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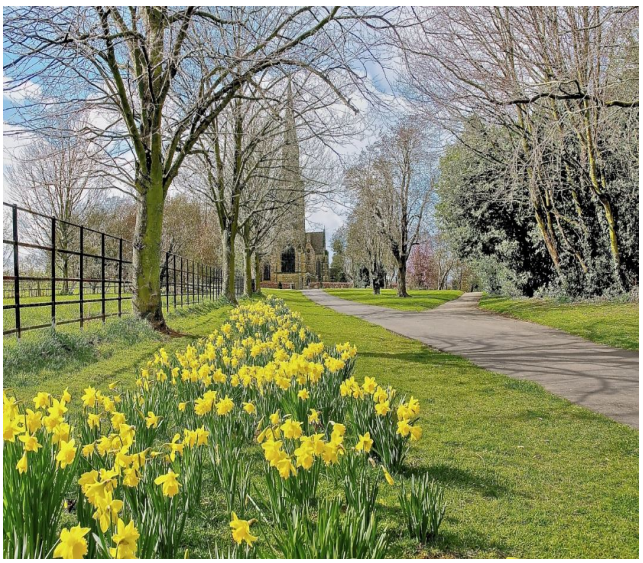
Rotherham local plan

Trees
Supplementary Planning Document



July 2022

www.rotherham.gov.uk

Rotherham Metropolitan Borough Council

Chapters

Appendices

Introduction

Background and purpose

1 Trees of all kinds are a material consideration in the UK planning system; therefore, this Supplementary Planning Document (SPD) is designed to support developers when considering the trees within their development proposals and also for providing guidance for tree owners who manage trees protected under Tree Preservation Order (TPO) legislation.

2 For trees in relation to development applications, the document aims to assist developers in fully considering and justifying development proposals with regard to trees; and promotes best practice for incorporating existing and new trees within development proposals. The document provides additional guidance in respect of existing policies within RMBC's adopted Local Plan: Core Strategy and Sites and Policies Document and will be used as part of its assessment of all planning applications. It will also be key to helping Rotherham Metropolitan Borough Council (RMBC) to meet national goals of protecting existing tree landscapes and growing new sustainable trees and woodlands to increase our national tree resource.

3 For trees subject of Tree Preservation Order (TPO) legislation, the document aims to provide tree owners with a no jargon pre-application guide to managing protected trees.

4 The guidance provides general advice to support the protection and improvement of the borough's tree stock and their growing environment. It will help applicants to prepare and submit proposals that are mindful of the needs of trees and the many benefits they provide to a local area; and support the delivery of relevant objectives and policies. Site specific and detailed advice can be obtained on request within the planning process through the paid pre-application procedure.

5 The information in this SPD is collated from a range of design guides, British Standard guides, and industry best practice advice. Links are provided for further details on much of this content in Appendix 1. The information covers the planning application process and detailed development design. The information can be used by developers, agents or consultants throughout the planning process and can apply to single dwellings or larger developments.

6 This guidance is structured as follows:

- **Opening section** Focuses on national legislation, national and local planning policies, and guidance in relation to trees and development.
- **Part 1: Existing Trees - Design Stage** Focuses on assessing existing trees, designing a development scheme, and incorporating trees within the scheme.
- **Part 2: New Tree Planting** Focuses on tree planting and successfully incorporating new trees into developments.
- **Part 3: Information Required to Enable Development** Focuses on protecting existing trees through the development process.
- **Part 4: Tree Preservation Regulations** Focuses on guidance for trees protected by Conservation Areas and Tree Preservation Orders [TPO].

Status

7 This SPD has been prepared in line with national and locally adopted planning policy and relevant legislation and regulations. The National Planning Policy Framework (NPPF) identifies that SPDs add further detail and guidance to the policies in the development plan. They are capable of being a material consideration in planning decisions.

8 As required by The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) consultation on a draft of this SPD took place between xx and xx. The accompanying Consultation Statement sets out further detail on this consultation, including who was consulted, a summary of the main issues raised and how these have been addressed in the SPD. It also contains an adoption statement, confirming that this SPD was adopted by Rotherham Council on xxxxx.

Legislative and Policy Background

National Planning Policy

9 The National Planning Policy Framework (NPPF) states that the purpose of planning is to contribute to the achievement of sustainable development – making economic, environmental, and social progress for this and future generations. The natural environment and trees are an essential element of sustainable development and design.

10 In July 2021, an updated NPPF was adopted. This document provides fresh emphasis on numerous areas of the previous version's wording and the following updates that affect trees in relation to planning policy:

> *8. c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
>
> *11 a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects*
>
> *98. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.*
>
> *110. c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code.*
>
> *128. To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety*
>
> *131. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to*

ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

161. c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management)...

11 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

a). protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;

b). recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

d). minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e). preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability;

f). remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

12 Paragraph 180 c) states that 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'.

13 Natural England, in association with the Forestry Commission, provides standing advice for ancient woodlands and ancient and veteran trees which is a material planning consideration. the guidance also sets out when Natural England should be consulted on planing applications.

14 In 2021 the Government published the England Trees Action Plan2021-2024, which provided guidance and targets about how trees and woodland in England should be managed. The following aims relating to trees in the planning process was also set out in the guidance:

1.27. Propose new guidance through the National Model Design Code on how trees can be included in the built environment, including design parameters for the placement of street trees;

1.28. Propose changes to the National Planning Policy Framework, to make clear the expectation that trees, such as community orchards, should be incorporated in new developments and that streets should be tree lined.

3.12. Introduce a new category of 'Long Established Woodland': woodlands that have been in situ since 1840, alongside ancient woodland. We will consult on the protections these woodlands are afforded in the planning system, recognising their high ecological and societal value;

3.13. Update the ancient woodland inventory to cover the whole of England. This will include mapping smaller ancient woodland sites of 0.25 hectares;

3.16. Ensure future planning reforms will lead to more trees being planted and ensure strong protections for existing trees;

3.17. Work with engineers, developers and arboriculturists to get more trees on streets and in developments, including by revising the Manual for Streets and potentially amending National House Building Council guidance on foundations.

5.8. Build the evidence base to protect ancient woodlands, undertaking research into the interaction between ancient woodland and new development to inform proposals by developers and decisions by planners.

