is available online via:

https://ecab.planningportal.co.uk/uploads/appPDF/Z6950Form031_wales_en.pdf

5.4.3. The Council cannot refuse consent for work to trees in a Conservation Area, but may issue a Tree Preservation Order within the 6 week period if they consider the work proposed to be unsuitable and detrimental to local amenity. The same rights of objection and appeal apply to TPOs made following an application to undertake work to Conservation Area trees.

5.5. Trees, Hedgerows and Nature Conservation

5.5.1. **Trees and hedgerows are important wildlife habitats for many species including bats and nesting birds, both of which are protected under law. Where wooded areas will be affected by works, a survey by an experienced ecologist should be carried out to establish the presence of any protected species. It is an offence to intentionally take, damage or destroy the nest or egg(s) of any wild bird whilst the nest is in use or being built. To avoid impacts on breeding birds, it is generally recommended to undertake works during the winter, however, where other species, such as badger, dormouse or bats are present, this is not possible as works in the winter can have a serious detrimental effect on these species. A consultant ecologist should be engaged to prepare a Works Schedule to minimise the impact on all species. It must also be noted, that generally dormouse, bats in trees and badger are under-recorded and absence of prior records is not evidence of absence.**

5.5.2. **The types of tree features which are commonly used by roosting bats are cracks in limbs, cavities, loose bark. If trees display any of these features, a bat survey will be required prior to determination of the planning application to ensure compliance with the requirements of the Habitats Regulations 2010 (as amended) which gives bats and their roosts full protection.**

5.5.3. **Further guidance and advice in respect of development affecting biodiversity and protected species can be found within the Council's Biodiversity and Nature Conservation Supplementary Planning Guidance.**

5.6. Applications for works to trees subject to a TPO and/or notification of proposed works to TCAs

5.6.1. In most cases, the application for works to trees should include the following information:

- A sketch plan showing the location of all tree(s).
- Photographs of the trees subject of the proposed works.
- A full and clear specification of the works to be carried out.
- Details of replacement planting (where removal is proposed).
- A statement of reasons for the proposed work.
- A report by a tree professional (arboriculturalist) or other suitably qualified person.
- In the case of subsidence a structural engineers report.

5.7. When is permission not required for works to a protected tree?

5.7.1. There are several types of work that can be carried out on a protected tree without permission as set out below:

- The cutting down, uprooting, topping or lopping of trees that are dying, dead or have become dangerous. This includes the removal of dead wood or dangerous branches from an otherwise sound tree (see further advice below). Where works are in compliance with obligations imposed by an Act of Parliament.
- For works by statutory undertakers; in most cases exemptions apply to works to abate a statutory obligation.
- For the pruning of fruit trees where the trees are cultivated for fruit production.
- For works to enable a development to take place in line with a full planning permission where the works to the trees have been identified and approved as part of the planning application process.

5.7.2. If it is not clear if exemptions apply, you should check with the Council in the first instance. It is not necessary to apply to the Council for tree works that are exempt, provided the works do not go beyond the minimum required to resolve the situation. However, should you carry out works under an exemption, the onus of proof that the exemption applies lies with the person authorising and/or undertaking the work. To ensure that an exemption such as the dangerous tree exemption applies, you should always seek advice from a suitably qualified person and ensure that you have the appropriate evidence e.g. photographs, that justify the works. When works are undertaken under an exemption the Council should always be advised in order for the relevant records on protected trees held by the Council to be updated.

5.7.3. The Welsh Government has also produced a general guide "Protected Trees - a Guide to Tree Preservation Procedures" which provides answers to the most common questions about tree preservation procedures (see section 14 Additional Information).

5.8. Ancient Woodlands, Mature and Veteran Trees

5.8.1. Ancient woodlands in Britain are those which have been continuously wooded for a minimum of three to four hundred years, (although not necessarily with the same type of tree cover). They are frequently very diverse and will often also contain rare or unusual species. They may also have historical and archaeological significance due to the low level of physical disturbance. Ancient woodland is therefore an irreplaceable resource and is protected through Welsh Government policy. If you are proposing works to any woodland you should check whether it is categorised as ancient woodland before commencing work.

5.8.2. Details of ancient woodland within the Vale of Glamorgan are available on the interactive LDP Constraints Map on the Vale of Glamorgan web page at:

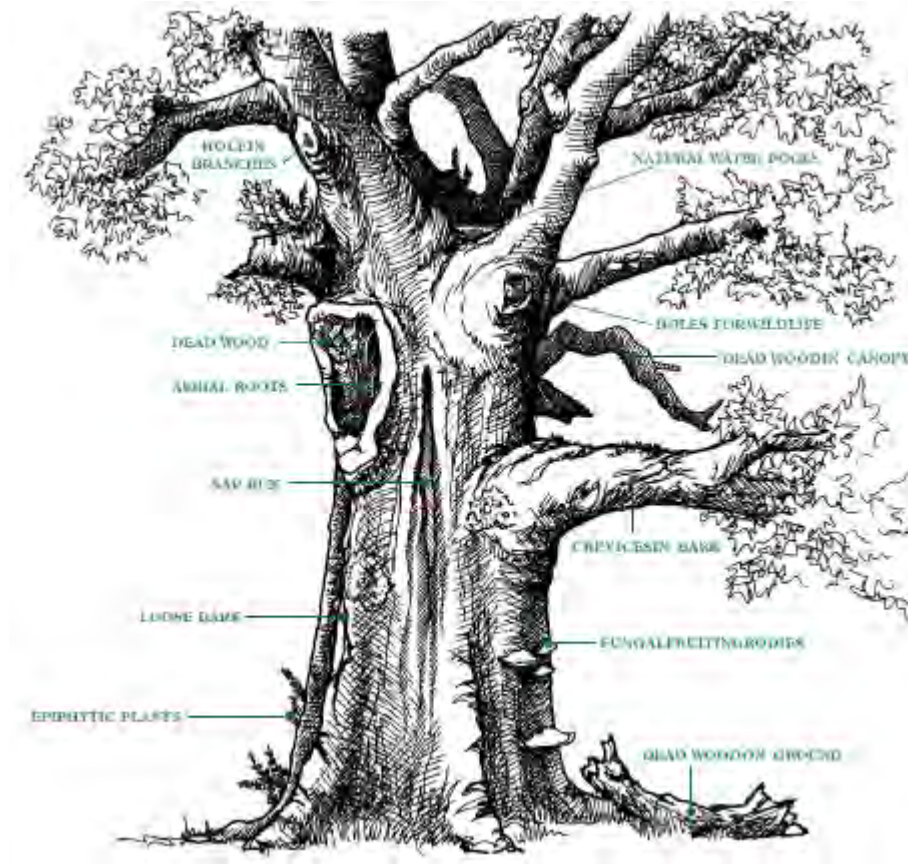
http://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/planning_policy/local_development_plan/Local-Development-Plan.aspx

5.8.3. **Mature and veteran trees are trees which are of biological, cultural or aesthetic interest by virtue of their age, size or condition. Generally a tree which is a minimum of 200 years old is considered to be a veteran or mature tree; however the precise age of a tree can be difficult to attain. Therefore, trees with a combination of the following characteristics are likely to be defined as mature or veteran trees:**

- **Girth large for the tree species concerned**
- **Major trunk cavities or progressive hollowing**
- **Naturally forming water pools**
- **Decay holes**
- **Physical damage to trunk**
- **Bark loss**
- **Large quantity of dead wood in the canopy**
- **Sap runs**
- **Crevices in the bark, under branches or on the root plate sheltered from direct rainfall**
- **Fungal fruiting bodies (e.g. from heart rotting species)**
- **High number of interdependent wildlife species**
- **Epiphytic plants**
- **An 'old' look**
- **High aesthetic interest**

5.8.4. **Figure 1 shows an example of what the above characteristics can look like to aid in identification of mature and veteran trees.**

Figure 1: Mature and Veteran Tree Characteristics (Source: Natural England, 2011)



- 5.8.5. **Due to the biological and historical interest mature and veteran trees have, they are considered to be irreplaceable. Therefore, they cannot be adequately mitigated or compensated in relation to development proposals, consequently, the conservation and protection of these types of trees is the only means to secure them for the future. In all cases proposed development should avoid works to veteran and mature trees to ensure they are appropriately protected. The Woodland Trust's Ancient Tree Inventory (<https://ati.woodlandtrust.org.uk/>) is a good resource to help developers identify if a tree is protected, where developers are unsure of the identification of a tree, advice should be sought from an ecologist consultant or arboriculturist consultant to certify whether the tree is considered to be a veteran or mature tree.**

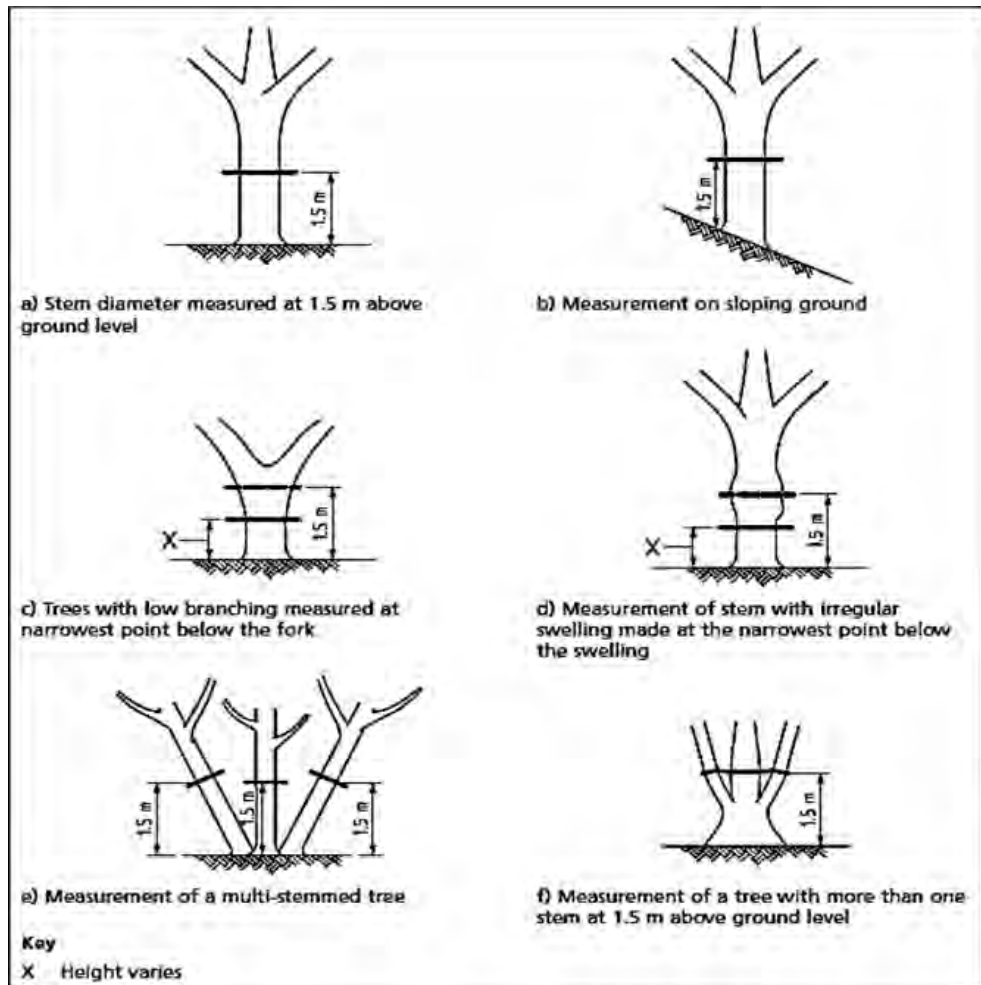
5.9. Unprotected Trees

- 5.9.1. Many trees in the Vale of Glamorgan are not protected, however they can often have significant local amenity value and support biodiversity. In general, maintenance to these trees will not require consent.
- 5.9.2. The Council would always encourage tree owners to seek professional arboricultural advice when undertaking works to trees to ensure the continued viability and safety of the tree.

