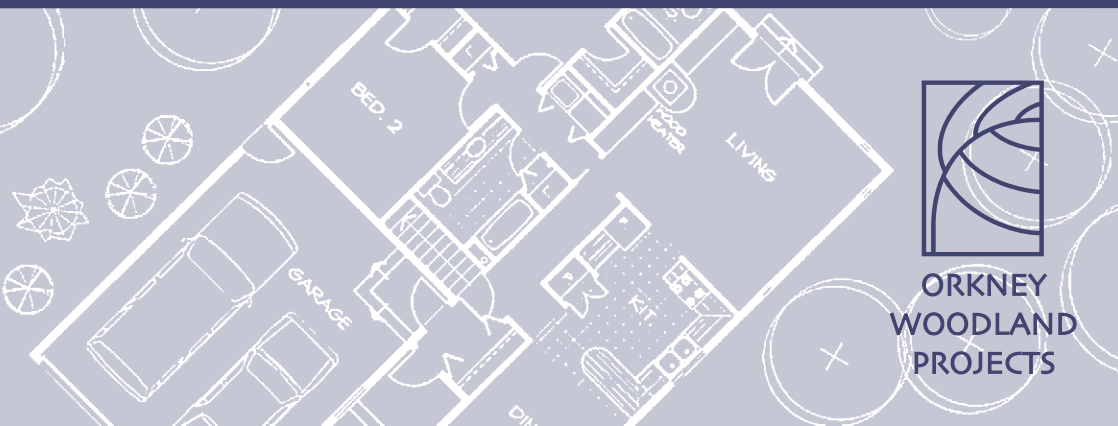




Protection of Trees on Development Sites



ORKNEY
WOODLAND
PROJECTS

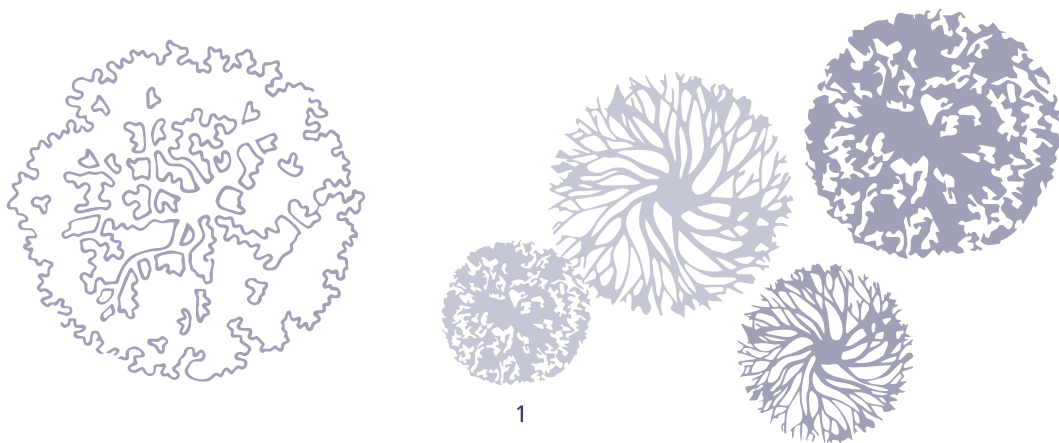
Introduction

Because trees in Orkney are relatively scarce, they have a special value and are greatly appreciated by many people in the community. Mature trees can contribute greatly to the character of any new development and help to absorb it into its surroundings, but such trees are often particularly vulnerable to disturbance. It is, therefore, very important that these trees are not damaged during construction works. The following guidance applies to developments at all scales and of all types : from small extensions to major engineering projects and from road constructions to renovations.

Seeking the advice of a qualified arboriculturalist is encouraged in relation to each process described in this leaflet.

Potential Damage to Trees during Construction Works

Trees are living systems and any disturbance, above or below ground, can irreparably damage their health. They may be affected by direct damage to their branches, trunk or roots. In addition, indirect causes, such as compaction of the ground and desiccation of the roots, can have serious effects on the tree's health. The time taken for the effects of this damage to become evident may vary depending on the species and the maturity of the tree.