15 Released in May 2021, the England Trees Action Plan also discusses trees in the following contexts:

- To see trees as part of bio-diversity net gain.
- To see all new streets to be tree lined and free from interference with other infrastructure. To see trees as assets on a development site, rather than burdens.
- Use of development contributions to fund the planning, planting and future management of new trees.
- Tree planting that supports biodiversity and future climate pressures.

16 The Environment Act was introduced in 2021. The Government has set out tree related targets, including the protection and enhancement of existing trees and woodlands as well as increased tree planting targets.

17 Alongside these targets the Environment Act also introduces the requirement of Biodiversity Net Gain (BNG) to the planning system. BNG will have the effect of increasing the protection and enhancement of nature and habitats through the planning process. The Local Government Association website provides guidance on BNG and the Environment Act.

18 The Act sets out the following key components to mandatory BNG:

- Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan
- Habitat secured for at least 30 years via obligations/ conservation covenant
- Habitat can be delivered on-site, off-site or via statutory biodiversity credits
- There will be a national register for net gain delivery sites
- The mitigation hierarchy still applies of avoidance, mitigation, and compensation for biodiversity loss
- Will also apply to Nationally Significant Infrastructure Projects (NSIPs)

- Does not apply to marine development
- Does not change existing legal environmental and wildlife protections

This SPD supports the principles of BNG, protecting nature and habitats, but it is not its focus. This SPD is directed towards protecting and, where necessary, replacing the existing tree population affected by a development site. RMBC has produced a separate SPD detailing the council's requirements for BNG.

19 In July 2021 a new National Model Design Code was published, with a clear, strong desire for the retention of existing trees and the planting of new trees on development sites. There is a particularly strong focus on increased tree cover in streets and the public realm. The following are main stand-out guidance on trees in development:

> *Guidance Notes Paragraph 85. Natural assets such as ancient woodlands, designated sites, mature trees, and protected species should be protected and enhanced in the design of the schemes. Priority habitats and priority species should also be considered within the design process.*
>
> *Page 25. Integrating Habitats: Biodiversity can be enhanced through facilitating habitats and routes for wildlife, for example, incorporating trees, wildflowers, ponds, bat boxes, bee bricks and hedgehog highways.*
>
> *Guidance Notes Paragraph 89. Street trees and other landscape features in streetscapes provide habitat, shading, cooling, air quality improvements and carbon sequestration, as well as being a vital component of attractive places. It is the government's intention that all new streets include trees, and the Urban Tree Challenge Fund is planting 130,000 urban trees across England.*
>
> *Guidance Notes Page 26 Trees and hedgerows: These should be incorporated into public realm and other open spaces as well as private development where appropriate.*
>
> *Page 27 Services: Coordinating tree planting with utilities providers and service ducts early in the lifetime of a scheme can ensure that trees do not interfere with underground services.*

20 Trees can play a key role in meeting the above requirements and are to be considered as a strategic design element.

Local planning policy

21 A core planning principle of the NPPF (Paragraph 114) is to 'set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure'.

22 Rotherham's Local Plan consists of the Core Strategy (adopted in September 2014) and the Sites and Policies Document (adopted in June 2018). These are available from our website: https://www.rotherham.gov.uk/localplan

23 Rotherham's Local Plan contains strategic objectives and policies that relate specifically to the conservation of its Green Infrastructure; these are supported by development management policies that set out expectations for the conservation and enhancement of Green Infrastructure within the planning system. Trees are an important part of the borough's Green Infrastructure. This guidance provides additional detail to, and should be read in conjunction with, the following policies:

Table 1 Local Plan Policies

Policy	Description
CS19 Green Infrastructure	Establishes trees as part of borough's Green Infrastructure. Sets out considerations for planning proposals to support Rotherham's Green Infrastructure network, including that a net gain is to be realised through measures including protection and enhancement of existing assets and where this cannot be achieved on site through developer contributions.
CS20 Biodiversity and Geodiversity	Establishes that trees play an important role in and towards supporting and enhancing biodiversity. Establishes that development must prevent harm, and conserve and enhance the natural environment. Where this cannot be achieved on site compensation measures will be sought
CS21 Landscape	Establishes that new development will be required to safeguard and enhance the quality, character, distinctiveness, and amenity value of the borough's landscapes.
CS22 Green Spaces	Establishes that trees play a role in many of the Council's green spaces and that they need to be protected and improved. Also, that green spaces should not be sacrificed for developments.
SP32 Green Infrastructure and Landscape	Developers to consider existing Green Infrastructure, how to enhance and link to wider networks. Where negative impacts occur proposals for mitigation must be made on or offsite.
SP33 Conserving and Enhancing the Natural Environment	Development should conserve and enhance existing, and create new, features of biodiversity and geodiversity value.
SP41 Conservation Areas	Development proposals should conserve and enhance conservation area features, which include trees. The features that contribute to the special character of a conservation area will be safeguarded.

24 This guidance can also be used to support policies:

- CS 25 Dealing with Flood Risk
- CS 27 Community Health and Safety
- CS 28 Sustainable Design
- SP 13 Gypsy and Traveller Sites
- SP 55 Design Principles

25 Rotherham Council also follows the design principles set out in the South Yorkshire Residential Design Guide (2011). However, given the age of the document we also recommend it is read in conjunction with the design documents produced by the Trees and Design Action Group (TDAG),and Homes England's Streets for a Healthy Life.

26 With regards to trees, the design guide sets out the following guiding principles:

- Carrying out an appraisal of existing green infrastructure, which includes trees and how best to integrate them into the final scheme.
- Provision of British Standard 5837 surveys for existing trees.
- Using trees and other natural features to provide a strong sense of local identity.
- The use of trees to provide multiple benefits to a completed scheme, such as microclimate and air quality management, wind breaks, community woodlands and orchards, speed management on roads, provision of green corridors and habitat, define boundaries and space.
- The principle of commuted sums for trees passing into local authority management
- Confirming how trees on the development will be managed into the future.
- Carrying out a full design appraisal of trees, their needs, and their impact on the development.

Emerging Legislation and National Guidance

27 Recent documents on the Government's position and emerging and proposed legislation regarding trees and nature conservation are detailed below.