5.10. Development affecting unprotected trees

- 5.10.1. Where development proposals affect unprotected trees, the Council's preference will always be to retain all trees on site measuring over 75 mm in diameter when measured 1.5m above ground level (as illustrated in Figure 1 below) and applicants should seek to incorporate them within the site design and layout. Further advice is provided in section 6 below.
- 5.10.2. Where unprotected trees are present on and/or adjoining a site (meeting the above size threshold), planning applications must be accompanied by sufficient information that illustrates the relationship of the development to any trees located on the site. Typically, this will be a plan demonstrating crown and/or root spread relative to any buildings, enclosures or ground works that may affect them, and some assessment of the quality of the tree and, where appropriate, proposed measures to protect and retain them.
- 5.10.3. The nature and level of detail of information required to enable the local planning authority to properly consider the implications and effects of development proposals will vary depending on the nature of the site and the scale of the development proposed. For example, a planning application for an extension to an existing dwelling may not require the level of detail that needs to accompany a planning application for the development of a site with one or more dwellings. More guidance is provided at Sections 6 and 7.

Figure 2: Measuring tree stem diameter (Source: BS5837: 2012 Annex C)



5.11. Permitted Development Affecting Trees

5.11.1. There are some forms of development which do not require planning permission; this is generally termed as ‘permitted development’ and includes small scale development proposals such as a single storey extension (size limits apply) and porches etc. However, where such development is close to a tree which falls within the parameters set out above in Figure 1 above, the Council would encourage the retention of the tree(s) on site. Where trees have to be removed the Council would encourage replacement planting on site to address the loss and to maintain amenity. If the tree is protected by a TPO or is within a Conservation Area, the consent of the Council will still be required to carry out any work to the tree or to remove it in order to undertake the permitted development. In this instance a TPO/TCA application must be submitted to the Council.

5.11.2. If you are uncertain as to the status of a tree, the link below will enable you to find out whether a tree is protected.

<http://myvale.valeofglamorgan.gov.uk/myGlamorgan.aspx?MapSource=ValeOfGlamorgan/AllMaps&StartEasting=311570&StartNorthing=167940&StartZoom=250&o=1&Layers=plannhist>

5.12. Felling Licenses

- 5.12.1. Even when trees are not protected by TPOs or located within a conservation area, it may still be necessary to obtain a felling license to remove them. However, a felling license is not required for trees within domestic gardens.
- 5.12.2. Felling licenses are required when the volume of timber to be removed exceeds 5 cubic metres in any calendar quarter i.e. January to March, April to June, July to September and October to December), provided no more than 2 cubic meters is to be sold (five cubic meters is roughly equivalent to one large oak tree). Felling Licenses are administered by Natural Resources Wales (NRW) and full details on the requirements are available from NRW on:

<http://naturalresourceswales.gov.uk/permits-and-permissions/tree-felling-and-other-regulations/tree-felling-licences/?lang=en>

5.13. Potential Impact of Trees on Archaeological Resources

- 5.13.1. Trees, woodlands and hedgerows form an important aspect of the historic environment, as well as the natural environment. The formation of today's landscape was created by historic clearance that resulted in fields and woodlands which are often Medieval in origin, and which have been managed since that time. Historic hedgerows often form boundaries or elements of boundaries of various types; often associated with other historic assets. This must be considered within the scope of the Hedgerow Regulations which defines the criteria for important hedgerows.
- 5.13.2. Aspects of planting, management and felling or removal which may impact historic assets or the historic environment include but are not restricted to:
 - Historic hedgerows, as boundaries, or have associations with designated and non-designated historic assets recorded within the HER
 - Hedgerows, particularly in Wales, which have grown on a clawdd (boundary bank and /or ditch)
 - Trees in areas where felling and stump removal may have a physical effect on buried remains
 - Planting of trees may have a physical impact on buried archaeological remains (depending on if they are planted as whips, or standards), or will have a physical impact when mature
 - Visible impact on setting of designated and non-designated assets;

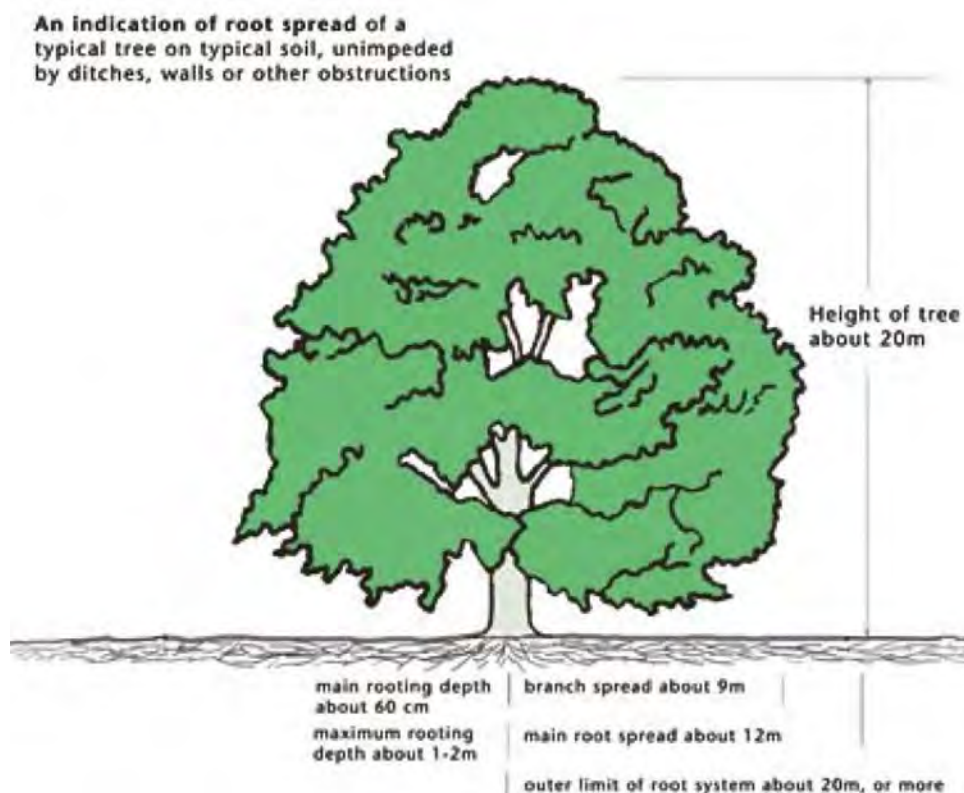
- Inter-visibility between assets may be interrupted or blocked by planting
- Works to historic trees, such as avenues of trees associated with historic houses and vistas
- Works to historic trees, woodlands or hedgerows which are specimen planting; often in Registered Parks and Gardens
- Works to trees, woodlands and hedgerows within a Registered Historic Landscape
- Associations with historical events and people.

5.13.3. For works which involve these and other elements, consultation with Gwent and Glamorgan Archaeological Trust (GGAT) at early stage is advised. GGAT will supply any recommendations for mitigation in relation to the impact works to trees can have on any existing archaeological resources in the immediate area. Some works may come into the planning process as part of larger schemes, these may have archaeological mitigation required both pre and post determination to ensure that development complies with Planning Policy Wales Chapter 6: Conserving the Historic Environment, and the TAN24: The Historic Environment.

5.13.4. The impact on designated historic assets and their setting is dealt with by Cadw, who must be consulted if any development is proposed that may impact Scheduled Monuments, or Registered Historic Landscapes, this includes work to trees. Consultation with CADW is necessary to enable the management of impacts on the archaeological resource and cultural heritage.

6. When is a development likely to affect trees or hedgerows?

- 6.1. The standard planning application forms ask “*Are there trees or hedges on the proposed development site?*” and/or “*Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?*” If the answer to either of these questions is “Yes” you will need to consider what the implications of the development are for these trees / hedges and submit the necessary information to support the application (see Section 7 below).
- 6.2. This section seeks to provide some general guidance on when trees / hedges are likely to be affected by development. Please note this is only guidance and it is recommended that the views of a professional arboriculturist are sought if you are in any doubt.
- 6.3. Although of a generally smaller scale householder applications (e.g. domestic extensions and outbuildings) can still have an adverse impact on trees / hedges. If development is proposed that raises or lowers ground levels, affects a watercourse, or introduces new buildings within close proximity to any part of the tree (including tree roots) it is likely to have some effect on the tree / hedge and you should answer “Yes” on the application form.



- 6.4. Most tree roots are generally within 600mm of the surface. They extend to at least the crown spread and frequently to a distance in excess of the tree height. If roots are cut or damaged this will adversely affect the health and stability of the tree and can destroy it.

7. Guidance for the Protection and Integration of Trees and Hedgerows within New Developments

- 7.1.1. The following sections provide additional guidance on the considerations and requirements to be taken into account when preparing development proposals and planning applications that could have an impact on trees, woodlands, or hedgerows on or adjacent to development sites. Dependent upon the nature of your application you will be required to provide some or all of the following documents in support of your planning application or to fulfil conditions attached to a planning consent.
- 7.1.2. Details of any trees that are on or adjacent to the site for which a planning application is being submitted must also be included with the planning application form. Applications where trees are affected by development proposals should generally be supported by a Tree Survey, Tree Constraints Plan and an Arboricultural Implications Assessment (AIA) as defined in BS5837 (2012), **in some cases bat surveys may also be required**. Further guidance on this is provided below.
- 7.1.3. The flow chart contained in Appendix 1 is reproduced from BS5837: 2012 and identifies specific issues to enable developers to fully appreciate the implications of their proposals.

7.2. Tree Surveys (BS5837: 2012 Section 4.4)

- 7.2.1. Where a tree survey is required because there are trees likely to be affected by the development, it will generally be necessary to appoint a qualified arboricultural consultant to offer advice and help to prepare the required documentation in support of the planning application. Specialist advice can save time and money, identifying constraints that a tree or groups of trees pose to a development proposal and working out solutions that can be incorporated into the site layout and design.
- 7.2.2. Tree surveys should be undertaken in accordance with BS5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations' (or subsequent revisions) which provides recommendations and guidance in respect of how to achieve the acceptable integration between new structures and trees, shrubs and hedgerows. An example of a tree survey plan illustrating the above is attached at Appendix 7.
- 7.2.3. The list below identifies the information required in a Tree Survey Report to support a planning application for all sites that have trees on the site or on adjacent land where the development has the potential to affect the tree(s).
 - An accurate location plan (to within 1 metre) of all existing trees on or adjacent to the site. Where woodland is within a site the woodland should be accurately plotted with all boundary trees shown. If development is proposed within the woodland area, it will be necessary to plot all of the trees within the

woodland area. If woodlands are outside the site boundary, then the woodland edge (including crown spread) should be shown.

- All trees should be individually numbered as specimens or distinct individuals. Group numbering may be acceptable where trees are growing together. However, if development is proposed within the crown spread of any individual tree within the group individual numbering will be required. Woodland numbering and the use of designated compartments are also acceptable provided no development is proposed within the woodland. Edge trees may still require individual numbering.
- Tree species, approximate age /age range, and condition.
- The tree's height, Diameter at Breast Height (DBH) and crown spread. If the crown spread is uneven this should be shown.
- General comments on wildlife, special value, rarity, defects, hazard trees, safe useful life expectancy if development is permitted, and any other points that will allow a clear indication of a tree's value.

7.2.4. A full specification for any tree works including a tree quality assessment and details of any trees to be removed will be required. Where a tree's removal is to facilitate development and for no other reason, the specification should be marked "for development purposes". A representative example of an acceptable tree survey is shown in Figure 2.