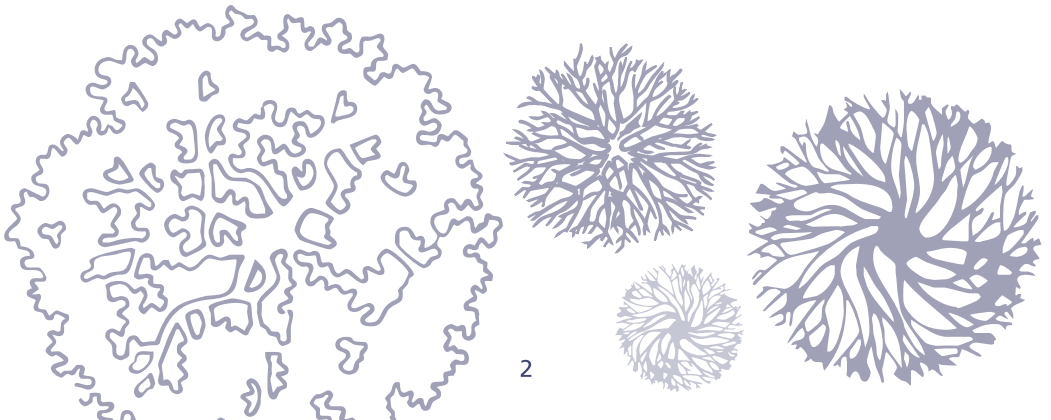


The Legal Protection of Trees in Orkney

Trees in a Conservation Area: Orkney has five conservation areas (Kirkwall, Stromness, St. Margaret’s Hope, Balfour, and Brodgar), within which all trees are legally protected. The Planning Authority must be served written notification of any proposed works to a tree in a conservation area no less than six weeks prior to the intended start date. This period provides the Planning Authority with the opportunity to consider whether a TPO should be made. Orkney Local Plan policy LP/N5 states that, “work to trees in Conservation Areas will only be permitted in exceptional circumstances”.

Tree Preservation Orders: Some trees are protected by Tree Preservation Orders (TPOs). Consent from the Planning Authority is required before any works can be carried out to a tree protected by a TPO, even if it is only minor pruning works. Orkney Local Plan policy LP/N5 states that, “Development will not be permitted if it will: destroy one or more trees protected by a Tree Preservation Order, or lead to the loss of, or serious damage to, individual trees or woodlands of significant ecological, recreational, shelter or landscape value”.

The penalty for cutting down, uprooting, topping, lopping, wilfully destroying or damaging a tree protected by a TPO, or within a conservation area, can be a fine of up to £20,000.



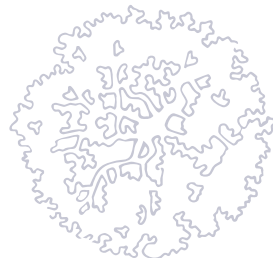
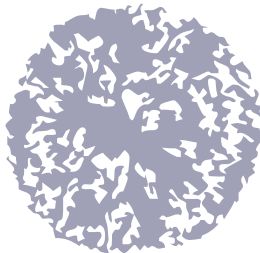
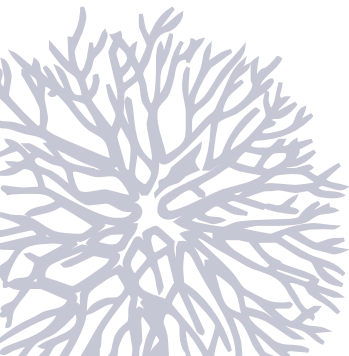
Trees and Planning Permission

Many trees are not protected by a TPO or conservation area designation. However, the Planning Authority has a duty to ensure, that if planning permission is granted, adequate provision is made for the preservation or planting of trees within the site, whether that is for ecological, amenity or landscape reasons.

For all proposed development that may affect trees or woodlands, Orkney Islands Council Local Plan policy N5 states that, “where development is proposed adjacent to existing trees, conditions will be applied to the consent to ensure that the trees are adequately protected during the construction phase of the development.” Conditions attached to a planning consent must be adhered to.