28 HM Government: A Green Future: Our 25-Year-Old Plan to Improve the Environment, was published in 2018 and sets out the Government's commitment to improving the natural environment over the next 25 years. The term 'development' is mentioned 90 times in the document and is clearly crucial to delivering on the Governments targets. Trees are integral to much of this document's aspirations, such as planting 11 million woodland trees and 1 million urban trees

Part 1: Existing Trees - Design Stage

29 Due to the many positive benefits that trees can provide to a development RMBC encourages consideration of existing trees and hedgerows at the earliest possible design stage to allow successful integration in any proposed development. To positively integrate trees into a development, it is crucial to provide enough space in the design for trees to mature.

30 Development can lead to both direct and indirect impacts on existing trees. The direct impacts include air, water, light, or noise pollution or vibration; damage to trees or their soils or fungi; and root damage. Impacts on nearby habitats can also have indirect impacts on trees through reduction of woodland species.

31 Just some of the benefits provided by trees to developers that are detailed in the Trees and Design Action Group's (TDAG) publications, Trees in the Townscape (2012) & Trees in Hard Landscapes: A guide for Delivery (2014), and they are:

- Trees can provide an uplift in value for developers as they contribute to placemaking,
- Studies show that the presence of trees can increase land and property values,
- Incorporation of trees into residential developments increases the sales rate, enabling developments to be built out faster,
- The presence of trees encourages increased retail spending,
- Trees contribute the creation of a quality space,
- Trees influence both the physical and mental health of local communities.
- Reduced stress and mental health conditions
- The benefits of tree cover increase with age; therefore, the retention of existing trees should be prioritised.
- Increased active travel due to more attractive streets and parks.
- Patient recovery
- Nature conservation and habitat connectivity
- Traffic calming
- Carefully positioned trees can improve sightlines and help to slow down cars. Within urban settings they can be used as an alternative to bollards and speed bumps
- Trees can contribute to reducing storm water run-off
- Air pollution control
- Trees can influence ambient temperatures around buildings by providing shading from the sun and shelter from dominant winds and this can reduce energy usage for both heating and cooling.
- Trees and shrubs help to mask noise through the rustling of leaves, the movement of branches in the wind
- Trees form an important part of the response to the Climate Emergency, both reducing carbon emissions and mitigating the effects of past emissions.

32 Trees form an important part of the response to the Climate Emergency, both reducing carbon emissions and mitigating the effects of past emissions.

33 The presence of trees encourages increased retail spending and increased active travel, as routes featuring trees are perceived as shorter. Studies show that the presence of trees can increase land and property values, and developers have indicated that incorporation of trees into residential developments increases the sales rate, enabling the development to be built out faster. The benefits of tree cover increase with age; therefore, the retention of existing trees should be prioritised.

34 Trees and their retention should always be a driving factor in influencing the layout of the development site. It is therefore desirable for engagement with the Council at the earliest opportunity through our pre-application process to see how development may affect trees and to identify mitigation and compensation measures where necessary. However, any proposals for the site should not be fully developed at this stage.

35 The Council promotes the recommendations outlined in the latest version of British Standard: 5837 'Trees in Relation to Design, Demolition and Construction – Recommendations' (hereafter referred to as BS5837). This document gives recommendations and guidance in achieving an acceptable connection of new built structures with trees, shrubs, and hedgerows.

36 BS5837 references a number of plans and documents relating to the assessment of trees and their ability to be integrated into a development. Some or all of which may be required to be submitted in support of planning applications.

37 Appendix 2 of this document reproduces the British Standard flowchart (Figure 1 The Design and Construction Process and Tree Care) in relation to the stages of the design process and construction and identifies the step-by-step process of integrating trees successfully into a development. The flowchart also describes when certain and specified documents will be required. It is strongly recommended that developments involving trees follow this iterative process to demonstrate that trees and their retention and inclusion has been fully considered from the genesis of the scheme.

38 The following surveys and reports are required when applying for pre-application advice for all sites that contain trees or are within falling distance or 15m (whichever is greater) of the site boundary:

- Tree Survey
- Tree Retention/Removal Plan (draft)

39 The following surveys and reports are required to support an application for all sites that contain trees or are within falling distance or 15m (whichever is greater) of the site boundary. Planning applications may not be validated if the following documents are not submitted:

- Tree Survey and Arboricultural Impact Assessment (AIA)*
- Tree Protection Plan*
- Arboricultural Method Statement (draft)
- Topographical survey (required for significant level changes)
- New Landscaping Plan*

* = mandatory unless agreed otherwise in writing by LA

40 Dependent on the complexity of a development it may be that further information is required to fully assess the impact on trees. For these documents we direct you to Table B1 of BS5837.

41 Trees provide habitats for many species, including bats, birds, insects, and invertebrates, they can also support lichen, mosses, and fungi, some of which are protected by legislation and are a material consideration in the planning process.

42 Sites with trees that exhibit bat roost potential 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. The presence of roosting bats does not necessarily preclude tree works from taking place. However, a mitigation scheme and a European Protected Species licence from Natural England is required before any tree works can commence.

43 By far the most habitat rich trees are those described as veteran or ancient. The types of tree features which are commonly associated with veteran or ancient trees are cracks in limbs, large cavities or hollowing of the main stem, major deadwood, and an association with epiphyte species. For further information on identifying ancient and veteran trees we recommend the guidance produced by the Ancient Tree Forum, particularly Ancient Tree Guide no.4: What are ancient, veteran and other trees of special interest

44 Ancient and veteran trees are classed as irreplaceable habitats and Paragraph 180 (c) of the NPPF (2021) states:

> *c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*

45 Sites with trees identified as ancient or veteran should give extra design consideration to reflect the arboricultural, ecological and cultural significance of these trees.

Tree Categorisation: Identifying trees suitable for retention and removal

46 The Council's planning service requires each application to meet the specific validation requirements for each type of planning application. In relation to tree retention or removal, validation requires that they should be clearly shown on the plans submitted with a planning application. Failure to do so will result in the planning application not being validated. The more detailed and comprehensive the supporting information is, the lower the likelihood of delays to the consideration of an application.

47 All trees should be assessed for their suitability for retention and then categorised in accordance with BS5837. 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.

