



Trees and Development Supplementary Planning Document

June 2023



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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1

Introduction

- 1.1 Trees are a vital component of the built environment, adding variety and creating a more healthy and enjoyable living environment. Trees enrich our surroundings and are instrumental in enhancing quality of life. Apart from their visual amenity value, trees help to shield noise and provide a habitat for wildlife.
- 1.2 The environmental benefits of trees include carbon sequestration and storage, absorption of pollution, flood prevention and the net production of oxygen.
- 1.3 They also help to offset the Urban Heat Island¹ by creating valuable shaded areas, and their presence can increase the value of property by 5-18%².
- 1.4 Radiation from the sun is also reduced by up to 90%, resulting in temperatures up to 50% cooler under a tree canopy.
- 1.5 This Council strongly favours tree retention over tree removal and replacement. At the design stage of any new development applicants will be expected to consider retaining existing trees and incorporating them into new development proposals. Where existing trees are removed, they should be replaced as part of the development.
- 1.6 **This Supplementary Planning Document (SPD) sets out the Council's requirements in relation to any proposed development with trees on or near the site.** It is supplementary to Local Plan Policies CR6 and CL7(d). It also has regard to the Council's Tree Strategy and Basements Supplementary Planning Document (Adopted April 2016).

¹ An **Urban Heat Island (UHI)** is an urban area that is significantly warmer than the surrounding rural areas.

² London Tree Officers Association, "**Trees are more than you think**", November 2007.

Why trees are good for us

Trees are an important part of our lives and have many hidden benefits that are not always obvious. For example, trees reduce skin cancers and help reduce flash flooding.

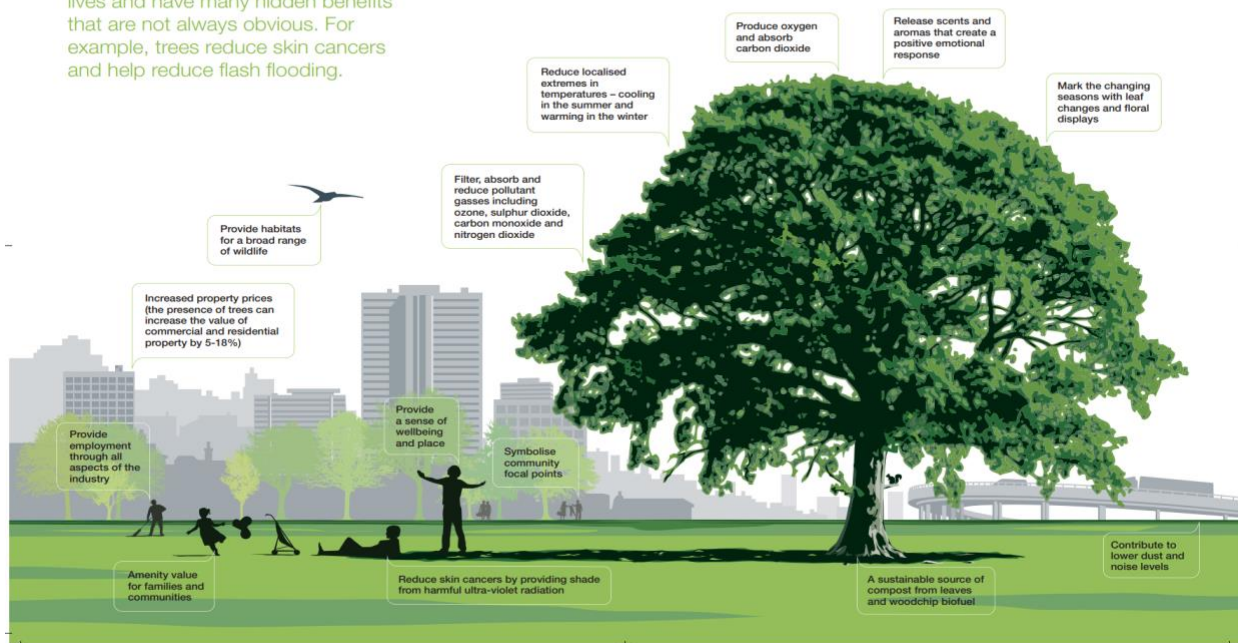


Figure 1. Why trees are good for us

Source: London Tree Officers Association, “Trees are more than you think” leaflet, November 2007

LEGAL AND POLICY CONTEXT

- 1.7 The Town and Country Planning Act 1990 (TCPA) recognises the importance of trees to the environment, public amenity, and the planning process. Specifically, Section 197 places a duty on the Local Planning Authority to consider the preservation and planting of trees with regards to development.
- 1.8 The National Planning Policy Framework (NPPF)³ contains a number of policies that are relevant to trees. In particular, paragraph 131 states the following:

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-

³ MHCLG, [National Planning Policy Framework](#), July 2021.

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.

