

Policy LE7: Protecting and Enhancing Tree, Woodland and Hedge Coverage

POLICY LE7: PROTECTING AND ENHANCING TREE, WOODLAND AND HEDGE COVERAGE

- 1. Proposals should conserve and, where appropriate, enhance tree, woodland and hedgerow coverage in the Borough.**
- 2. Development which results in the loss of protected trees (including ancient and/or veteran trees) or groups of trees (semi-ancient and ancient woodland) will be refused unless there are wholly exceptional reasons.**

In such exceptional cases a suitable compensation strategy will need to be agreed, prepared by a suitably qualified arboriculturalist (or related profession), which proposes a sufficient number of replacement trees of appropriate species and size within the development or the immediate vicinity.

- 3. A minimum buffer of 15 metres will be required between the development and ancient woodland or ancient and veteran trees;**
- 4. Planning permission for development on sites with unprotected trees will be granted provided:**
 - a) A comprehensive landscaping plan is agreed whereby natural features are incorporated into the development as much as possible, and that suitable opportunities for the restoration, enhancement or planting of trees, woodland, and hedgerows are identified and incorporated within the new development;**
 - b) The loss or damage of non-protected but valued trees, woodland or hedgerows should be avoided, and if demonstrated as being unavoidable, appropriate mitigation measures are provided;**
 - c) Unprotected trees not retained as part of the development are replaced at a ratio of at least 2:1, while for larger, mature trees this ratio is expected to be higher; and**
 - d) Development proposals must demonstrate that appropriate protection measures are in place throughout the development process prior to any work on site.**

Where it is not possible to secure sufficient tree planting within the site, developers are required to pay a sum in lieu, allowing the Council to plant trees at a suitable location outside the site. The sum will also need to cover 10 years of maintenance costs.

5. Developers will be required to make the following provision:

- a) Residential development will be expected to provide two trees per dwelling.**
- b) All other forms of development will be expected to provide one tree per parking space or one tree per 50 sqm of gross floorspace, whichever is lower.**

Where this is not possible the Council will expect the developer to provide a commuted sum to the Council to plant additional trees within the Borough including covering maintenance costs for a period of 10 years.

EXPLANATION OF POLICY LE7

**Increasing tree, woodland and hedgerow coverage in the Borough
(Point 1 of Policy LE7)**

- 10.61 Trees, woodlands and hedgerows are essential features of the Borough's townscape and landscape and range from the ancient oak woodland within the Wildgrounds area of the Alver Valley Country Park which is a Site of Special Scientific Interest; through to street and garden trees which improve the appearance of our urban environment. Various studies have highlighted the wide range of benefits provided by trees and include improving air, water and soil quality, enhancing wellbeing and landscape character, and mitigating climate change and flood risk. Parts of the Borough have very limited tree coverage and in line with the NPPF it is important to protect existing tree and hedge coverage and take opportunities to increase it wherever possible, such as in gardens, parks and orchards. Careful consideration of the location for additional tree or hedge planting is required, to protect other ecologically valuable areas such as meadows and wetlands.
- 10.62 Box 25 sets out a number of terms used when referring to trees and hedgerows and their relevance to the Borough.

Box 25: Tree, woodland and hedge definitions and relevance to Gosport

Ancient or veteran tree³²⁶: A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

Gosport has a number of trees that fit this definition and these are currently

³²⁶ NPPF

being mapped as part of an ongoing project between Gosport Borough Council and the Hampshire Biodiversity Information Centre.

Ancient woodland³²⁶: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

The main area classified under this definition is the Wildgrounds which forms a significant element of the eastern part of the Alver Valley Country Park and has been designated as a SSSI for the ecological value of the woodland. Other areas have been identified in the Defence Munitions Site.

Tree Preservation Order³²⁷: A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, willful damage and willful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent.

In addition, trees in a conservation area (there are 18 conservation areas in Gosport Borough) that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'Section 211 Notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6 week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree.

Important Hedgerows: A hedgerow is important and protected if it is at least 30 years old and meets at least one of eight criteria identified by the Hedgerow Regulations³²⁸.

