

Landscaping Design – Further Information

1. Planning Obligations and Formal Agreements

Local authorities have a duty under Section 197 of the 1990 Planning Act to ensure the preservation or planting of new trees wherever appropriate when granting planning permission.

Section 278 Agreements of the Highways Act 1980 are agreements between the Highway Authority and the developer which describe the modifications to the existing highway network that are required, with the public interest in mind, to accommodate the new development. Compensation for tree losses and monies for tree planting can form part of this agreement.

Section 106 Agreements of the Town and Country Planning Act 1990 are enforceable planning obligations which may require financial contributions to help mitigate a development's local impact. Tree planting or post planting care finances can form part of these agreements.

The Community Infrastructure Levy (CIL) is a planning charge which allows a local highway authority to fund infrastructure projects by charging on new development in their area. Money raised will be put towards the cost of implementing flood defences, transport, educational, medical, sports or recreational facilities. Most new development which creates net additional floor spaces of 100 square metres or more, or creates a new development, is liable for the levy although some developments may be eligible for relief or exemption from CIL.

The Highway Authority has powers under the Highways Act 1980 Section 64 and 96 to plant and maintain trees, shrubs and other vegetation within the verge for amenity value or in the interests of safety. Individual parts of the highway, such as roundabouts, can be enhanced through planting (within the constraints of sight lines) to both improve landscape quality and, sometimes, safety.

Section 141 of the Highways Act 1980 may be used by the Highway Authority to restrict the planting of trees, shrubs or other vegetation in or near the carriageway. The landowner can apply for a licence to plant and maintain trees as part of a planning application. However, any proposed planting within the highway is *prima facie*, an obstruction, and may need to be removed by the Highway Authority.

2. Relevant British Standards

British Standard BS5837 Trees in relation to design, demolition and construction (BS 5837 2012). Table A1 set out the minimum distance between young trees or new planting and structure to avoid direct damage to a structure from future tree growth.

Type of structure	Minimum distance between young trees or new planting and structure, in metres (m)		
	Stem dia. <300 mm ^{A)}	Stem dia. 300 mm to 600 mm ^{A)}	Stem dia. >600 mm ^{A)}
Buildings and heavily loaded structures	—	0.5	1.2
Lightly loaded structures such as garages, porches etc.	—	0.7	1.5
Services			
<1 m deep	0.5	1.5	3.0
>1 m deep	—	1.0	2.0
Masonry boundary walls	—	1.0	2.0
In-situ concrete paths and drives	0.5	1.0	2.5
Paths and drives with flexible surfaces or paving slabs	0.7	1.5	3.0

^{A)} Diameter of stem at 1.5 m above ground level at maturity

Table A.1 – Minimum distance between young or new planting and structure to avoid direct damage to a structure from future tree growth (BS 8545:2014)

British Standard BS 8545: 2014 'Trees: from nursery to independence in the landscape' is a key technical document which provides recommendations for all stages of the tree planting process, covering planning, design, production, handling, planting and management. All tree planting proposals should conform to the relevant sections of this British Standard.

3. Arboricultural Method Statements

Where planning permission or other statutory controls apply, details might need to be submitted in draft form or heads of terms to allow for changes to the design that might occur after permission has been granted. In these cases, it will be necessary for the project arboriculturist to set out a series of parameters for construction activity (e.g., where service routes and/or construction activity should not occur), based on the Root Protection Area (RPA) and the physiological needs of the tree, to which the finalized specifications and statements will apply.

A precautionary approach towards tree protection should be adopted and any operations, including access, proposed within the RPA (or crown spread where this is greater) should be described within an arboricultural method statement, to demonstrate that the operations can be undertaken with minimal risk of adverse impact on trees to be retained.

The arboricultural method statement should be appropriate to the proposals and might typically address some or all the following, incorporating relevant information from other specialists as required:

- a) removal of existing structures and hard surfacing
- b) installation of temporary ground protection
- c) excavations and the requirement for specialized trenchless techniques
- d) installation of new hard surfacing – materials, design constraints and implications for levels
- e) specialist foundations – installation techniques and effect on finished floor levels and overall height
- f) retaining structures to facilitate changes in ground levels
- g) preparatory works for new landscaping
- h) auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

The arboricultural method statement should also include a list of contact details for the relevant parties.

- A full tree survey that conforms to the requirements of BS 5837:2012, and any associated documents/advice that have been prepared as part of the planning application process.
- Details of any existing trees planned for retention within land that is proposed for highway adoption and any trees proposed for retention on adjacent land where they are within falling distance of land proposed for highway adoption.
- Drawings showing all areas proposed for highway adoption e.g., Section 38 and/or Section 278 drawings.
- The hydrology of the site.
- Existing soil type and pH.
- Tree planting proposals including:
 - a) Proposed planting positions.
 - b) Proposed species.
 - c) Planting stock specifications (including size and root preparation as a minimum but also provenance and any other related detail).
 - d) Tree pit design, dimensions, details, inclusion of any root deflector products and soil specifications, etc.
 - e) Planting methodology.
 - f) Tree support methods, irrigation system, guards, etc.

Aftercare plans.

- The calculation of the commuted sum value (per unit) required to cover future management and maintenance costs. (A commuted sum will normally be required for the future management and maintenance of all highway assets regardless of whether or not they have been subjected to the formal technical approval process or case officer assessment).
- Plans at a suitable scale indicating north point, tree survey information, retention, categorisation and root protection areas.
- An Arboricultural Implications Assessment of development detailing trees to be retained or removed together with appropriate protection measures.
- The Arboricultural Method Statement is to be approved by WCC prior to work commencing and must be undertaken by a qualified Arboriculturist.

Following the granting of technical approval WCC arboricultural officers will also need to give formal approval as part of the final adoption stage. The key points checked at that stage include:

- That the locations of tree pits, tree species, planting stock size, supports and guards etc., are in accordance with the technical approval.
- That the aftercare plans have been followed and that stakes and guides, guy ropes, tree guards, ties, irrigation systems etc. are not in need of adjustment, replacement or removal.
- Checking the condition of new and existing trees, both vitality and structural condition.
- Checking for any evidence of damage that may have occurred to the trees or their rooting environment.
- Checking the proximity of trees to the 'as built' visibility splays, street furniture and over ground / underground services.
- Checking for root disturbance to pavements or other nearby hard surfacing.
- If any maintenance, change, replacement or remediation is required this will be taken up with the developer and rectified at their cost.