Figure 3: Example tree survey schedule

Tree no.	Species	Height (m)	Stem dia. (mm)	Branch spread (m)	Crown clearance (m)	Age	Physical condition	Structural condition	Management recommendations	Est. remaining contribution (years)	Category
T42	Csa	11	300	N 4 E 4 S 4 W 4	3	EM/ M	P	DW, TD, PD, V3	Remove, Bracket fungus	<10	U
T44	Ahi	14	550	N 7 E 7 S 7 W 7	2	EM/ M	F	V2	None	40+	C2
T45-46 (G11)	Ph	14.5	375	N 6.5 E 6.5 S 6.5 W 6.5	3	EM	F	UB, DW, V2	Remove Deadwood	40+	C2
T48-49 (G12)	Bpe	13.5	350	N 5 E 5 S 5 W 5	2	EM	p	DW, UB, TD, V2	Remove	10-20	U
50, 51, 52, 55 (G13)	Malus spp	5	150	N 2.75 E 2.75 S 2.75 W 2.75	2	EM	P	DW, V3	Remove	<10	U
T53	Magnolia spp	6.5	150 150 (ms x 2)	N 3.5 E 3.5 S 3.5 W 3.5	2.5	EM	F	PD, V2	None	40+	C2
T54	Tbf	6	100 (ms x 5)	N 1 E 1 S 1 W 1	0	EM	G	V2	None	40+	B1

Source: TDA Environment-Landscape-Design: Ardwyn House, Dinas Powys

7.3. Tree Categorisation (BS5837: 2012 Section 4.5)

7.3.1. All trees should be assessed for their suitability for retention and then categorised in accordance with BS5837: 2012. This categorisation should be

completed prior to drawing up any plans for the proposed development as any trees suitable for retention should inform the final site layout.

7.3.2. The main categories of tree classification are:

- **Category A:** Trees of high quality and value capable of making a significant contribution to the area for 40 or more years.
- **Category B:** Trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years.
- **Category C:** Trees of low quality, adequate for retention for a minimum of 10 years expecting new planting to take place; or young trees that are less than 15 cms in diameter which should be considered for re-planting where they impinge significantly on the proposed development.
- **Category U:** Trees which are 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. Such trees may however have a conservation value which might be desirable to preserve.

7.3.3. Trees which are protected by a TPO or classified within retention category A or B in a BS5837: 2012 survey should be retained on the site. If it is proposed to remove any A or B category trees, then the Council will require the applicant to demonstrate how the removal is necessary and outline any mitigation measures to be provided. Each site will be considered on its individual merits, giving consideration to the surrounding landscape and existing tree canopy cover.

7.3.4. Trees achieving 'A' (high quality and value) or 'B' (moderate quality and value) categorisation following a Tree Survey should be retained on site and the development design adapted to protect them from unacceptable harm. This means that development should not incur into their Root Protection Area (RPA), or their current or likely ultimate branch spread. Where incursions are proposed, an Arboriculturist should explain how it will not result in unacceptable harm.

7.3.5. Mitigating the loss of a high quality Category 'A' tree will always be difficult as the immediate visual and aesthetic impact of the trees removal will be obvious and in many cases dramatic. Where the removal of category 'A' trees is justified as a part of new development proposals, the Council will require appropriate compensation by way of additional tree planting to adequately negate the initial tree loss. Further detail on the Council's approach to determining compensation for the loss of trees is provided in section 7 below.

7.4. Tree Constraints Plan (BS5837: 2012 Section 6.1)

7.4.1. The Council recommends that a tree constraints plan is submitted alongside planning applications for any sites which contain, or are adjacent to, protected trees or trees to be retained. This would assist in demonstrating that all impacts of the proposed development have fully considered the long-term retention of the trees. The Council will also require a tree constraints plan for sites where category A or B trees identified within a tree survey may be affected upon by the proposed development.

7.4.2. Tree constraints plans must include the following information:

- The accurate position of the tree and the existing crown spread;
- The tree quality assessment as per the details above based on BS5837: 2012;
- The Root Protection Area calculated as per para 4.6 of BS5837: 2012;
- The future growth potential of the tree i.e. the ultimate crown spread and height of the tree where it is likely to be significantly different to the existing;
- The shade footprint of the tree through the main part of the day based on the ultimate size of the tree.

7.4.3. An example of a Tree Constraints Plan illustrating the above is attached at Appendix 5.

7.5. Tree Protection Plan (BS5837: 2012 Section 5.5)

7.5.1. During the construction phase of any development, trees are highly susceptible to being damaged. It is therefore important to ensure that any trees or hedgerows which have been earmarked for retention are efficiently managed and protected during the construction of a development to ensure the preservation of the valuable green assets of the site.

7.5.2. A Tree Protection Plan (TPP) should be submitted at the Planning application stage for all sites that have trees on the site or on adjacent land where the development has the potential to adversely affect the tree(s). In the absence of a TPP being submitted at the application stage, it may be required by condition where appropriate. The TPP should be in accordance with BS5837: 2012. The TPP should identify the trees to be retained as well as the trees to be removed in relation to the final site layout. The TPP should also identify the precise locations of all barriers, ground protection and any other methods to be used to protect the trees located on the development site.

7.5.3. The TPP should also include a schedule of any pruning works identified in the tree survey either in accordance with the necessary tree management or precautionary tree works to prevent accidental damage during construction as well as the location details of any site compound, proposed site huts, site toilets or storage facilities for building materials that may impact upon the health of the trees on the site.

Figure 4: Example of a Tree Protection Plan (TPP)



7.6. Ways by which trees and hedgerows can be damaged during construction

- 7.6.1. Trees and hedgerows are sensitive living organisms that can be easily damaged or destroyed by many of the activities that take place on a construction site. Healthy roots and leaves are essential for their stability and to provide food and moisture for growth.
- 7.6.2. The Council has enforcement powers to ensure that trees to be retained on development sites are protected during the construction process (see section 11). The following actions on development sites can have adverse effects on trees within or in close proximity to development sites and should be avoided.

7.7. Soil Compaction

- 7.7.1. When soil is compacted it prevents air, water and nutrients from reaching the roots of the tree and causes the soil structure to be damaged. Soil compaction is mainly caused by vehicular movement and storage of heavy materials, including bricks, soil, gravel and cement. All storage of materials within the crown spread of a tree should be avoided. The use of machinery within the Root Protection Area (RPA) should always be avoided. However where access within the RPA is necessary and agreed with the Council, boarding should be used to avoid soil compaction.

7.8. Excavations

- 7.8.1. Any excavations on development sites which are within a RPA may sever tree roots which could hinder the tree's ability to take up water and nutrients and lead to decay and/or impact on the tree's stability and long term viability. Any excavation work which is proposed within a RPA would have to be agreed with the Council prior to the commencement of any work being undertaken. All excavation works within the RPA must be undertaken by hand digging rather than with heavy machinery.

7.9. Ground Level Changes

- 7.9.1. Both a reduction and a rise in soil levels can be detrimental to the roots of a tree. The reduction of ground levels may cause the roots to break, whilst any rise in the level of soil could impact on the compaction of the soil and lead to suffocation of the roots. Changes to soil levels within a RPA will not be permitted.

7.10. Impact Damage

- 7.10.1. The use of plant and machinery in the vicinity of trees can cause significant damage to trees and result in torn branches, damage to bark and tree trunks which can severely harm a tree and enable easier access of diseases and parasites which lead to decay. The use of heavy machinery within a RPA should always be avoided.

7.11. Soil Contamination

- 7.11.1. Construction materials such as concrete, diesel fuel and machinery oil can cause contamination if it comes into contact with soil. Regardless of the location of trees within a development site, secure storage should be used to avoid leakage of these materials and exposure to the soil. Any storage of such materials should ideally be located at least 15 metres from any tree.

7.12. Intense Heat and Fire

- 7.12.1. Both roots and the bark of a tree can be damaged by exposure to intense heat and fire. Therefore any fires should be kept away from trees on site, preferably leaving a 5 metre distance between the flames and the tree.

7.13. Arboricultural Method Statement (AMS) (BS5837: 2012 Sect 6.1)

- 7.13.1. Where it is deemed necessary that construction works are undertaken in close proximity to trees, the TPP should include an arboricultural method statement to demonstrate how the impact on the trees will be kept to a minimum.
- 7.13.2. The AMS should provide a detailed description of work, timing and construction techniques that will be undertaken to minimise impact of the development on the trees. This should cover items such as the installation of protective fencing, hand

excavation within tree protection zones, and the use of boarding to avoid compaction. Additionally a method statement should include copies of all relevant site plans and a tree survey schedule.

7.14. Protective fencing and ground protection (BS5837: 2012 Sect 6.2)

- 7.14.1. Temporary protective fencing and ground protection measures must be installed before any works, including demolition, begin on site. The fencing and ground protection measures must remain intact for the period of development and should only be removed once all site construction has been completed. The temporary protective fencing must meet the specification given in BS5837: 2012 (and future amendments) as shown in Appendix 10.
- 7.14.2. Temporary protective fencing may also be required to enclose areas designated for new landscaping, in order to preserve the soil structure and thereby promote the successful establishment of new planting. As such, it may not be appropriate to use these areas for site accommodation or storage during the construction process.

7.15. Arboricultural Supervision and Site Monitoring (BS5837: 2012 Sect 6.3)

- 7.15.1. On sites where trees are protected by a TPO, where there are significant numbers of existing trees or where sites are in close proximity to trees, arboricultural supervision and monitoring may be required under the planning conditions. Monitoring will ensure that all work in proximity to the trees including the erection of protective fences complies with the TPP and the method statements agreed with the Council.

8. Integrating Trees and Hedgerows into Development Layouts

- 8.1.1. Landscape provision and green space design is an integral part of the planning process. Where early consideration is given to landscape matters, new developments tend to have a stronger sense of place and character and a feeling of increased quality. Accordingly, following the completion of the surveys and analysis of the site described in Section 6 above the Council will expect applicants to show how existing landscape features have been clearly considered as part of the site design process. One such way this can be achieved is through the use of an 'Opportunities and Constraints' map of the site which assesses the site at the early stages to identify among other issues, any ecological considerations such as existing vegetation. A good example of this exercise was used on a recent housing development on land at Ardwyn, Pen-y-Turnpike in Dinas Powys. The developers Opportunities and Constraints map can be found at Appendix 5.
- 8.1.2. Where the site survey identifies individual or groups of trees as well as hedgerows the Council shall expect the layout of new development to sensitively incorporate these features so that they provide additional visual amenity value to the development as well as opportunities for nature conservation. Additionally, where a neighbouring site contains existing natural features, the development should also consider how these can be linked to new "green features" in the proposed development.
- 8.1.3. Alongside the retention of existing landscape elements new tree and landscape planting should be considered at the earliest stages of the design process so that the design of the development will promote a stronger sense of place and character and thereby achieve a higher quality environment. **The planting of new trees and other flora can also help improve existing air quality levels and help increase the well-being of existing and future residents / users of a development.** Where there is a requirement for the provision of more formal green space within the site, such as play areas, parks and sports facilities, then consideration should be given to how new facilities may be incorporated within new or existing landscape so that they provide the widest amenity value.
- 8.1.4. In considering site design and landscaping, the relationship of the new development to existing trees and hedgerows will need to be carefully considered so as to avoid a future conflict and also ensure the longevity of these features. Sufficient space must therefore be provided for continued growth without necessitating an excessive level of maintenance. Therefore in the majority of cases, simply avoiding development within tree/hedge protection zones is unlikely to make adequate provision for their long-term retention. Instead developers should seek to utilise existing trees and hedgerows to compliment the final site design. A 'Tree Strategy Layout' plan can be used to show how the proposed development incorporates existing and new trees/hedgerows within a development proposal. An example of an effective Tree Strategy Layout plan can be found at Appendix 6.