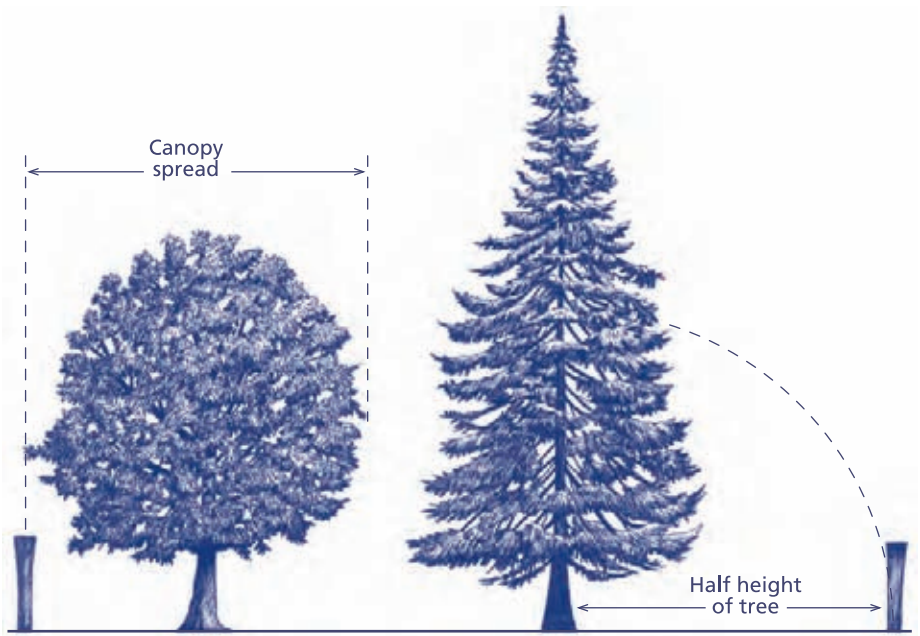
Planning Stage

A preliminary site survey should be undertaken to identify existing trees within, and immediately adjacent to, the development site. The species, precise location, height, spread of the canopy, health and condition of any trees should be recorded and mapped. Consideration should also be given to the estimated life-span and ultimate size of each tree. Discussions with the Planning Authority will establish the legal status and significance of identified trees. This information can inform the design and layout of proposed development. Following this process will increase the likelihood of the proposal according with the relevant planning policies.















Tree Protection During Construction Works

Appropriately constructed, protective fencing should be erected between any trees and the development before any works start, forming a Tree Protection Area (TPA). If the construction works require planning permission, the precise location and specification of the fencing would be agreed in writing by the Planning Authority and may be attached as a planning condition to a planning consent. As a minimum standard, fencing should be 1.2 metres in height, and erected no closer to the trunk than the outermost limit of the canopy spread, or at a distance equal to half the height of the tree, whichever is greater. These guidelines also apply to trees on adjacent land where they may be affected by the development works.



During Construction Works

The fencing to the Tree Protection Area should be maintained at all times during construction works and not removed until all works are completed. Within the TPA, the following conditions should also be adhered to :

-  **no** materials of any sort should be stored within the protection area. This includes building materials, topsoil and cement;
-  **no** toxic materials eg oil, bitumen, cement, diesel or herbicides should be stored, or spilt within, or allowed to run into, the Tree Protection Area;
-  **no** site huts should be located within the protection area;
-  **no** fires should be lit within the protection area. Any necessary fires should be lit at a sufficient distance from any trees to avoid root, trunk or branch damage;
-  **no** vehicles should be driven inside the protection area, as this can cause soil compaction and reduce aeration to the roots;
-  **no** machinery, especially that with overhanging jibs or buckets, should be allowed to damage trees by direct impact;
-  **roots** should not be severed or otherwise damaged in any way;
-  **roots** should not be left exposed or allowed to desiccate;
-  **no** trenches for foundations, cables, pipes or kerbs should be dug within the protection area;
-  **the** ground level at the base of the trunk and within the protection area should not be altered (even by a few centimetres);
-  **no** alterations should be made to the surface around the tree (such as changing from soil to paving);
-  **no** signs, wires or cables should be attached to any trees.

Unavoidable Works within the Tree Protection Area

No work should be undertaken within the protection area unless there is no reasonable alternative and written permission has been obtained from the Planning Authority. Approved excavation works should be by hand-digging and roots with a diameter over 25mm should not be severed. Exposed roots should be surrounded with sharp sand before the trench is backfilled.

