



Planning obligations in relation to trees in Bristol

1. The [Town and Country Planning Act 1990](#)

Chapter I

Trees

General duty of planning authorities as respects trees

Section 197. Planning permission to include appropriate provision for preservation and planting of trees.

It shall be the duty of the local planning authority -

- (a) to 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) to make such 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.

Nothing in this section applies in relation to neighbourhood development orders.

2. The National Planning Policy Framework

The [National Planning Policy Framework](#) (NPPF) seeks to ensure that new development is sustainable. It stresses the importance of Green Infrastructure as one of the three overarching, interdependent objectives - economic, social, and environmental. This means that the presumption in favour of sustainable environmental development is just as important as any in respect of economic or social development objectives.

[2] Achieving sustainable development

[7] The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.



[8] Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) **a social objective** - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) **an environmental objective** - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

[9] These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

[10] So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

See also **13 Protecting Green Belt land**, **14 Meeting the challenge of climate change, flooding and coastal change** and **15 Conserving and enhancing the natural environment**.



Bristol Planning Policies

Bristol's Planning policies are contained in two main documents:

1. The [Bristol Development Framework Core Strategy](#) (the BCS policies).
2. The [Site Allocations and Development Management Policies](#) (the DM policies).

These are supplemented by the [Planning Obligations Supplementary Planning Document](#) (the SPDs). All were variously adopted and implemented by the Council between 2011 and 2014.

3. The Bristol Development Framework Core Strategy

Adopted June 2011

Policy BCS9

At page 74:

The integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced. Opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network should be taken.

Individual green assets should be retained wherever possible and integrated into new development. Loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan Document or is necessary, on balance, to achieve the policy aims of the Core Strategy. Appropriate mitigation of the lost green infrastructure assets will be required.

Development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site.

Open Space

Open spaces which are important for recreation, leisure and community use, townscape and landscape quality and visual amenity will be protected.

Some areas of open space may be released, through the development plan process, for appropriate development where:

- They are no longer important for recreation, leisure and community use, townscape and landscape quality and visual amenity;



- Development of all or part of an open space would result in improved urban form or an enhancement to existing open space areas.

New development should incorporate, or contribute towards, the provision of an appropriate level and quality of open space.

Biological and Geological Conservation

Internationally important nature conservation sites are subject to statutory protection.

National and local sites of biological and geological conservation importance will be protected having regard to the hierarchy of designations and the potential for appropriate mitigation. The extent to which a development would contribute to the achievement of wider objectives of the Core Strategy will be carefully considered when assessing their impact on biological and geological conservation.

Where development would have an impact on the Bristol Wildlife Network it should ensure that the integrity of the network is maintained or strengthened.

4. The Site Allocations and Development Management Policies Local Plan

Adopted July 2014

Policy DM15: Green Infrastructure Provision

At page 31:

Trees

The provision of additional and/or improved management of existing trees will be expected as part of the landscape treatment of new development.

The design, size, species and placement of trees provided as part of the landscape treatment will be expected to take practicable opportunities to:

- i. Connect the development site to the Strategic Green Infrastructure Network, and/or Bristol Wildlife Network; and
- ii. Assist in reducing or mitigating run-off and flood risk on the development site; and
- iii. Assist in providing shade and shelter to address urban cooling; and
- iv. Create a strong framework of street trees to enclose or mitigate the visual impact of a development.

And at page 31/32:

Multifunctional Green Infrastructure Assets



2.15.5 The context section of Core Strategy policy BCS9 at paragraph 4.9.3 identifies a range of functions and benefits which green infrastructure assets can assist in achieving. These should be used to inform the effective design and provision of multifunctional green infrastructure assets.

2.15.6 When considering the function and design of green infrastructure assets applicants should consider sustainability issues relevant to the development site, which new or enhanced green infrastructure might assist in addressing. Sustainability issues to consider include: the site's proximity to the Bristol Wildlife Network (policy DM19 contains further information on nature conservation issues); flood risk issues in and around the site; any nearby cycle, public rights of way, strategic green infrastructure routes; local access, or lack of it, to public open spaces; statutory allotments and opportunities for local food growing...