48 Trees which are protected by a Tree Preservation Order (TPO) or classified within retention category A or B in a BS5837 survey shall be retained on the site. If it is proposed that one of these trees is to be removed, then the Council will request the applicant to alter the site design or demonstrate how the removal is essential and propose mitigation measures. The Council

anticipates that any category C trees on site may be removed and their collective value mitigated through re-planting on or off site in accordance with the Local Plan – Core Strategy Policy CS19 refers. This Supplementary Planning Document introduces the Rotherham Tree Replacement Standard (Page 11) to enable satisfactory application of and ensure compliance with, adopted Local Plan policies. Each site will be considered on its individual merits, giving consideration to the surrounding landscape and existing tree canopy cover.

Tree Survey and Tree Schedule

49 A tree survey must be submitted alongside a planning application and should be in accordance with the guidance in BS5837, section 4.4. It is highly recommended that the survey is undertaken by a qualified arboriculturist. The results of the tree survey should be used to inform feasibility studies and design options.

50 The tree survey should be presented as a tree survey plan alongside the accompanying schedule. Please ensure that for clarity the tree survey plan includes the following:

- The position of all trees accurately plotted and numbered
- The crown of each tree correctly plotted at the four cardinal points
- The extent of the root protection area of each tree (taking account of site features that may alter its location)
- The BS5837 retention category
- The plan to be of a standard and workable scale (e.g., 1:200 scale)

Topographical Survey

51 In addition to the tree survey a topographical survey and soil assessment survey maybe required should the proposal include any significant land level changes greater than 50mm within root protection areas. It should detail the physical features of the site and will be used to inform the design, layout, and implementation of the development proposal.

Arboricultural Impact Assessment (AIA)

52 The Council recommends that an AIA is submitted alongside a planning application for any site which contains or is adjacent to trees, irrespective of whether these trees are to be retained or removed. An AIA will demonstrate that all tree related impacts of the proposed development have been fully considered.

53 An AIA submitted to the Council must conform to the standards set out in BS5837, section 5.4, which requires an AIA to include a scaled site plan that details:

- The position of all trees on and adjacent the site.
- The root protection areas (RPA) of the trees.
- The proposed design layout.
- Trees to be removed to facilitate the development and trees to be retained.
- Other activities potentially damaging to trees (i.e., level changes, removal/creation of hard surfacing, service runs, etc.).

- Areas that can be used for site accommodation, vehicle parking, material storage etc.
- Pruning to retained tree(s).*
- Issues to be addressed by an arboricultural method statement (see below), where necessary in conjunction with input from other specialists.
- Assessment of lost tree value arising from the development proposals and the proposed mitigation (see section - How we value trees).

* Developments that require significant pruning works or that will require ongoing maintenance to reduce tree related nuisance will not be considered favourably. Retained trees should be given adequate room for all aspects of the tree to develop to maturity.

How we value trees

54 Section 174 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment and to enhance valued landscapes and sites of biodiversity. To achieve these outcomes there is an implicit requirement to identify and introduce a valuation assessment system for Green Infrastructure. Without such a system being in place, it is impossible to assess whether the site has suffered irreplaceable loss or enhancement and whether maintenance has occurred, as a result of the development. RMBC's Core Strategy in accordance with the NPPF requires net gain in Green Infrastructure, again this demonstrates an implicit need for an assessment/valuation of an asset. The Environment Act 2021 requires a minimum 10% net gain in Biodiversity.

55 In order to fully meet the requirements of the NPPF and the Local Plan, RMBC has reviewed and assessed the attributes of many different systems and methods of valuing trees, each with their respective strengths, weaknesses, and specific focus. The methodology detailed below is the favoured approach, that will be adopted by RMBC: it is called the Rotherham Tree Replacement Standard.

Rotherham Tree Replacement Standard (RTRS)

56 RTRS is designed as a straightforward method to assess the value of trees based on a financial replacement cost, where it is accepted that the retention of a tree on site is untenable and all possible efforts to retain the tree have been explored. The council expects the value of lost trees to be replaced, through replanting either on or off site (or a mix of both) in accord with Core Strategy policy CS19 using the RTRS.

57 RTRS is presented in two sections; the first section includes trees of significant public importance (e.g., council-owned or trees protected by TPO legislation) and the second will cover all other trees.

Section 1 - Where a tree is in council ownership or protected by TPO Legislation (TPO or Conservation Area), RMBC will value the tree using the Capital Assessment Valuation of Amenity Trees (CAVAT) method[(1)]

1 The CAVAT method was developed by the London Tree Officers Association and is considered to be the most appropriate valuation method for trees that are either publicly owned, or of public importance. CAVAT places a fiscal value on a tree based on its size, condition and public visibility and gives the applicant the information to make

Section 2 – Where trees are not council owned and are not considered worthy of protection under TPO legislation, they will be valued according to Table 2 below.[2]

Table 2 Valuing Trees not in Council Ownership or subject to TPO

Removed Tree DBH (Diameter at Breast Height) (cm@1.5m)	Replacement Trees Number	Notes
0 - 7	0	As per Conservation Area legislation, no replacement trees are required for 7DBH and below
8 - 14.9	1	
15 - 19.9	2	
20 - 29.9	4	
30 - 39.9	5	
40 - 49.9	6	
50 - 59.9	8	
60 - 69.9	10	
70 - 79.9	12	
80 - 99.9	15	
100+	20	

58 The two sections combined work in conjunction with the replacement tree planting costs (see below) to provide a required replanting number.[3]

59 It is not the intention of the RTRS to address net gain as required under both the NPPF and the Local Plan - Core Strategy. RMBC is due to publish a separate SPD that will address how developments will contribute to net gain in Rotherham. RTRS is only intended to assess the existing tree benefits on site and seeks to replace any loss, preferably on site or, where that is not possible, off site.

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informed choices regarding the development design with regard to valuable trees. The system is also an open-source document making it available to all.

2 Trees that do not pass the tests requiring protection under TPO designation still have the potential to provide significant ecological and environmental value and their loss shall still incur a replacement requirement to replace these lost benefits. As tree benefits increase in relation to a tree's size Table 2 of the RTRS details how many trees will be required to replace the lost benefits in line with the lost tree's size.

3 It is expected that replacement trees will be of Selected Standard Nursery Stock (10-14cm girth) although other stock types and sizes may be used where appropriate. Replacement tree details are required to be included in a landscape plan which will be conditioned through the planning process.