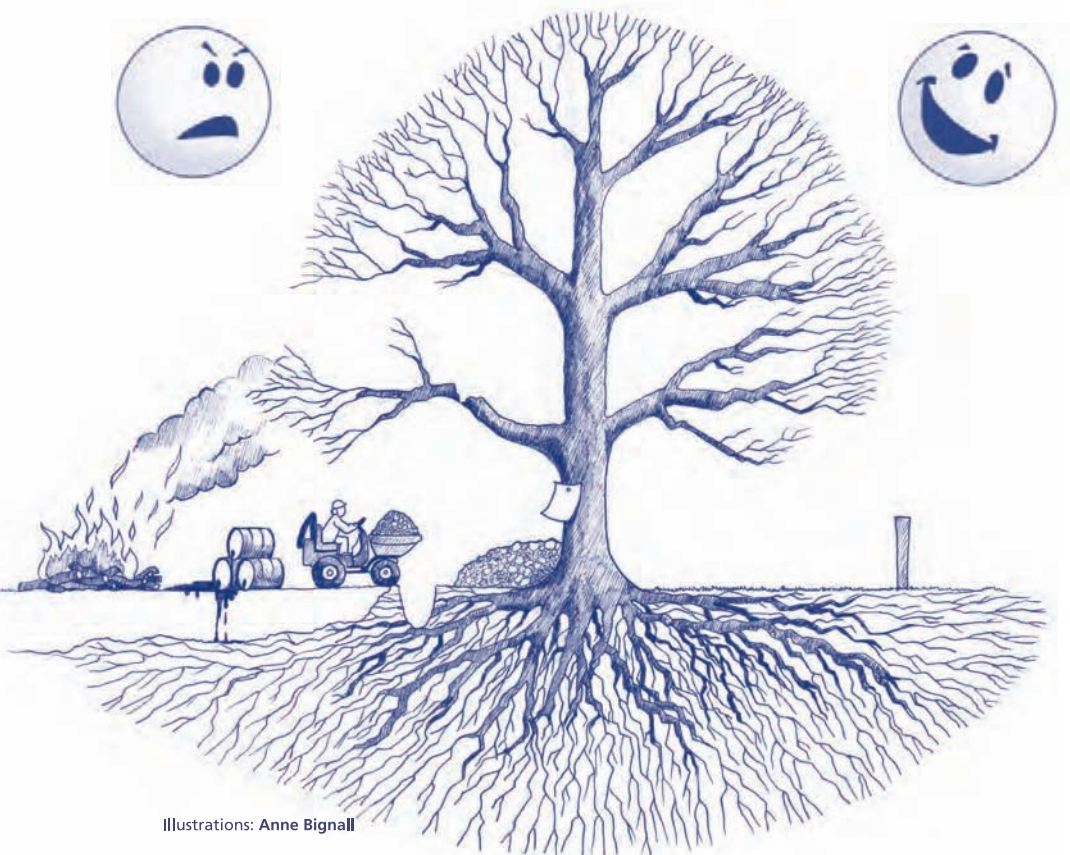
Necessary Tree Surgery to Retained Trees

Occasionally the Planning Authority may agree, for a variety of reasons, that tree surgery is necessary to a retained tree. Normally, such authorised works would be undertaken prior to work commencing on site. The best time to prune a tree is when it is in full leaf, i.e. whilst it is making growth and storing nutrients. It is thus more able to overcome surgery, to seal off cuts and adjust to a change in its structure. However, felling and pruning should be avoided during the bird-nesting season, from 1st April to 31st July.

It is essential that specialist advice is sought at this stage and that any work is carried out by a qualified contractor and in accordance with British Standard 3998:1989 - 'Recommendations for tree work'. Unsuitable tree surgery may cause irreparable damage to a tree, which may spoil the appearance of the tree, threaten its health, or even create a hazard.

Replacement Planting

Where trees have had to be felled, the Planning Authority may request that replacement trees are planted on the site. The species used should be in scale with the surrounding buildings / townscapes. Within the towns of Kirkwall, Stromness, Finstown and St Margaret's Hope, it is important to continue to use large-scale trees like sycamore, wherever space allows. Advice should be sought regarding suitable species and this should be agreed as part of any planning proposal.



Illustrations: Anne Bignall

Further Reference

British Standard 5837: 2005 - *Trees in relation to construction*
British Standard 3998: 1989 - *Recommendations for tree work*
The Town and Country Planning (Scotland) Act 1997
The Orkney Local Plan, policy N5: *Trees and Woodlands*
and policy B3: *Conservation Areas*

Contacts for Further Information

Christine Skene, Environment Officer, Orkney Islands Council.
Telephone 01856 873535, email: Christine.Skene@orkney.gov.uk

Jenny Taylor, Orkney Woodland Projects.
Telephone 01856 851322, email: jenny@jtlarch.co.uk