Strategic Green Infrastructure Network

2.15.7 The Strategic Green Infrastructure Network is formed by individual green infrastructure assets such as areas of open space, nature conservation sites, water based assets, landscapes and wider countryside, which are physically and visually connected to each other by green assets such as cycle routes, public rights of way, ***tree-lined routes***, landscaping and waterways, that facilitate sustainable movement and access. Core Strategy policy BCS9 (diagram 4.9.1) shows the Strategic Green Infrastructure Network.

2.15.8 New or enhanced green infrastructure assets on or adjacent to this network should be designed to connect to this network, for example to maximise the use and access to an allotment, open space or waterway. New or enhanced green infrastructure assets should be designed to form or enhance connections to the network wherever possible, for example, ***through greening an existing section of the network with trees to increase its wildlife or visual amenity quality***, or upgrading an existing pedestrian and cycle connection to link effectively into a public open space, allotment or community garden...

Trees

2.15.12 Many tree species absorb gaseous pollutants and also capture particulate matter. Therefore where development might have a negative impact upon or be affected by poor air quality, additional tree planting of an appropriate species can assist in mitigating air quality issues.

2.15.13 When the correct species are provided a strong framework of street trees or linear connections can assist in creating or strengthening existing wildlife corridors. Where a development site is on or adjacent to part of the Bristol Wildlife Network, the design and placement of any trees should enhance or create wildlife corridors between known habitats. The Bristol Wildlife Network is available to view on the Explore Bristol section of the council's website: <http://www.bristol.gov.uk/explore-bristol>.

2.15.14 Where trees are to be provided off-site to mitigate the impact of development on air quality, flood risk or visual amenity, planning obligations will be secured to provide the trees under the approach contained in the council's Planning Obligations Supplementary Planning Document.



Policy DM17: Development Involving Existing Green Infrastructure

At page 36:

Trees

All new development should integrate important existing trees.

Development which would result in the loss of Ancient Woodland, Aged trees or Veteran trees will not be permitted.

Where tree loss or damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided, in accordance with the tree compensation standard below:

Trunk Diameter of tree lost to development (cm measured at 1.5 m)	Number of replacement trees
<15	0-1
15-19.9	1
20-29.9	2
30-39.9	3
40-49.9	4
50-59.9	5
60-69.9	6
70-79.9	7
80+	8

Policy DM19: Development and Nature Conservation

At page 40:

Development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to:

- i. Be informed by an appropriate survey and assessment of impacts; and
- ii. Be designed and sited, in so far as practicably and viably possible, to avoid any harm to identified habitats, species and features of importance; and
- iii. Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network.



Where loss of nature conservation value would arise development will be expected to provide mitigation on-site and where this is not possible provide mitigation off-site. Development on or adjacent to sites of nature conservation value will be expected to enhance the site's nature conservation value through the design and placement of any green infrastructure provided.

Sites of Nature Conservation Interest

Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted.

Wildlife Corridors

Development which would have a harmful impact on the connectivity and function of sites in Wildlife Corridors will only be permitted where the loss in connectivity, or function, of an existing Wildlife Corridor is mitigated in line with the following hierarchy:

- a. Creation of a new wildlife corridor within the development site;
- b. Enhancement of an existing corridor or creation of a new corridor off-site to maintain the connectivity of the Bristol Wildlife Network.

Policy DM21: Development of Private Gardens

At page 45:

Development involving the loss of gardens will not be permitted unless:

- iv. The proposal would represent a more efficient use of land at a location where higher densities are appropriate; or
- v. The development would result in a significant improvement to the urban design of an area; or
- vi. The proposal is an extension to an existing single dwelling and would retain an adequate area of functional garden.

In all cases, any development of garden land should not result in harm to the character and appearance of an area.

Development involving front gardens should ensure that the character of the street is not harmed and that appropriate boundary treatments and planting are retained.

5. The Planning Obligations Supplementary Planning Document

Adopted on 27 September 2012

Took effect on 1 January 2013



At Page 20:

Trees - Policy Background

The justification for requiring obligations in respect of new or compensatory tree planting is set out in Policies BCS9 and BCS11 of the Council's Core Strategy.