(Paragraph 131)

- 1.9 In addition, paragraphs 174, 175 and 180 relate to trees. On a broader note, trees also have potential to be relevant with regards to paragraphs 8, 20, 28, 104(d), 120(b), 130(b), 175 and 180.
- 1.10 The Planning Practice Guidance (PPG) provides more details to support the NPPF. The guidance specifically related to trees is set out in sections on the 'Natural Environment'⁴ which covers ancient woodland and ancient or veteran trees; 'Tree Preservation Orders and trees in Conservation Areas'⁵ and 'Air Quality'⁶.
- 1.11 The RBKC Local Plan (2019)⁷ Policy CR6, states that:

The Council will require the protection of existing trees and the provision of new trees that complement existing or create new, high quality green areas which deliver amenity and biodiversity benefits.

To deliver this the Council will:

- a. resist the loss of trees unless:
- i. the tree is dead, dying or dangerous;
 - ii. the tree is causing significant damage to adjacent structures;
 - iii. the tree has little or no amenity value;

⁴ MHCLG, '[Natural Environment](#)' PPG, July 2019.

⁵ MHCLG, '[Tree Preservation Orders and trees in conservation areas](#)' PPG, March 2014.

⁶ MHCLG, '[Air Quality](#)' PPG, November 2019.

⁷ RBKC, '[Local Plan](#)', September 2019.

- iv. felling is for reasons of good arboricultural practice.
- b. resist development which results in the damage or loss of trees of townscape or amenity value;
- c. require where practicable an appropriate replacement for any tree that is felled;
- d. require that trees are adequately protected throughout the course of development;
- e. require new trees to be suitable species for the location and to be compatible with the surrounding landscape and townscape
- f. require landscape design to:
 - i. be fit for purpose and function;
 - ii. be of a high quality and compatible with the surrounding landscape, and townscape character;
 - iii. clearly defined as public or private space;
 - iv. optimise the benefit to wildlife habitat;
- g. serve Tree Preservation Orders or attach planning conditions to protect trees of townscape or amenity value that are threatened by development.

1.12 Local Plan Policy CL7(d) also seeks to protect trees when developing new basements. Further information and guidance can be found in Chapter 7 of Basements SPD (2016)⁸.

1.13 The Council's **Air Quality Action Plan**⁹ emphasises the importance of improving air quality in the borough and RBKC's statutory duty to meet the National Air Quality Objectives. Retaining the existing tree canopy cover and the planting of new trees in public spaces and private residences will be an important factor in helping the Council to meet these objectives.

1.14 A partnership approach is required between the Council and the development team. A flexible approach by both parties within a clearly defined framework will lead to an efficient planning and implementation process resulting in a higher quality built environment. The Council aims to

⁸ RBKC, [Basements SPD](#), April 2016

⁹ RBKC, Air Quality Action Plan, September 2022

develop sound working relationships with applicants and their agents when dealing with matters relating to trees on development sites.

- 1.15 Trees are at risk from the pressures of development. Damage can be sustained to both the above ground and below ground parts of trees. Any failure to evaluate fully the impact of development at the earliest opportunity could lead to the loss of tree cover, which would inevitably create a poorer living environment.
- 1.16 Protecting the root systems of trees is a key issue when dealing with trees and development. To try and ensure that damage does not occur, the British Standard (BS) Institute has introduced the concept of a Root Protection Area (RPA). The RPA is an area surrounding a tree that contains sufficient rooting volume to ensure the tree's survival. RPA dimensions will need to be agreed with the Council.
- 1.17 Figure 2 shows a commonly perceived, but incorrect, root system illustration, followed by an illustration of a tree's typical root pattern (Figure 3). Most roots will be found in the first 1 metre of soil and may spread well beyond the canopy line. For this reason, carefully defined Root Protection Areas are necessary to protect trees from the impact of development.

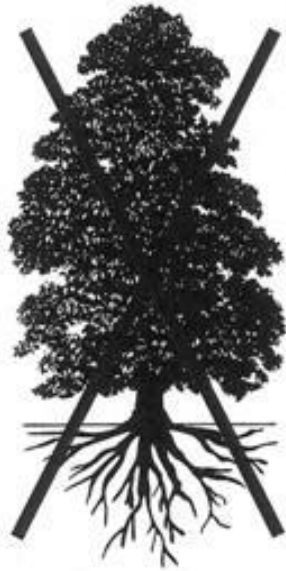


Figure 2. Incorrect representation of a tree's root system

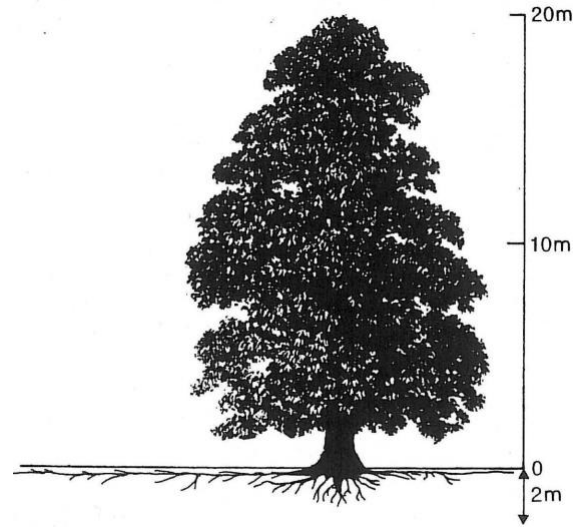


Figure 3. Typical representation of a tree's root system, which is relatively shallow but wide spreading.