8.2. Community Safety

- 8.2.1. Flora can play an important part in place making helping to create a safer and more secure built environment.**
- 8.2.2. The planting of high hedges to the frontage of properties and in areas such as car parks and recreational areas can reduce the opportunities for active street surveillance. Therefore the height of shrubbery and hedges should be maintained so that they grow to no more than 1m in height. This will ensure active street surveillance is maintained.**
- 8.2.3. When trees are planted consideration should be given to ensure that they do not restrict light from street lighting or obstruct sight lines from CCTV cameras. To make sure the area preserves elements of safety and security for those who use the space.**
- 8.2.4. Flora can also be used defensively, as effective boundary treatments and to create privacy zones, there are a diverse range of plant genus/species that can be utilised. These include:**
- **Berberis,**
 - **Prunum,**
 - **Rosa, Gorse,**
 - **Prunus, Poncius,**
 - **Ilex,**
 - **Hippohae,**
 - **Genista,**
 - **Elaegnus,**
 - **Crataegus.**

9. Replacement Tree Planting

- 9.1.1. The Council acknowledges and accepts that trees have a finite life span and that in many instances it may be necessary or in some instances desirable to remove old, unsafe or diseased trees.
- 9.1.2. When removal of a TPO tree is considered acceptable (through a planning application or TPO application), the Council will normally require replanting at a **ratio of 2:1** which is necessary to mitigate the amenity loss of a mature or high value trees. In cases not involving a TPO tree the Council will encourage a similar 2:1 replanting ratio wherever possible. This approach is in accordance with the general principles and aspirations of Strategic Policy SP10 (Built and Natural Environment) and other policies of the LDP and the Council's Draft Tree Strategy (See section 4.3).
- 9.1.3. However each scheme or proposal will be considered on a case by case basis and there may be instances where no replanting will be required or where replanting above the 2:1 ratio is necessary in order to ensure the continuation of the local amenity afforded by trees. Where tree loss is accepted, replacement planting will need to take into account the number, sizes and species of the trees lost and should contribute to the extension of tree and woodland cover across the development site.
- 9.1.4. The Council will normally require replacement planting to be accommodated within the boundary of the development site. However there may be instances where off-site replacement planting on public or other land in the control of the applicant will be considered and further information with regard to off-site planting is set out below.
- 9.1.5. Where the loss of a tree is accepted, the Council will usually require replacement planting on site or on adjoining land in the control of the applicant. However, under some circumstances off-site replacement planting may be acceptable and the Council will consider each situation individually. This approach is considered to be consistent with the Council's Tree Strategy and the LDP which seeks to increase overall tree coverage within the Vale of Glamorgan. All replacement planting will form part of the planning conditions or where necessary planning obligations (via a section 106 agreement) attached to the planning permission.
- 9.1.6. Where replacement or additional tree or hedgerow planting cannot be accommodated on site, the Council will consider the need for financial contributions secured through a section 106 agreement. The contributions would be utilised to provide or upgrade existing tree cover in the area of the development. In general, off-site financial compensation will only be accepted as a last resort and the Council will require appropriate evidence to illustrate that the additional planting required cannot be accommodated on the development site. Such evidence could include location of existing services and utilities, deficiency in amenity space requirements if additional planting is implemented or adverse impact resulting from planting etc.

9.2. Replacement Tree Planting on Public Land

- 9.2.1. The justification for requiring planning obligations in respect of new or compensatory tree planting is set out in the Council's Planning Obligations and Biodiversity and Development SPGs. The Council has a duty to ensure that the Vale of Glamorgan's biodiversity assets are protected and where appropriate enhanced **as detailed within Section 6 of the Environment (Wales) Act 2016**. Tree planting will either take place on open ground or in areas of hard standing such as footways or civic areas.
- 9.2.2. Where it is appropriate to undertake replacement planting directly on open ground e.g. parks and recreational areas, the contribution will be lower than where the planting is in areas of hard standing. This is due to the need to plant trees located in areas of hard standing in an engineered tree pit. Where planting is to occur in an area of hard standing, the costs associated with the works will be determined through consultation with officers of the Council's Neighbourhood Services department and based on the provision of similar recent planting schemes. Associated costs will cover such elements as providing the tree pit (where appropriate), purchasing, planting, protecting, establishing and initially maintaining the new tree.
- 9.2.3. Where replacement tree planting on public land is accepted, the tree planting will be undertaken by the Council to ensure a consistent approach and level of quality, and to reduce the likelihood of new tree stock failing to survive.
- 9.2.4. In all cases the Council will look to accommodate replacement tree planting in the nearest appropriate area of open space to the development site in order to maintain amenity within the local community.
- 9.2.5. BS8545: 2014 Trees from nursery to independence in the landscape, provides information and recommendations on planning, design, production, planting and management of trees and explains how new trees can be successfully grown and planted so that they flourish without excessive maintenance. The Council encourages developers to adopt best practice as set out in the British Standard to ensure the success of newly planted tree stock.
- 9.2.6. Where new or replacement planting is accepted as part of a new development proposal, the Council will attach appropriate conditions to ensure that any failed planting is replaced within an acceptable period (usually five years). This will ensure that the proposed landscaping scheme is maintained.

10. Species Selection

10.1.1. Where new or replacement planting takes place, tree species should be selected that are suitable for the prevailing conditions on site, both above and below ground. New planting will be worthless if ground conditions adversely affect the tree or the tree has to be removed because it has grown too quickly and to such a size that it interferes with surrounding structures or features. Consideration should therefore be given to:

- Soil and ground conditions: texture, soil acidity/alkalinity, water availability, seasonal variations and pollutants;
- Climate: general climatic conditions, extremes of temperatures and precipitation, exposure to wind;
- Atmospheric pollution; and
- Light availability.

10.1.2. In general, the Council would seek to promote and encourage the use of native trees when replanting is required. However planting should always be subject to site specific circumstances. Guidance on suitable species should always be sought from a suitably qualified specialist. However the following species represent a limited selection of trees that are suitable for planting within a residential curtilage.



***Acer griseum* (Paperbark maple)**



***Amelanchier x grandiflora* 'Ballerina'**



***Betula utilis* var. *jacquemontii*
'Moonbeam'**



***Malus* 'Adirondack'**



Syringa vulgaris 'Andenken an Ludwig Spath'



Prunus 'Amanogawa'



Sorbus 'Joseph Rock' (Mountain Ash)

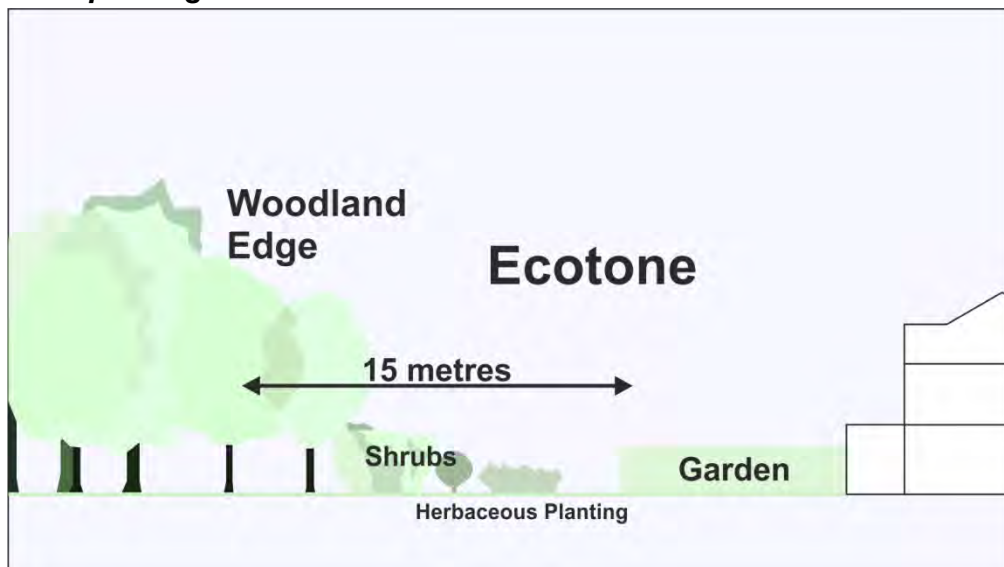
10.2. Landscaping Schemes for New Development and Future Maintenance

- 10.2.1. The incorporation of existing landscaping features and/or new landscaping should be considered at an early stage of the design process of any new development. Major development sites will in most cases require a coherent and comprehensive landscape/green infrastructure strategy to accompany any planning application in order to ensure that landscaping has been considered as an integral part of the overall design and layout for the proposed scheme.
- 10.2.2. Where developments require the provision of new landscaping, a maintenance plan should be submitted with the planting details, providing site specific details for each new planted area. The period of time to which any maintenance plan applies will depend on the site conditions and proposed planting, and will be set via the associated planning conditions for the development.
- 10.2.3. As with replacement tree planting, applicants are advised that planning conditions generally require replacement planting where plants have failed to become established within the first five years.

11. New Development Adjacent to Woodlands

- 11.1. Where new development adjoins existing woodlands, a transitional area or 'ecotone' between new landscaping and the existing woodland should be provided to promote biodiversity **and ensure ecosystem resilience**. It also helps to minimise the maintenance of trees at the woodland edge to avoid encroachment of overhanging branches on neighbouring properties.
- 11.2. An appropriate width for a woodland ecotone should be at least 15m, measured from the centre of the trunk of the largest tree growing closest to the edge of the existing woodland (Figure 4 refers). This represents a typical mature height for a woodland edge tree species and the capping figure for RPAs calculated in accordance with BS 5837:2012. Greater widths may be necessary for ecologically or structurally vulnerable woodlands. Reductions in the default width are only likely to be acceptable where assessment of the woodland demonstrates satisfactorily that the development and woodland will co-exist harmoniously.
- 11.3. **When considering the impact of development on existing woodlands, consideration should be given to the four aspects of resilience (extent, diversity, connectivity and condition) and the need for green infrastructure strategies to be included within the design of a new development. This will help to ensure new development contributes to ecosystem resilience where appropriate.**

Figure 5: Ecotone planting scheme



12. Existing Hedgerows and Development

12.1. Works Affecting an Existing Hedgerow

12.1.1. The Hedgerow Regulations 1997 protect important hedgerows by controlling their removal through a system of notification. Under the Regulations, it is unlawful to remove or destroy most countryside hedgerows (excluding those forming garden boundaries) without the written permission of the local planning authority.

12.1.2. Where proposals involve the removal of a hedgerow, permission must first be gained from the Council, using the hedgerow removal application form which is available online at:

https://ecab.planningportal.co.uk/uploads/appPDF/Z6950Form021_wales_en.pdf

12.1.3. If you are uncertain about whether your proposed works are affected by the Regulations, you are advised to submit a Hedgerow Removal Notice to the Council for determination. The Council has 42 calendar days to process a notification, and respond to the applicant. This period can be extended by agreement with the applicant. The Council can then respond in two ways. One is to issue a notice giving consent to remove the hedgerow. The other is to issue a notice ordering the hedgerow to be retained.

12.1.4. In determining applications to remove hedgerows, the Council will seek to protect trees and hedgerows on agricultural land to preserve and enhance biodiversity. Therefore, the Council will usually not permit hedgerow removal without good reason. The decision largely hinges on whether the Council decides the hedgerow in question can be considered 'important', in accordance with the Regulations and accompanying best practice. A range of criteria are used to ascertain whether a hedgerow is identified as an important hedgerow under the Regulations. Appendices 7 & 8 provide more details on the Hedgerow Regulations 1997. **Hedgerows also form an important aspect of the historic environment as the formation of the landscape was created by historic clearance that formed fields and woodlands which can be of medieval origins. Historic hedgerows can form boundaries or elements of boundaries which can be associated with other historic assets. Therefore, within the scope of the Hedgerow Regulations consideration must be given to the impact proposed works to hedgerows could have on the historic value of an area.**

12.1.5. If the Council decides a hedgerow is important, it is required to issue a retention notice. The best practice guide states that in deciding whether to issue a hedgerow retention notice, the presumption is in favour of protecting and retaining important hedgerows.