Replacement Tree Planting

60 Where the Council accepts that tree loss is unavoidable, the applicant will comply with Local Plan - Core Strategy policies CS19 and CS20, specifically in relation to the protection and enhancement of Green Infrastructure and biodiversity and where necessary the provision of developer contributions. CS19 and CS20 are summarised in the introduction, but the policies should be read in full.

61 Where the AIA has highlighted the need for replacement planting the applicant must take into account the number; sizes and species of the trees lost when suggesting replanting. RTRS is to be used to assess the replacement planting numbers required to mitigate tree loss and contribute to the protection and maintenance of tree and woodland cover across the Borough.

62 The applicant should look to replace lost tree value on site in the first instance, however where this is not achievable the Council may require a financial contribution to achieve the planting and maintenance of the trees off site in line with Local Plan - Core Strategy Policy CS19 and CS20. At the time of drafting, costs are as detailed below. Please note that these costs will be subject to change over time and are provided as example costings at this time. Please contact the Council for clarification and up to date costs at the time of submission of the planning application:

63 Developer Contribution costs

- To supply, plant and maintain one tree = £396.00.
- To supply, plant and maintain one hectare of woodland = £18960.00

64 Example of Landscaping Costs

The following provides an example of the costs (at 2021) associated with tree removals on a development site. The example below refers to the removal costs of a TPO tree, which has been CAVAT valued at £10,000, and the removal of four other trees:

Table 3 Example of Cost for Tree Removal on a Development Site

RTRS	Trees to be Removed	Value	Replacement Trees as required by sections 1 & 2	Total Number of Trees Required
Section 1	1 x TPO tree	£10,000	10000/396 = 25 trees	25
Section 2	4 Other Trees	18 Diameter at Breast Height (DBH)	2	2
		24 DBH	4	4
		25 DBH	4	4
		41 DBH	6	6
Total				**41**

RTRS	Trees to be Removed	Value	Replacement Trees as required by sections 1 & 2	Total Number of Trees Required
Trees that can be planted on site				10
Developer Contribution for Off-Site Tree Planting			31 x £396	£12,276

65 All developer contributions will go towards tree planting and in locations as close to the associated development as possible, in order to maintain tree related amenity in that locality. However, RMBC also reserves the right to use the funds elsewhere in the affected and neighbouring wards to meet the requirements of Paragraph 175 of the NPPF:

> *...take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale...*

66 Where there is evidence of prior felling, RTRS will be applied retrospectively to include all trees felled prior to the submission of the planning application. In this way any trees felled before the development will be taken into account when considering the application of RTRS.

67 Other than in exceptional circumstances, hedges will not be seen as acceptable mitigation for tree canopy loss when applying RTRS.

68 For guidance on incorporating tree planting into a development please refer to Part 2: New Tree Planting

Part 2: New Tree Planting

Tree Landscaping

69 New landscaping is essential to new development proposals to assist in their integration into the existing landscape. For new landscaping to be successful it must be given consideration at as early a stage of the development process as is possible.

70 Fully established trees provide enormous benefits to both the development and the wider landscape. However, mature trees also carry the potential to cause unnecessary nuisance if they are not correctly planned for at the design stage. Adopting industry best practice, design and materials can enable the successful establishment of trees to maturity in both rural and urban settings.

71 The following factors should always be considered when planning a tree planting scheme:

- Adequate space allowed for trees to reach their full mature height and spread without, causing nuisance to adjacent structures, utilities, and occupants
- The need for extensive pruning operations to maintain size

72 Sufficient Soil Volume must be afforded for trees to reach their natural, mature size either through:

- Planting in sufficient soft landscaping,
- Creation of structured soil environments using techniques based on the Stockholm Tree Pit Design
- Provision of cantilever or supported hard surfaces to avoid compaction of the underlying soil structure

Species suitability

- Canopy density, seed, fruit, and honeydew drop in relation to targets.
- Resilience to pests, disease, and climate change. It is recommended that the 10-20-30 rule is followed to ensure a wide spread of species, genus and tree families are used. **(4)**
- Suitable for location planting positions adjacent structures such as boundary walls, hard surfacing, buildings, etc. Appropriate species choice and or engineering solutions will be required to demonstrate how potential tree related damage will be avoided
- Suitability for their surroundings. Tree planting should always aim to compliment and reflect the architecture, historic environment, and the local landscape.

Tree Planting Scheme

73 Where new tree planting is to be provided, to gain approval the following details shall be included within the proposed tree landscaping scheme:

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4 From TDAG: where no family represents more than 30%, no genus more than 20% and no individual species more than 10% of the total tree population

- A scaled plan showing the locations of new trees (the locations of existing trees must also be identified on the plan)
- The species and stock size.
- The planting intended to mitigate the tree losses detailed in the AIA.
- An assessment of the suitability of the planting location, as set out in this Supplementary Planning Document.
- Actions taken to mitigate any foreseeable issues i.e., the use of root barriers/deflectors, flexi-paving, appropriate species selection, structured soils, foundations, etc.
- Proposals shall be in accordance with British Standard 8545:2014 - Trees: from Nursery to Independence.

Street Tree Planting

74 The NPPF and National Design Guide (2021) now require strong consideration to be given to the inclusion of street trees into development design. This can include new streets created within developments or where a development fronts or joins a highway.

75 In such circumstances the incorporation of street trees must be considered at the design stage of the development to ensure that there is an adequate provision made for rooting areas and tree pit design to abate future nuisance.

Commuted Sums

76 There are ongoing costs relating to the long-term management and maintenance of trees and this responsibility shall lie with the developer responsible for the planting of the trees. This is most appropriately demonstrated by the draft guidance included within the NPPF (2021), which states that 'appropriate measures are in place to secure the long-term maintenance of newly-planted trees'.

77 One of the significant aims of the proposed National Tree Strategy is '...Use of development contributions to fund future maintenance.'.

78 Therefore, where new trees are planted on RMBC land arising from developer contributions; there will also be a need for the tree planting to be supported by a maintenance contribution to ensure that the new tree is capable of becoming successfully established to maturity.