Protecting important trees in the Borough (Point 2 of Policy LE7)

- 10.63 The Government's NPPF requires that planning policies and decisions contribute to and enhance the natural and local environment by recognising the intrinsic character and the wider benefits of trees and woodlands. It recognises that when determining planning applications local planning authorities should refuse permission for development resulting in the loss or deterioration of ancient woodland, and ancient and veteran trees unless there are wholly exceptional reasons and a suitable compensation strategy exists. The NPPF gives the following example as an exceptional reason:

³²⁷ [www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#tree-preservation-orders—general](https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#tree-preservation-orders-general)

³²⁸ www.gov.uk/guidance/countryside-hedgerows-regulation-and-management

- Infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

- 10.64 The loss of trees, woodland and hedgerows will therefore be considered on a site by site basis. The applicant must provide a clear and robust reasoning for any proposed loss, setting out why any loss is unavoidable and justified.
- 10.65 In such circumstances compensation measures will need to be agreed between the developer and the Local Planning Authority as submitted by the developer and prepared by a suitably qualified person. The package should be in line with the mitigation hierarchy and include an appropriate number, species and size of replacement trees in an appropriate location to provide a net gain in biodiversity. An appropriate ongoing maintenance mechanism will also be required.
- 10.66 Trees protected by a Tree Preservation Order (TPO) make an important contribution to the Borough and consequently any proposals to remove a tree must be accompanied by appropriate justification.

Providing buffer zones for important trees (Point 3 of Policy LE7)

- 10.67 Ancient and veteran trees which are incorporated within developments will require at least a 15 metre buffer zone to protect trees from damage³²⁹. Further information can be found within the Natural England and the Forestry Commission 'standing advice'³³⁰ on ancient woodland, ancient and veteran trees and The Woodland Trust's Planners' Manual for Ancient Woodland³³¹.

Increasing tree and hedge coverage within developments and the local vicinity (Points 4 and 5 of Policy LE7)

- 10.68 In addition to protecting important trees, new development should retain unprotected trees on the site which add amenity value to the street scene. Where new development is proposed the preference will always be to incorporate natural features into the development and development should be designed from this first principle. Where the loss of trees or hedgerows is unavoidable, adequate replacement provision should be secured. All

³²⁹ For ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic. For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area.

³³⁰ www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions

³³¹ www.woodlandtrust.org.uk/publications/2019/06/plannersmanual-for-ancient-woodland

development must be undertaken in accordance with the British Standard 5837 and all tree works must be carried out in accordance with British Standard 3998. Where possible, the Council encourage the planting of UK sourced and grown tree stock to support biodiversity and resilience. Further details on the planting of trees in urban environments can be found in The Woodland Trust guidance³³².

- 10.69 In order to deliver a net gain in trees the Council considers that any necessary loss of unprotected trees on the site should be replaced on at least a ratio of 2:1. Replacement trees should be high quality, suitably located, and replaced on a like-for-like basis. In instances involving larger, mature trees a greater replacement ratio of 2:1 is likely to be needed.
- 10.70 As part of new developments further opportunities should be taken to plant additional trees and hedges within the site or the local vicinity. Residential development will be expected to provide two trees per dwelling. All other forms of development will be expected to provide one tree per parking space or one tree per 50 sqm of gross floorspace, whichever is lower. Where this is not possible the Council will expect the developer to provide a commuted sum to the Council to plant additional trees within the Borough including covering maintenance costs for a period of 10 years.
- 10.71 An element of these additional trees can be planted as street trees. These make an important contribution to the Borough, and in line with the NPPF the Council will require developers to make this provision wherever possible including as part of existing streets where practicable.
- 10.72 As of 1 April 2017 trees situated adjacent to the adopted roads are managed and maintained by Hampshire County Council and consequently when provision is proposed it will be necessary to consult with them to determine any practical issues. GBC will also work with HCC to encourage tree retention and replacement as set out in HCC's Tree Strategy 2020³³³.

³³² www.woodlandtrust.org.uk/media/1688/residential-developments-and-trees.pdf

³³³ www.documents.hants.gov.uk/environment/tree-strategy.pdf