12.1.6. As with applications under a TPO, if the reasons for removing the hedgerow relate to development, the removal of the hedgerow should form part of the plans

submitted with the planning application, so that the removal of the hedgerow can be considered holistically as part of the development. Developers should, wherever possible incorporate hedgerows into development schemes.

12.2. Hedgerow Surveys

- 12.2.1. Where developments are likely to affect a hedgerow, a hedgerow survey must be undertaken to ascertain whether or not the hedgerow would be classified as important under the Hedgerow Regulations 1997. Appendix 9 provides details of the criteria utilised to classify important hedgerows under the Regulations.
- 12.2.2. The condition, height, spread and species content of the hedgerow needs to be surveyed and accompany the planning application. Important hedgerows which accord with the criteria set out in the Hedgerow Regulations 1997 should be specifically identified and included within the overall design of the development.
- 12.2.3. Hedgerows that do not meet the criteria may still be important for biodiversity and wildlife, for example as nesting sites, migration corridors, or foraging routes for bats **and birds as well as acting as important habitats for dormice.** Accordingly, the building layout and site infrastructure should be designed so that as many hedgerows as possible are retained. Where this is not practical mitigation on a like for like basis should form part of the proposed landscaping scheme. **Where protected species under the Habitats Regulations, such as dormice, are found a licence under Regulation 55 of the Habitats Regulations will need to be granted from NRW to allow work to continue within the law.**

12.3. Integrating Hedgerows within New Development

- 12.3.1. Where the Council considers a hedgerow(s) to be important and requires them to be retained and incorporated within a new development it will be essential that sufficient clearance for hedgerow roots is provided with adequate access to each side of the hedgerow to allow for future maintenance. Additionally, during the construction phase it may be necessary to erect temporary fencing to protect retained hedgerows from damage or disturbance during construction, or to reinforce the security value of a new hedge while it is developing or an existing hedgerow that is being restored.

13. Council's Determination of Planning Applications and its Statutory Powers in Relation to Trees and Hedgerows

13.1. Determining Planning Applications

- 13.1.1. In determining planning applications, the Council will consider the likely effect of the development on existing trees and the overall landscape as a material consideration, with due regard to the policies of the LDP and this SPG. The Arboricultural Impact Assessment and other detailed information submitted in support of the application including drainage plans and details of other underground works will be an important aspect in assisting the Council to evaluate the balance between tree/landscape losses and gains thus providing a basis for determining appropriate planning conditions.
- 13.1.2. When approving planning applications for new development proposals likely to impact upon existing trees, whether they are in private gardens or part of larger development proposals, the Council will impose planning conditions, where necessary, as part of any planning consent.
- 13.1.3. The use of planning conditions ensures that in undertaking the works required to facilitate the proposed development, the trees at the site are protected and maintained and that any new tree planting identified in approved landscaping and planting programmes are secured.
- 13.1.4. Examples of standard planning conditions used by the Council are shown at Appendix 3.

13.2. Damage to Trees and Enforcement

- 13.2.1. Damage to trees and hedgerows can occur very quickly on a development site particularly when planning permission is breached, conditions are not discharged, or where TPPs have not been implemented correctly.
- 13.2.2. Where the survival of trees is threatened the Council will take appropriate enforcement action to ensure that protected trees do not suffer irreparable damage. Such actions could include:
- An **Enforcement Notice** may be served to remedy a breach of planning control, or any detrimental effect on amenity caused by such a breach. The notice will specify either the steps that the Council requires to be undertaken or the activities it requires to cease. Failure to comply with an enforcement notice may result in a fine of up to £20,000, or imprisonment.
 - A **Breach of Condition Notice** will specify the steps that need to be taken in order to comply with the condition in question. A time limit of not less than 28 days will be given. Failure to comply with the notice within this period may result, on summary conviction, in a fine of up to £5000. There is no right of appeal against a Breach of Condition Notice.

- A **Temporary Stop Notice** is a powerful enforcement tool that allows local planning authorities to act very quickly to address some breaches of planning control, such as unauthorised activities, where it is expedient to do so. A temporary stop notice may prohibit a range of activities, including those that take place on the land intermittently or seasonally and requires the activity which is the breach of planning control to stop immediately. Failure to comply with the notice within this period may result in a fine of up to £20,000.
- **Stop Notices.** These have a special role in enforcing tree-related planning conditions because of the irreversible damage that construction operations can cause to trees. A Stop Notice may come into effect on the day of issue. Failure to comply may result in a fine of up to £20,000, or imprisonment.

13.2.3. As mentioned earlier, it is an offence to remove a tree or undertake works to a tree that is protected by a TPO or is within a Conservation Area without the consent of the Council. If found guilty of such an offence a fine of up to £20,000 per tree can be imposed. Similarly, it is an offence to remove all or part of a hedgerow that is subject to the controls imposed by The Hedgerows Regulations 1997. If trees or hedgerow are removed in contravention of a TPO or the Hedgerows Regulations, the Council can issue a Tree Replacement Notice or Hedgerow Replacement Notice requiring replacement planting. Failure to comply with such a notice is also an offence.

13.3. Undertaking Works to Trees

13.3.1. Any maintenance work to deciduous trees should be carried out between November and March when the trees are dormant, wildlife can generally be avoided and the overall form of the tree is easier to identify. Tree surgery is skilled and can be dangerous work and should only be undertaken by properly trained, equipped, skilled and insured arboricultural workers who possess a relevant certificate or qualification for tree work and who operate to BS3998:1989 Recommendations for Tree Work. It is always advisable to get at least two quotes for any work that you require and if you are in any doubt of the suitability of contractors, ask to see references, proof of insurance, and ensure that they follow Arboriculture Association guidelines.

13.4. High Hedges

13.4.1. The Anti-social Behaviour Act 2003 came into force in Wales on 31st December 2004, Part 8 of the Act gives local authorities the power to consider complaints over high hedges which are having an adverse effect on a neighbour's enjoyment of their property provided all other avenues for resolving the hedge dispute have been exhausted.

13.4.2. The role of the local authority is not to mediate or negotiate between the complainant and the hedge owner but to adjudicate on whether - in the words of the Act 'the hedge is adversely affecting the complainant's reasonable enjoyment of their property.'

13.4.3. The Council has prepared separate guidance on high hedge procedures in the Vale of Glamorgan and guidance on high hedge complaints which is available on the Councils web site at:

http://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/Planning-Applications/Advice-and-Guidance.aspx

14. Further Information and Contacts

- 14.1. Further advice on all aspects of this guidance can be sought from the Council's Planning Department (see below). Prior to the formal submission of a planning application, the Council encourages applicants to utilise the Council's pre-application services which can save unnecessary work, costs and delay through negotiation. Further information on the Council's pre-application advice services can be found on the Council's website www.valeofglamorgan.gov.uk

Development Management

Dock Office

Barry Docks

Barry

CF63 4RT

Tel: Duty Officer (01446) 704681

Email: planning@valeofglamorgan.gov.uk

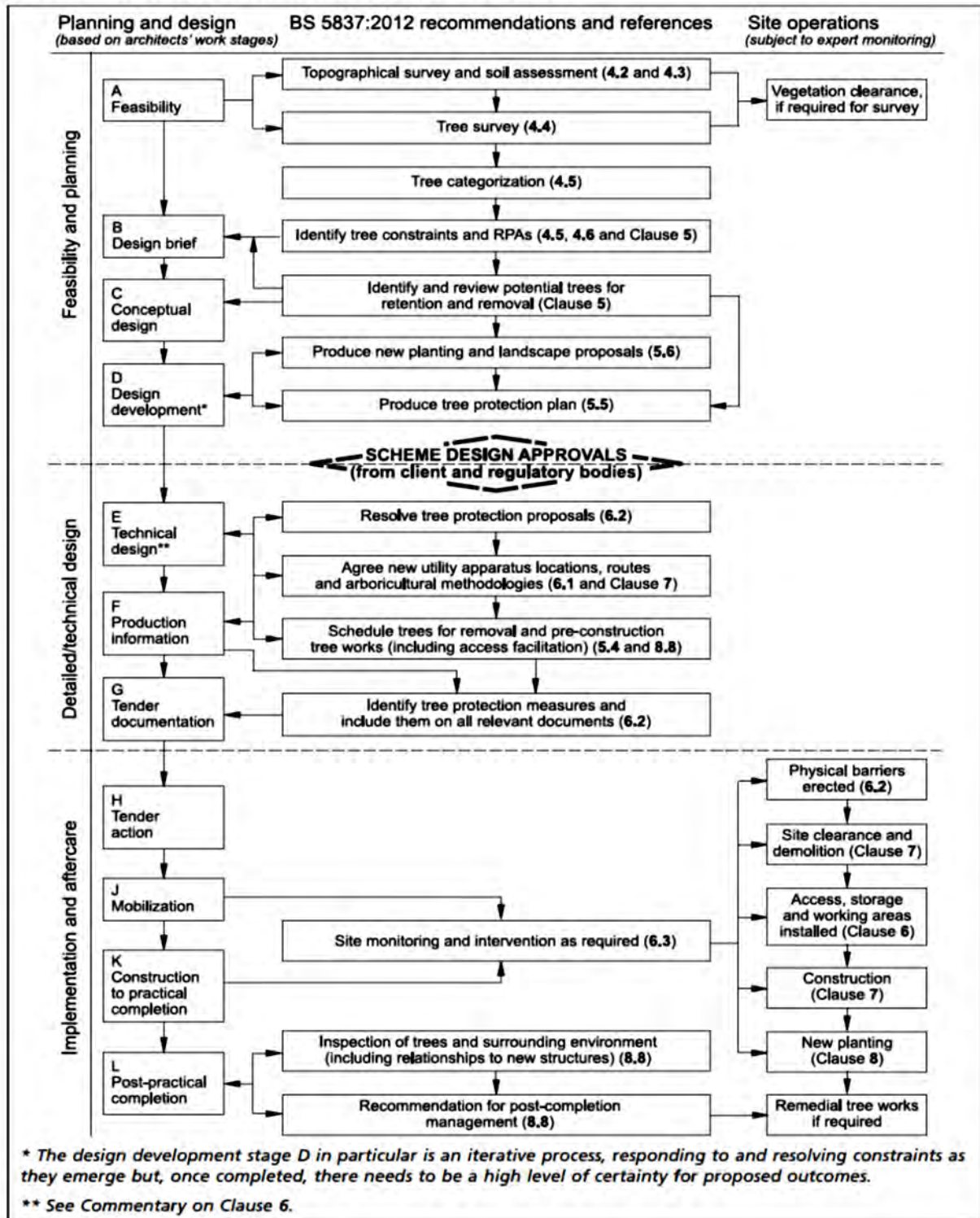
15. Further Guidance and Information

- The Arboricultural Association, the Malthouse, Stroud Green, Standish, Stonehouse, Gloucestershire. GL10 3DL (Telephone 01242 522152) Email: admin@trees.org.uk Web: www.trees.org.uk
- The International Society of Arboriculture, 148 Hydes Road, Wednesbury, West Midlands WS100DR. (Telephone 01215568302) Email: admin@isa-arboriculture.org.uk Web: www.isa-arboriculture.org
- Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP. (Tel: 03000 653000) Email fellinglicence@naturalresourceswales.gov.uk
- BS5837 Trees in relation to design, demolition and construction – recommendations:
<https://www.eden.gov.uk/media/3484/british-standard-bs5837-trees.pdf>
- BS 8545:2014 Trees: from nursery to independence in the landscape.
- Tree Felling: Getting Permission – Natural Resources Wales:
<http://naturalresourceswales.gov.uk/media/682351/tree-felling-getting-permission-booklet.pdf>
- Protected Trees - Welsh Government 2013:
<http://gov.wales/docs/desh/publications/131115protected-trees-guide-en.pdf>
- Hedgerow Regulations 1997:
<http://www.legislation.gov.uk/ukxi/1997/1160/contents/made>
- Royal Horticultural Society and the Royal Institute of Chartered Surveyors also provide some good advice relating to tree roots and buildings:
<https://www.rhs.org.uk/advice/profile?pid=225>
<http://www.rics.org/uk/knowledge/glossary/tree-roots-and-buildings/>
- The woodland trust provides some good advice relating to native trees that can be planted in gardens:
<https://www.woodlandtrust.org.uk/blog/2015/12/british-trees-to-plant-in-your-garden/>
- The Arboricultural Association have produced advice on how to select an appropriate tree surgeon:
<https://www.trees.org.uk/Help-Advice/Public/How-to-safely-select-the-right-Tree-Surgeon>