79 The principle of Right Tree, Right Place will be adhered to, to ensure that these costs are kept to an absolute minimum. A species of tree that is capable of growing to maturity, without impacting on neighbouring infrastructure and buildings, will be chosen. The costs that will be requested as a commuted sum will fund the following operations for the first 10 years of the tree's life (overleaf):

Table 4 Ongoing Maintenance Costs

Operation	Occurrence	Cost
Formative Prune	Twice	£38

Operation	Occurrence	Cost
Crown lift to provide suitable clearance	Twice	£40
Total (per Tree)		£78

80 RMBC will consider applying TPOs to a development's newly planted tree landscaping plan. TPOs will be used in this manner where a development's consent is dependent upon the successful implementation and establishment to maturity of the scheme's newly planted trees to ensure replacement of lost tree amenity.

New Tree Planting in Planters

81 RMBC will not count trees planted in above ground planter locations as suitable replacements for lost trees, as the reduced soil allocation and increased maintenance requirements are not sustainable and rarely see trees growing to their natural, mature size.

Part 3: Information Required to Enable Development

Tree Protection

82 Whilst trees are capable of reacting to small changes in their environment, the intensive activities that can occur on a development site usually go well beyond what even a healthy tree can endure. Normal construction activity can significantly damage trees; therefore, it is important to ensure that any trees or hedgerows which have been earmarked for retention are effectively managed and protected during the construction of a development to ensure the preservation of these valuable Green Infrastructure assets.

83 The following are just some of the ways that can lead to trees and hedges becoming damaged during construction:

- Soil Compaction: When soil is compacted it prevents air, water and nutrients 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 materials, including bricks, soil, gravel, and cement.
- Excavations: Any excavations on development sites which are within a root protection area (RPA) may cause the roots to break. This will hinder the tree's ability to take up water and nutrients, it will lead to decay and could also impact on the tree's stability. Any excavation work which is proposed within an RPA would have to be agreed with the Council prior to any work being undertaken.
- Ground Level Changes: 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 be severed, whilst any rise in the levels of soil could impact on the compaction of the soil and lead to suffocating the roots.
- Impact Damage: The use of machinery can cause damage to trees which can include, torn branches, damage to bark and the trunk, which can cause an easier access of diseases and parasites and lead to decay.
- Soil Contamination: Construction materials such as concrete, fuel and oil can cause contamination if it comes into contact with the soil. These substances are poisonous to trees and can see a sharp decline in their health.
- Intense Heat and Fire: Roots, bark and the low branches of a tree can be damaged by exposure to intense heat and fire.

Tree Protection Plan

84 Tree protection is essential during the demolition, construction, and landscaping phases of a development. Identifying exclusion zones for each tree and future planting locations will ensure that any development activity, storage of materials, waste or equipment does not damage existing trees and future planting locations.

85 The Council requires an outline Tree Protection Plan and a draft method statement at the application stage for developments where the Arboricultural Impact Assessment (AIA) has highlighted direct or indirect tree conflict. In other cases, conditions will be imposed requiring the submission of Tree Protection Plan before works commence.

86 Any Tree Protection Plan must be in accordance with BS5837 showing the retained trees in relation to the final layout. It should identify the positions of all barriers, ground protection and any other methods to be used to protect the trees. Where necessary the Council may also ask for an accompanying Arboricultural Method Statement to detail specific tasks or operations during the demolition and/or construction phase.

87 Without a Tree Protection Plan or specific method statement where requested, planning permission may be refused or planning conditions may not be discharged.

Arboricultural Method Statement (AMS)

88 Where it is deemed necessary that development activities are undertaken in close proximity to trees, the Tree Protection Plan should include an AMS to demonstrate how impact to the trees will be kept to an absolute minimum. An AMS is a detailed description of work that describes the timing and construction techniques which will be undertaken to minimise the impact on trees. The advice of an arboricultural consultant should be sought when preparing an AMS.

89 Examples where an AMS may be required include but is not limited to:

- Removal of existing structures and hard surfacing.
- Installation of ground protection.
- Excavations and the requirement for specialized trenchless techniques.
- Installation of new hard surfacing.
- Specialist foundations – installation techniques and effect on finished floor levels and overall height.
- Retaining structures to facilitate changes in ground levels.
- Preparatory works for new landscaping.
- Auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

90 It is possible that the requirement for additional information in respect to specific operations will be highlighted and requested during the application process. This detail may require the input from specialists in a particular field and so could be regarded as onerous on some applications prior to decision. RMBC will therefore request the information is conditioned where appropriate so as not to hinder the decision process.

Arboricultural Supervision

91 The Council advises that, prior to construction works being undertaken, the services of an arboricultural consultant are sought to monitor the tree protection measures on site. It is highly recommended that arboricultural supervision is used in the following circumstances:

- Prestart meeting with a Rotherham Council Tree Officer

- Initial implementation/installation of the tree protection measures and any authorized changes during the development
- Approved incursions into construction exclusion zones
- Final removal of the tree protection measures

92 Where a development site requires particularly detailed or intensive work adjacent to trees or where trees have a particularly high value, RMBC may set conditions on planning applications for arboricultural supervision to take place during the development process.

93 It is the responsibility of those undertaking site works to ensure that checks are undertaken for any protected species and the construction works timing is altered to reflect the necessary acts.

Trees and Permitted Development

94 There are some forms of development which do not require planning permission and can be completed under Permitted Development. However, where such developments affect trees protected by TPO legislation then consent will be required from the Council through the TPO works application process.

95 Where a TPO works application is required, this will be accompanied by plans that show the proposed development in relation to the TPO tree(s) and provides details of the measures to be taken to protect the tree(s) and their rooting area throughout the development. Given that trees protected by TPO legislation carry great public importance then documents detailed in Part 1 will be requested to demonstrate that the development is possible, without loss or damage to the tree(s).

96 For any development proposal classed as permitted development where there are trees on the site, the applicant is recommended to contact the Council and discuss the proposals with a Tree Officer before carrying out any works on site to ensure no Protected Trees will be affected by the works. If consent is not sought before starting work this could lead to prosecution as a contravention under the TPO legislation.