Trigger for Obligation

Obligations in respect of trees will be required where either:

- New planting is required on public land to mitigate the impact of a development, or
- Where trees covered by categories A, B and C of BS 5837 (Trees in relation to construction) are felled as part of a development, and replacement planting is required on public land.

Tree planting will either take place on open ground or in areas of hard standing such as pavements.

Where planting can take place directly into open ground 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.

All tree planting on public land is to 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.

Level of Contribution

The contribution covers the cost of providing the tree pit (where appropriate), purchasing, planting, protecting, establishing and initially maintaining the new tree. The level of contribution is as follows:

Tree in open ground (no tree pit required) **£765.21**

Tree in hard standing (tree pit required) **£3,318.88**

The "open ground" figure will apply in the following circumstances:

- Where development results in the loss of Council owned trees in open ground.
- Where development results in the loss of trees on the development site, and is unable to provide replacement tree planting on site.

In both these cases the Council will provide replacement tree planting in the nearest appropriate area of open space.

The "hard standing" figure will apply in the following circumstances:

- Where development results in the loss of Council owned trees in areas of hard standing.



- Where new tree planting in hard standing is required to mitigate the impact of development (for example street trees required as part of highway improvements).

In the first of these cases the council will locate replacement tree planting in areas of hard standing as close as reasonably practical to the development site; and in the second of these cases the Council will implement tree planting in specific locations identified through the planning approval process.

The number of trees required to compensate for loss of existing trees depends upon the size of the trees to be lost. This is set out in the following table:

Trunk Diameter of Tree lost to development (cm measured at 1.5 metres above ground level)	Number of Replacement Trees
Less than 15	0 - 1
15 - 19.9	1
20 - 29.9	2
30 - 39.9	3
40 - 49.9	4
50 - 59.9	5
60 - 69.9	6
70 - 79.9	7
80 +	8

6. Related Policies where trees can impact these criteria beneficially



BCS23 Pollution

Development should be sited and designed in a way as to avoid adversely impacting upon:

- Environmental amenity or biodiversity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light or other forms of air, land, water pollution, or creating exposure to contaminated land.
- The quality of underground or surface water bodies.

In locating and designing development, account should also be taken of:

- The impact of existing sources of noise or other pollution on the new development; and
- The impact of the new development on the viability of existing uses by reason of its sensitivity to noise or other pollution.

Water quality and associated habitat of surface watercourses should be preserved or enhanced.

BCS13 Climate Change

Development should contribute to both mitigating and adapting to climate change, and to meeting targets to reduce carbon dioxide emissions. Development should mitigate climate change through measures including:

- High standards of energy efficiency including optimal levels of thermal insulation, passive ventilation and cooling, passive solar design, and the efficient use of natural resources in new buildings.
- The use of decentralised, renewable and low-carbon energy supply systems.
- Patterns of development which encourage walking, cycling and the use of public transport instead of journeys by private car.

Development should adapt to climate change through measures including:

- Site layouts and approaches to design and construction which provide resilience to climate change.
- Measures to conserve water supplies and minimise the risk and impact of flooding.
- The use of green infrastructure to minimise and mitigate the heating of the urban environment.
- Avoiding responses to climate impacts which lead to increases in energy use and carbon dioxide emissions.

These measures should be integrated into the design of new development.



New development should demonstrate through Sustainability Statements how it would contribute to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions by means of the above measures.

BCS23 Noise

Development should be sited and designed in a way as to avoid adversely impacting upon:

- Environmental amenity or biodiversity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light or other forms of air, land, water pollution, or creating exposure to contaminated land.
- The quality of underground or surface water bodies.

In locating and designing development, account should also be taken of:

- The impact of existing sources of noise or other pollution on the new development; and
- The impact of the new development on the viability of existing uses by reason of its sensitivity to noise or other pollution.

Water quality and associated habitat of surface watercourses should be preserved or enhanced.

See Also

- Policy DM14: The Health Impacts of Development.
- Policy DM33: Pollution Control, Air Quality and Water Quality.
- Policy DM35: Noise Mitigation.