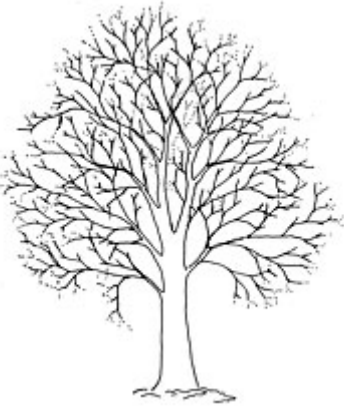

16. Appendices

16.1. Appendix 1: BS5837: 2012 Design and Construction Process and Tree Care (Trees in relation to design, demolition and construction- recommendations)

Figure 1 The design and construction process and tree care



16.2. Appendix 2: General Tree Pruning Definitions

Crown Thinning	
	<p>Crown thinning is the removal of a portion of smaller/tertiary branches, usually at the outer crown, to produce a uniform density of foliage around an evenly spaced branch structure. It is usually confined to broad-leaved species. Crown thinning does not alter the overall size or shape of the tree. Material should be removed systematically throughout the tree, should not exceed the stated percentage and not more than 30% overall. Common reasons for crown thinning are to allow more light to pass through the tree, reduce wind resistance, reduce weight (but this does not necessarily reduce leverage on the structure) and is rarely a once-only operation particularly on species that are known to produce large amounts of epicormic growth.</p>
Crown Lift or Crown Raising	
	<p>Crown lifting is the removal of the lowest branches and/or preparing of lower branches for future removal. Good practice dictates crown lifting should not normally include the removal of large branches growing directly from the trunk as this can cause large wounds which can become extensively decayed leading to further long term problems or more short term biomechanical instability. Crown lifting on older, mature trees should be avoided or restricted to secondary branches or shortening of primary branches rather than the whole removal wherever possible. Crown lifting is an effective method of increasing light transmission to areas closer to the tree or to enable access under the crown but should be restricted to less than 15% of the live crown height and leave the crown at least two thirds of the total height of the tree. Crown lifting should be specified with reference to a fixed point, e.g. 'crown lift to give 5.5 m clearance above ground level'.</p>
Crown Reduction	



The reduction in height and/or spread of the crown (the foliage bearing portions) of a tree. Crown reduction may be used to reduce mechanical stress on individual branches or the whole tree, make the tree more suited to its immediate environment or to reduce the effects of shading and light loss, etc. The final result should retain the main framework of the crown, and so a significant proportion of the leaf bearing structure, and leave a similar, although smaller outline, and not necessarily achieve symmetry for its own sake. Crown reduction cuts should be as small as possible and in general not exceed 100mm diameter unless there is an overriding need to do so. Reductions should be specified by actual measurements, where possible, and reflect the finished result, but may also refer to lengths of parts to be removed to aid clarity, e.g. 'crown reduce in height by 2.0 m and lateral spread by 1.0 m, all round, to finished crown dimensions of 18 m in height by 11 m in spread (all measurements approximate.)'. Not all species are suitable for this treatment and crown reduction should not be confused with 'topping', an indiscriminate and harmful treatment.

Illustrations courtesy of European Arboricultural Council.

16.3. Appendix 3: Vale of Glamorgan Standard Tree Preservation Order (TPO) Planning Conditions

1. The work shall be carried out in accordance with accepted rules and practices of good tree surgery to conform to B.S. 3998 - Recommendations for Tree Work.

Reason:

To ensure the work is carried out to an acceptable standard.

2. The work hereby approved shall be carried out by a suitably qualified professional tree surgeon.

Reason:

To ensure the continued health of the tree and therefore, that the visual amenities of the area are protected.

3. The work hereby approved shall be carried out within 12 months of the date of this consent.

Reason:

To ensure the work is completed within a reasonable time limit

4. A replacement tree [might specify species] shall be planted [might specify location] during the next available planting season following felling and shall be properly staked and watered during periods of drought for a period of five years. In the event that the tree becomes diseased or dies another similar sized tree shall be planted in its place.

Reason:

To ensure that the visual amenities of the area are protected.

NOTE:

1. Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense Ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.

16.4. Appendix 4: How to find out if a tree is protected by a Tree Preservation Order.

The Vale of Glamorgan website contains an interactive map at

<http://myvale.valeofglamorgan.gov.uk/myGlamorgan.aspx?MapSource=ValeOfGlamorgan/AllMaps&StartEasting=311570&StartNorthing=167940&StartZoom=250&o=1&Layers=plannhist>

To find out if the tree at a property is protected follow the steps detailed below.

- Locate the address or site you are interested in by typing it into the 'search for a location' bar and clicking 'find'
- Under Map categories to the left of the screen, click the + next to 'Environment and Planning'
- Tick the boxes next to 'conservation area', and 'tree preservation orders' to see if the site includes any protected trees.

If the address or site is within a conservation area, or the tree(s) is covered by a Tree Preservation Order, then you will need to make an application to undertake work to the tree(s).

The 'Application form for tree works' and 'guidance notes' can be found at the following link:

http://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/Planning-Application-Forms.aspx

An advice leaflet on protected trees can be found at the following link:

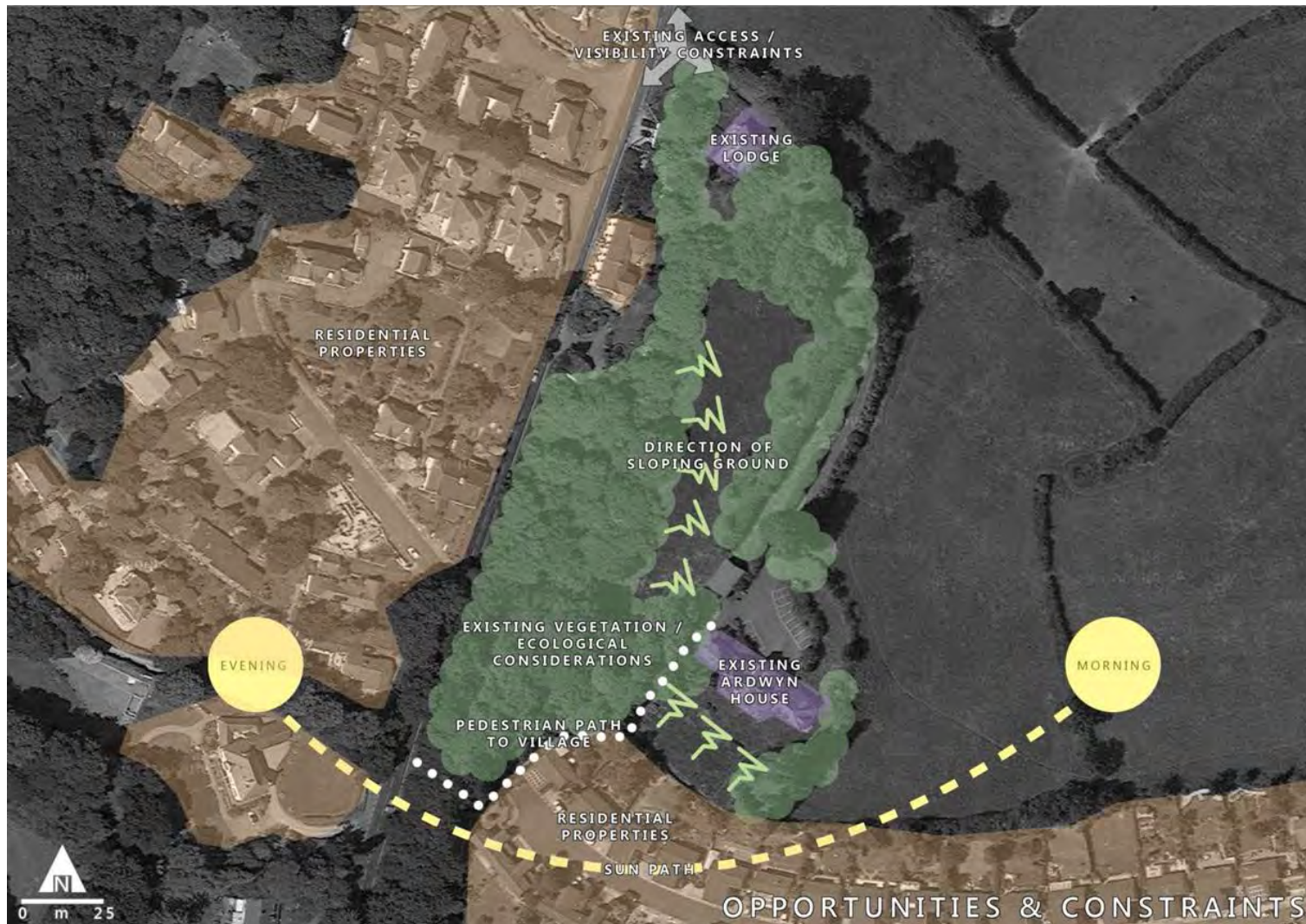
http://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Guidance/Protected_Trees_Guide.pdf

Finding a copy of the TPO

Copies of TPO documents are now available from the Vale of Glamorgan Planning register.