97 Guidance as to what constitutes Permitted Development can be found at Permitted Development Rights for Householders: technical guidance

Part 4: Tree Preservation Orders

98 The following section provides standing pre-application advice for homeowners and contractors making tree work applications for trees protected either by a TPO or a section 211 notification for trees protected by a conservation area. For full guidance on trees in relation to TPO legislation you are encouraged to view the government guidance: Tree Preservation Orders and Trees in Conservation Areas

99 Trees within a conservation area or protected by a TPO have statutory protection in UK law. When considering pruning or removal of a protected tree it is essential that the correct procedure is followed to avoid contravening the TPO legislation.

100 TPO tree works applications and conservation area section 211 notices can be submitted via the Planning Portal

101 For a tree works application/notification to be validated, it must provide the following information completed on the tree works application form:

- All information as requested on the application shall be provided.
- A clear specification describing the works to be carried out.
- A clear plan that accurately identifies those trees that will receive the described works.
- The reasons why the works are to be undertaken.
- Any further evidence required to demonstrate the need for the work (where applicable)

102 Where an application/notification is received, it will be assessed on the following grounds:

- The level of amenity provided by the tree to the local area.
- The tree's health and structure.
- Whether the proposed tree works will have a negative impact on the tree's health, structure and the amenity provided to the local area.
- Does the application sufficiently demonstrate the necessity of the works, to abate a health and safety issue for people or property.

103 For successful applications it is recommended that all proposed works follow the recommendations set out in the current British Standard for tree works operations BS3998:2010 (or its latest equivalent); a competent arborist or consultant can help with this.

104 Tree work specifications should be detailed and accurate and shall provide a description of what will remain of the tree following completion of the works; for example:

- T1 Maple – Crown reduce by 2 metres to leave a tree of 15 metres in height and a crown spread of 12 metres. Or;
- T1 Maple – Reduce lateral branches to provide a maximum clearance of 2 metres from the house.

105 A summary of post completion works to the tree / trees allows for the pruning work to be adequately assessed after the work is completed.

106 The inclusion of photographs or map images to aid identification, highlight specific concerns of health or structural issues is welcome and will often aid with speed of decisions.

107 Where protected trees are proposed for removal or where tree works are proposed that go beyond the recommendations of British Standard 3998, a written report detailing the need for such works, prepared by an appropriate professional, is likely to be required – as detailed in section 8 of the TPO application form.

108 Where proposed works for TPO applications are found to be unacceptable, the Tree Service will, where possible, suggest alternative suitable works as part of the application process.

109 Where proposed works for Conservation Area section 211 notifications are found to be unacceptable, then RMBC will assess the tree for inclusion in a TPO. There is not an option for RMBC to alter a Conservation Area notification works specification.

110 RMBC uses the Tree Evaluation Method for Protection Orders (TEMPO) to assess the amenity provided by a tree.

111 Please be aware that some works are exempted under the TPO legislation and do not require a TPO application or Conservation Area notification before they can be carried out. However, tree owners, their agents and contractors, statutory undertakers and other bodies should take care not to exceed an exemption.

112 Before carrying out work you believe is exempt, you may wish to obtain advice from a qualified arboriculturist and/or confirmation from the authority of what is and what is not required. The following is a list of works that can be completed under exemption:

- on dead trees and branches
- on dangerous trees and branches
- to comply with an Act of Parliament
- to prevent or abate a nuisance
- necessary to implement a planning permission
- on fruit trees
- by or for statutory undertakers
- for highway operations
- by the Environment Agency and drainage bodies
- for national security purposes.

113 In advance of carrying out works to trees under exemption, it is highly recommended that confirmation of the works intended to be undertaken and when, so that the proposed works can be evaluated, and advice provided where necessary. If we receive notice of work under any exemption, we may decide to inform the notifier that we consider the exemption does not apply.

Contacts

If you have any questions regarding this Supplementary Planning Document, please contact Planning Policy:

Submit an enquiry to Planning Policy online:

https://www.rotherham.gov.uk/xfp/form/535

Email:	planning.policy@rotherham.gov.uk
Telephone:	01709 823869
Website:	https://www.rotherham.gov.uk/localplan
Post:	Planning Policy Team, Planning, Regeneration and Transport, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE

For planning application and pre-application advice, please contact Development Management:

Submit an enquiry to Development Management online:

https://www.rotherham.gov.uk/xfp/form/216

Email:	development.management@rotherham.gov.uk
Telephone:	01709 823835
Website:	https://www.rotherham.gov.uk/planning
Post:	Development Management, Planning, Regeneration and Transport, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE

For Trees and Woodlands queries please contact the Trees and Woodlands Team:

Email:	treesandwoodlands.enquiries@rotherham.gov.uk
Telephone:	01709 823835
Website:	Conservation and Regeneration
Post:	Trees and Woodlands Service, Culture, Sport and Tourism, Regeneration & Environment Services, Rotherham Metropolitan Borough Council, Riverside House, Main Street, Rotherham, S60 1AE

Appendix 1: References, Advice and Best Practice Guidance

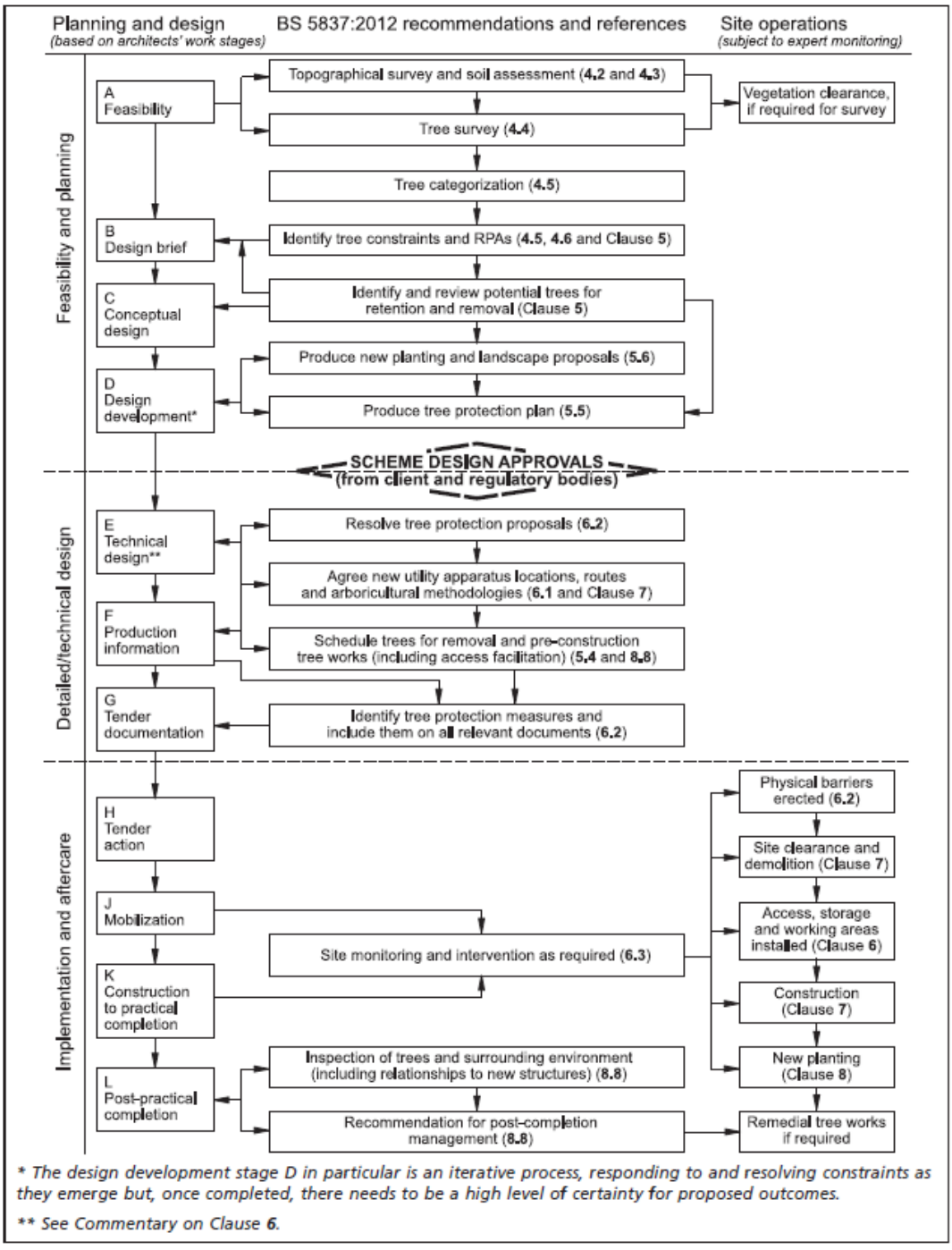
Table 5 References, Advice and Best Practice Guidance

National Planning Policy Framework Draft 2021 (NPPF)	Draft National Planning Policy Framework 2021
National Model Design Code	National Model Design Code
25 Year Environment Plan	25 Year Environment Plan
England Tree Strategy	England Tree Strategy
Rotherham Core Strategy 2014	Core Strategy
Rotherham Sites and Policies Development Plan Document 2018	Sites and Policies Document
Tree Preservation Order Guidance	Tree Preservation Orders & Trees in Conservation Areas
Permitted Development Rights	Permitted Development Rights For Householders
Planning Portal	Planning Portal
Natural England	Natural England
European Protected Species	European Protected Species
Ancient and Veteran Trees	Ancient and Veteran Trees
British Standard 3998	BS3998
British Standard 5837	BS5837
British Standard 8545	BS8545
Tree Evaluation Method for Preservation Orders (TEMPO)	TEMPO
Capital Asset Valuation of Amenity Trees (CAVAT)	CAVAT
Right Tree Right Place	Urban Tree Manual
Stockholm Tree Pit Design	Stockholm Tree Pit Design
Trees and Design Action Group	Trees and Design Action Group Home • Trees in the Townscape: A Guide for Decision Makers (2012) • Trees in Hard Landscape: A Guide for Delivery (2014)

	• Tree Species Selection for Green Infrastructure (2018) • First Steps in Valuing Trees (2019) • Trees, Planning and Development: A Guide for Delivery (2021)
Arboriculture Association	Arboriculture Association
Local Government Association (BNG guidance)	www.local.gov.uk/pas/topics/environment/biodiversity-net-gain
South Yorkshire Design Guide (2011)	Planning Guidance – Rotherham Metropolitan Borough Council
Homes England, Streets for a Healthy Life (Issue 2)	04791-sfhl_issue-01.pdf (tdag.org.uk)

Appendix 2: BS5837 flowchart - Design and Construction Process

Figure 1 The design and construction process and tree care



** The design development stage D in particular is an iterative process, responding to and resolving constraints as they emerge but, once completed, there needs to be a high level of certainty for proposed outcomes.*

*** See Commentary on Clause 6.*

Appendix 3: Glossary

Ancient Woodland: An area that has been wooded continuously since at least 1600 AD.

Biodiversity: is the whole variety of life on earth; all species of plants and animals and the ecosystems of which they are part.

Biodiversity Net Gain (BNG): Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity it encourages developers to provide an increase in appropriate natural habitat and ecological features over and above that being affected in such a way it is hoped that the current loss of biodiversity through development will be halted and ecological networks can be restored.

Core Strategy: sets out the long-term spatial vision for the local planning authority area, the spatial objectives, and strategic policies to deliver that vision. The core strategy has the status of a development plan document.

Ecological networks: The connections and interactions between the organisms and components of an ecosystem that conserve the ecosystem and provide ecosystem services that may also have social and economic values.

Green Infrastructure: The network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities.

Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and 68 veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

National Planning Policy Framework (NPPF): The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. Council's must take account of the NPPF when preparing their Local Plans.

Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Sites & Policies Development Plan Document: This shows specific development sites and contain policies to guide the release of land and design of new development.

Sites of Special Scientific Interest (SSSI): Representative examples of nationally important wildlife and geology. SSSIs are notified by Natural England under section 28 of the Wildlife and Countryside Act 1981 as being of special value for nature conservation and are legally protected under the Wildlife and Countryside Act, as amended by the Countryside and Public Rights of Way Act (CROW) 2000 and the Natural Environment and Rural Communities (NERC) Act 2006.

Supplementary Planning Document (SPD): provide supplementary information in respect of the policies in development plan documents. They do not form part of the development plan and are not subject to independent examination.

Sustainable Urban Drainage Systems (SuDS): Water management practices and control systems designed to drain surface water in a more sustainable way than conventional systems. Different techniques, such as infiltration and retention, are used which mimic runoff from the site in its natural state.