- Go to <http://vogonline.planning-register.co.uk/Plastandard.aspx>
- In the search details in the application number add the TPO reference in the following format – date/five figure number with the required zeroes/TREE:
 - For example for TPO 1995 No 5 - 1995/00005/TREE
 - For example for TPO 2011 No 18 - 2011/00018/TREE
- Click search and then click on the blue application number
- All document are available under the documents tab and the click on the document name to open

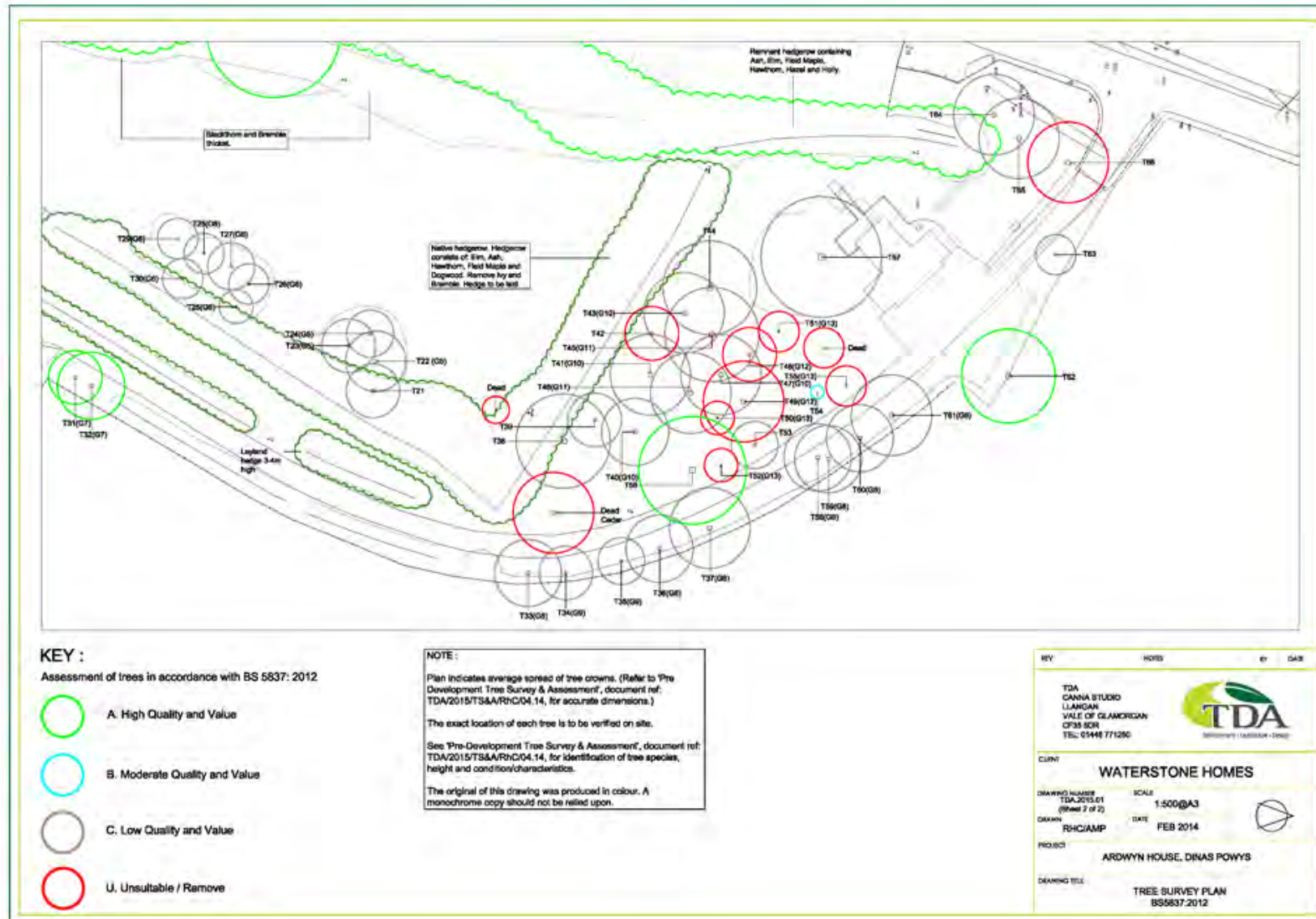
16.5. Appendix 5: Opportunities and Constraints Map for Land at Ardwyn, Pen-y-Turnpike, Dinas Powys (Source: Asbri Planning)

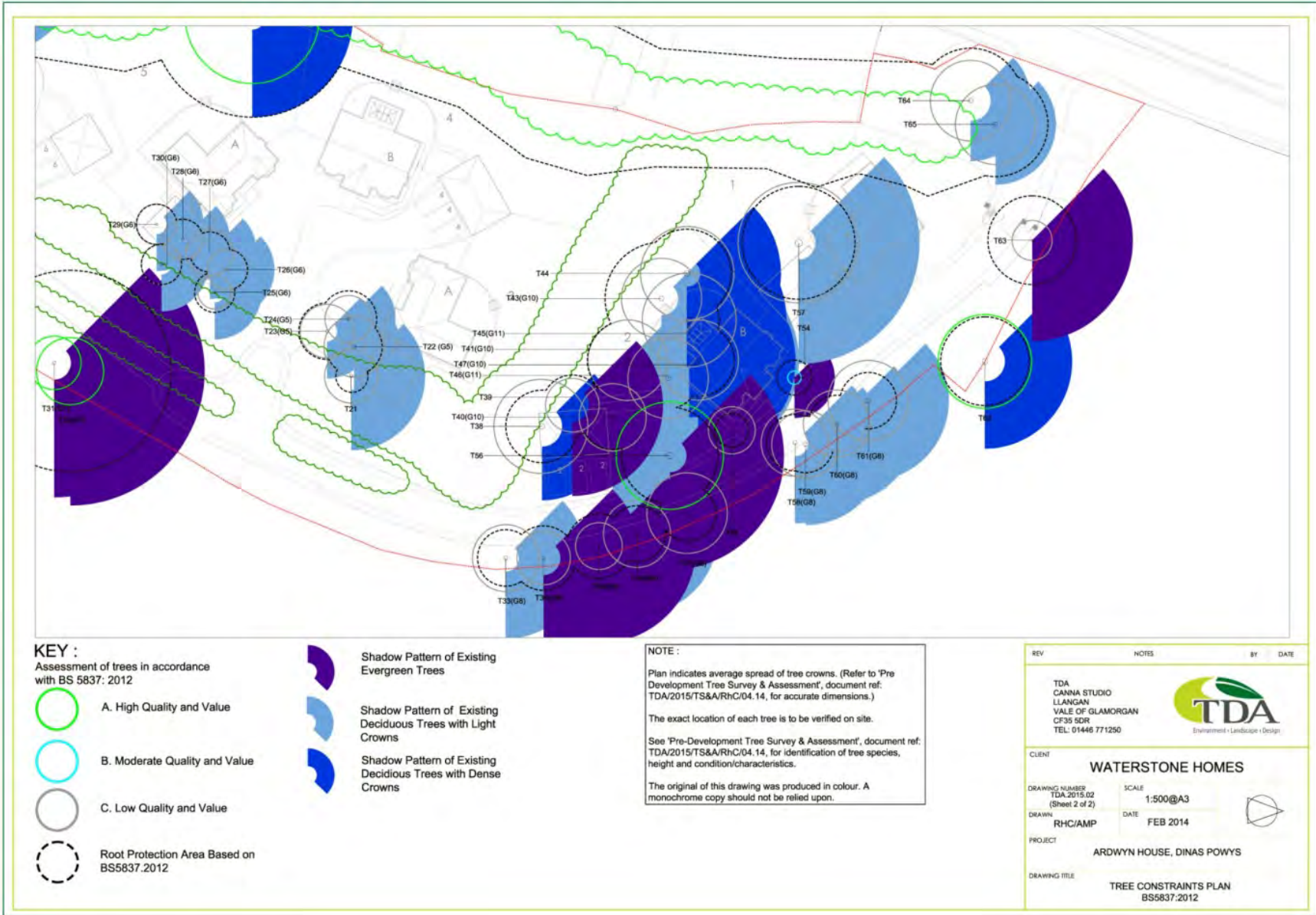


16.6. Appendix 6: Tree Strategy Layout (Source: Asbri Planning)




16.7. Appendix 7: Example of Tree Survey and Tree Constraints Plans (BS5837: 2012 Section 4.4)





KEY :
 Assessment of trees in accordance with BS 5837: 2012

-  A. High Quality and Value
-  B. Moderate Quality and Value
-  C. Low Quality and Value
-  Root Protection Area Based on BS5837.2012

-  Shadow Pattern of Existing Evergreen Trees
-  Shadow Pattern of Existing Deciduous Trees with Light Crowns
-  Shadow Pattern of Existing Deciduous Trees with Dense Crowns

NOTE :

Plan indicates average spread of tree crowns. (Refer to 'Pre Development Tree Survey & Assessment', document ref: TDA/2015/TS&A/RhC/04.14, for accurate dimensions.)

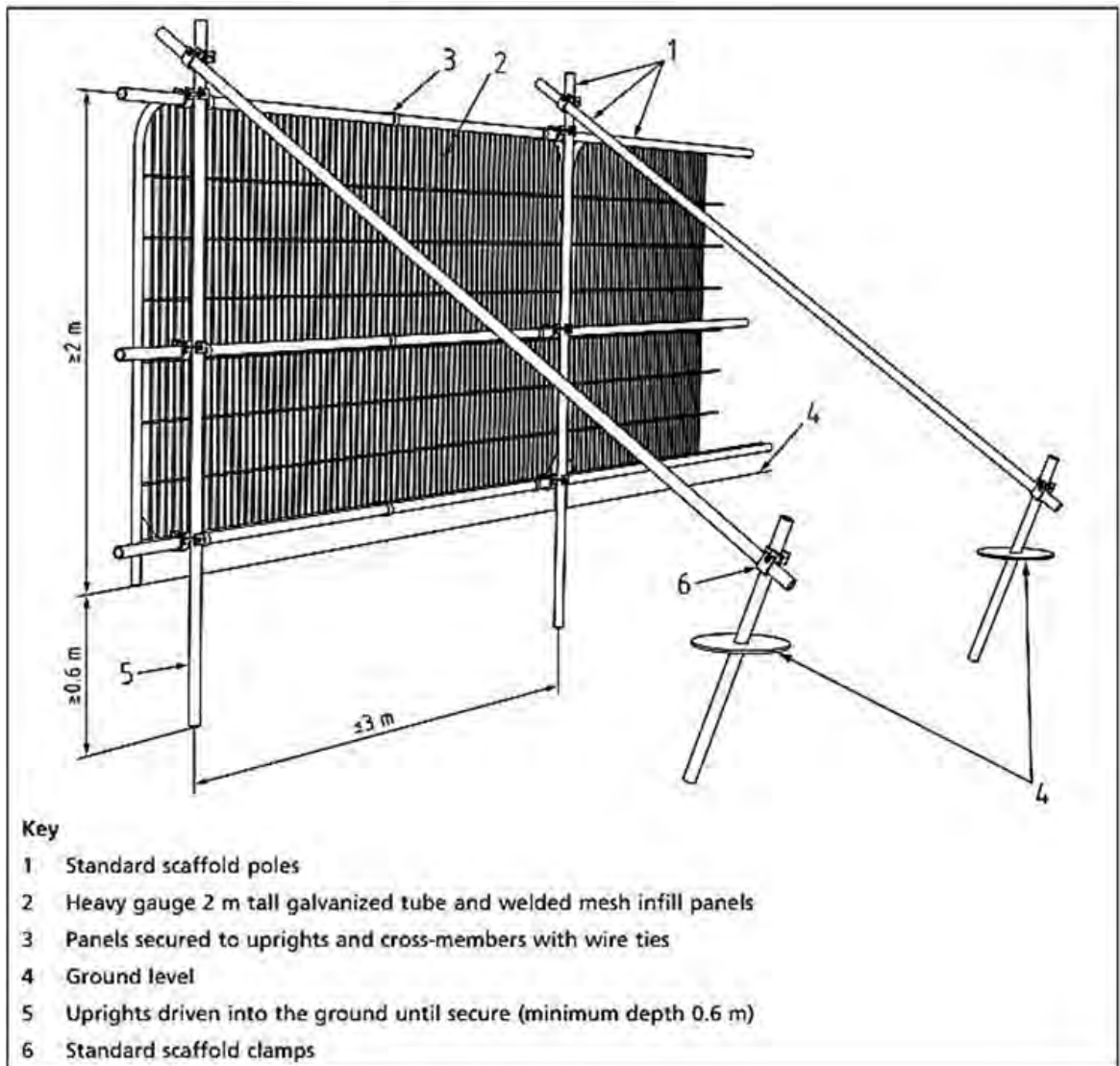
The exact location of each tree is to be verified on site.

See 'Pre-Development Tree Survey & Assessment', document ref: TDA/2015/TS&A/RhC/04.14, for identification of tree species, height and condition/characteristics.

The original of this drawing was produced in colour. A monochrome copy should not be relied upon.

REV	NOTES	BY	DATE
TDA CANNA STUDIO LLANGAN VALE OF GLAMORGAN CF35 5DR TEL: 01446 771250			
			
CLIENT: WATERSTONE HOMES			
DRAWING NUMBER: TDA.2015.02 (Sheet 2 of 2)		SCALE: 1:500@A3	
DRAWN: RHC/AMP		DATE: FEB 2014	
PROJECT: ARDWYN HOUSE, DINAS POWYS			
DRAWING TITLE: TREE CONSTRAINTS PLAN BS5837:2012			

16.8. Appendix 8: Default specification for protective barriers (BS5837: 2012)



16.9. Appendix 9: Qualifying Criteria for Classifying Important Hedgerows

Subject to Regulation 8 (4), hedgerows are important for the purposes of the Hedgerows Regulations (1997) if:

- They have been in existence for 30 years or more, and
- They satisfy at least one of the criteria set out in Part II of Schedule 1 of the Regulations.

The criteria set out in Part II of Schedule 1 of the Hedgerows Regulations (1997) are as follows:

- 1) The hedgerow marks a boundary, or part of a boundary, of a pre-1850 parish or township.
- 2) The hedgerow incorporates an archaeological feature which is included in the schedule of monuments under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 or recorded in a Sites and Monuments Record.
- 3) The hedgerow is situated wholly or partly within an archaeological site included or recorded as mentioned above or on land adjacent to and associated with such a site and is associated with any monument or feature on that site.
- 4) The hedgerow marks the boundary of a pre-1600 estate or manor or is visibly related to any building or feature of such an estate or manor.
- 5) The hedgerow is an integral part of a field system pre-dating the Inclosure Acts or is part of, or visibly related to, any building or feature associated with such a system.
- 6) The hedgerow contains floral or faunal species that are protected under the Wildlife and Countryside Act (1981), categorised as 'endangered,' 'extinct,' 'rare,' or 'vulnerable' in Britain or bird species that are categorised as a declining breed.
- 7) The hedgerow includes one of the following:
 - At least 7 woody species listed in Schedule 3 of the Regulations
 - At least 6 woody species and has at least 3 of the associated features specified below.
 - At least 6 woody species including Black Poplar, Large-leaved Lime, Small-leaved Lime or Wild Service Tree.
 - At least 5 woody species and has at least 4 of the associated features specified below
- 8) The hedgerow is adjacent to a bridleway or footpath, a road used as a public path, or a byway open to all traffic and includes at least 4 woody species and has at least 2 of the features specified below:
 - A bank or wall which supports the hedgerow at least one half of its length
 - Gaps which in aggregate do not exceed 10% of the length of the hedgerow
 - At least an average of one standard tree per 50 metres of hedgerow. A standard tree, in the case of a single stemmed tree, is defined as one with a diameter of at least 20 centimetres measured at a point 1.3 metres above natural ground level, or for a multi-stemmed tree, one with at least two stems whose diameters are at least 15 centimetres measured at a point 1.3 metres above natural ground level.
 - At least 3 ground flora woodland species (listed in Schedule 2 of the Regulations) within 1 metre, in any direction, of the outermost edges of the hedgerow.
 - A ditch along at least one half of the length of the hedgerow.

- Connections scoring four points or more, where a connection with another hedgerow counts as one and where a connection with woodland, in which the majority of the trees are broadleaved, or a pond counts as two.
- A parallel hedgerow within 15 metres of the hedgerow.

16.10. Appendix 10: Hedgerow Removal Notice Application Guidance

Submitting a Hedgerow Removal Notice

In order to gain permission to remove a hedgerow a hedgerow removal notice must be submitted in writing to the Council. The prescribed hedgerow removal notice form is set out in Schedule 4 to the Regulations. Regulation 5 (1) (a) states that the notice does not have to follow this precisely provided it is in a form substantially to the same effect.

Schedule 4 indicates that:-

- Notification must be made in writing;
- The hedgerow in question should be clearly identified, preferably on a large scale (1:2500) plan;
- The applicant must state what reasons there are for removing the hedgerow(s);
- Evidence must be provided to back up any claim that a hedgerow has existed for less than 30 years and so not important, according to the definition in regulation 4 (a); and
- The status of the applicant must be made clear.

Hedgerow removal notices should be sent to the LPA in whose area the hedgerow is situated. If the hedgerow crosses the boundary of two LPA areas, the notice should go to the authority in which the greater part of the hedgerow is situated. Where the centre of the hedgerow marks the boundary of two LPAs, the Authorities will wish to consider making arrangements under section 101 of the Local Government Act 1972 for the discharge of their functions under the Regulations either jointly or by one of them.

Once the Council has received the fully completed hedgerow removal notice it has 42 days to make a decision as to whether or not the hedgerow is important and should be retained. If the applicant does not get a decision from the Council after the 42 day period has passed, the applicant may remove the hedgerow, unless a longer timescale than 42 days has been agreed.

The Council's Consideration of a Hedgerow Removal Notice

On receipt of the notice, the Council shall check to ensure that the information required by Schedule 4 to the Regulations is contained in the notice. If not, the prescribed 42 day period will not start until the relevant information is supplied to the council by the applicant.

Under regulation 5 (3), the Council is required to consult the relevant community council on the hedgerow removal notices, and the Council may visit the site to survey the hedgerow, as part of the evaluation to establish whether it is an important hedgerow according to the criteria in Schedule 1 to the Regulations.

The Council shall then respond to a proposal by either:

- Issuing a written notice stating that the hedgerow may be removed under regulation 5 (1) (b) (i). If a hedgerow is not important, according to the definition in regulation 4, the LPA may not prevent its removal.
- Issuing a hedgerow retention notice under regulation 5 (2). In the case of a removal notice which covers more than one hedgerow, the hedgerow retention notice must specify the work which may not be carried out.

Hedgerow Retention Notices

Under regulation 5 (5) (a), the Council may not issue a hedgerow retention notice in respect of a hedgerow which is not important, unless having regard in particular to the reasons given for the proposal, there are circumstances which justify its removal.

If the Council consider that the hedgerow merits retention, the Council shall send within the 42 day period (or longer if agreed) a retention notice, the hedgerow retention notice is not time limited. They last until such time as:

- The hedgerow retention notice is withdrawn, under regulation 5 (8).
- The hedgerow retention notice is quashed, under regulation 9 (3) (b) as a result of a successful appeal.
- A fresh removal notice is submitted, in response to which a retention notice is not issued.

The retention notice must, under regulation 5 (7), specify each of the criteria defining important hedgerows, set out in Schedule 1 to the Regulations, which apply to the hedgerow. In addition, the authority is advised to include in their decision notice:

- A statement that the Council has taken into account the reasons for the hedgerow removal put forward by the applicant but is not satisfied that there are circumstances which justify the hedgerow's removal;
- An explanation of the applicant's right of appeal to the Secretary of State. Information should be provided on how, where and within what period an appeal can be made. It should be made clear that a hedgerow retention notice stands while any appeal is being considered; and
- Details of where advice on hedgerow management, and availability of grants, may be obtained.

16.11. Appendix 11: Glossary of Terms

Ancient Woodland	Ancient woodlands in Britain are those which have been continuously wooded for a minimum of three to four hundred years, (although not necessarily with the same type of tree cover). They are frequently very diverse and will often also contain rare or unusual species. Commonly divided into Ancient Semi-natural Woodland and Ancient Replanted Woodland.
Ancient Semi-natural Woodland (ASNW)	Woodland of natural origin, rather than artificially planted, probably managed over the centuries by coppicing and may even have been clear-felled at certain times.
Ancient Replanted Woodland	Continuously wooded areas that have had the original tree cover replaced with newer plantings, usually within the last century and often with conifers. While woodlands of this type may have suffered a much greater level of disturbance than ASNW, they will still retain many of the plant species characteristic of ancient woodlands, even if only dormant in the seed bank in the soil.
Crown/Canopy	The main foliage bearing section of the tree, these terms are interchangeable.
Crown lifting	The removal of limbs and small branches to a specified height above ground level (see Appendix 2).
Crown thinning	The removal of a proportion of secondary branch growth throughout the crown to produce an even density of foliage around a well-balanced branch structure (see Appendix 2).
Crown reduction/shaping	A specified reduction in crown size whilst preserving, as far as possible, the natural tree shape – often referred to in percentage terms e.g. 30% crown reduction.
Crown reduction/thinning	Reduction of the canopy volume by thinning to remove dominant branches whilst preserving, as far as possible the natural tree shape.
Crown Spread	Crown spread is a measure of the footprint or plan area of the crown of the tree

	expressed as a diameter.
Deadwood	Non-living branches or stems resulting from natural ageing or external influences. Deadwood seldom represents a threat to the health of the tree and provides essential habitat and its management should aim to leave as much as deadwood as possible, shortening or removing only those areas that pose a risk. The removal of deadwood can result in the ingress of decay to otherwise sound tissues and climbing operations to access deadwood can cause significant damage to a tree.
Defect	In relation to tree hazards, any feature of a tree which detracts from the uniform distribution of mechanical stress, or which makes the tree mechanically unsuited to its environment.
Dieback	Tips of branches exhibit no signs of life due to age or external influences. Decline may progress, stabilise or reverse as the tree adapts to its new situation.
DBH (Diameter at Breast Height)	Stem diameter measured at a height of 1.5 metres (UK) or the nearest measurable point. Where measurement at a height of 1.5 metres is not possible, another height may be specified.
Epicormic growth	New growth arising from dormant or new buds directly from main branches/stems or trunks.
Felling licence	In the UK, a permit to fell trees in excess of a stipulated number of stems or volume of timber.
Formative pruning	Minor pruning during the early years of a tree's growth to establish the desired form and/or to correct defects or weaknesses that may affect structure in later life.
Lopping	A term often used to describe the removal of large branches from a tree, but also used to describe other forms of cutting.
Mature	Last vestiges of its life

Minor deadwood	Removal of branches of a diameter less than 25mm and or unlikely to cause significant harm or damage upon impact with a target beneath the tree.
Native	A tree inherent and original to a geographic area.
Pollarding	The removal/reduction of the tree canopy, back to the stem or primary branches. Pollarding may involve the removal of the entire canopy in one operation, or may be phased over several years. The period of safe retention of trees having been pollarded varies with species and individual specimens. It is usually necessary to repollard on a regular basis, annually in the case of some species.
Primary branch	A major branch, generally having a basal diameter greater than 0.25 x stem diameter
Primary root zone	The soil volume most likely to contain roots that are critical to the health and stability of the tree and normally defined by reference to BS5837 (2005) Trees in Relation to Construction Recommendations.
Removal of dead wood	Unless otherwise specified, this refers to the removal of all accessible dead, dying and diseased branch wood and broken snags.
Removal of major dead wood	The removal of, dead, dying and diseased branch wood above a specified size.
Root protection area (RPA)	An area of ground surrounding a tree that contains sufficient rooting volume to ensure the tree's survival. Calculated with reference to BS5837 (2005).
Root zone	Area of soils containing absorptive roots of the tree/s described. The Primary root zone is that which is considered of primary importance to the physiological well-being of the tree.
Sapling	A young tree implied to be self-sown, often referring to young trees well established in a

	woodland or forest.
Semi Mature	A specification for nursery stock, minimum girth of the main stem 20cm measured 1m above the ground (diameter about 6cm) and height 5.0m.
Stem/s	The main supporting structure/s, from ground level up to the first major division into branches.
Tree in a Conservation Area (TCA)	Section 211 of the Town and Country Planning Act 1990 affords trees within Conservation Areas protection against removal or harm.
Tree Preservation Order (TPO)	A local authority has the power to make a Tree Preservation Order under Section 198 of the Town and Country Planning Act 1990. A TPO makes it a criminal offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree protected by that order, or to cause or permit such actions, without the authority's permission.



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