HOW CAN TREES BE DAMAGED?

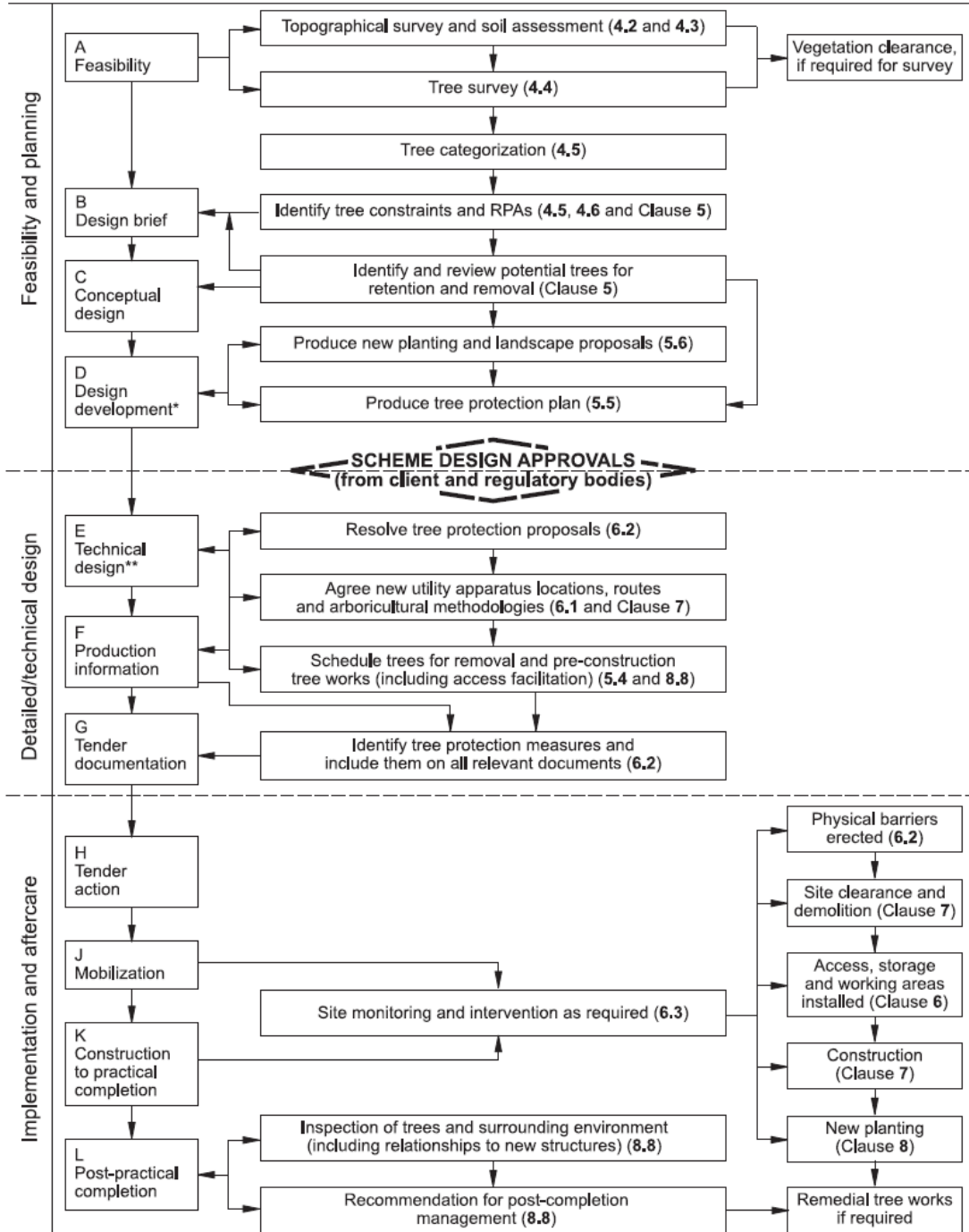
1.18 Damage to trees can occur during the demolition, construction and landscaping phases of a development. Trees are commonly damaged in the following ways:

- Bark wounds or broken branches caused by machinery.
- Compaction of the soil from repeated movement of heavy machinery.
- Root bark damage from site stripping or grading.
- Cutting of roots during excavation for foundations and services.
- Raising or lowering soil levels beneath the crown spread of a tree.
- Raising the water table.
- The spillage of petrol or diesel, mixing of cement and the storage of toxic materials or machinery under the canopy of a tree or within the Construction Exclusion Zone.
- Burning waste materials close to the tree.
- Removal of branches to create space for scaffolding or access of heavy plant.
- The storage of building materials and equipment over the root area.

2 The Pre-Application Stage

- 2.1 To integrate existing trees into a proposed development successfully it will be a planning requirement to allow enough space in the design to enable trees to mature and flourish without risking future conflict with their surroundings. Protection measures during the entire construction phase, including demolition, will also be required. Trees should be considered at the earliest design stage to allow them to be successfully integrated into new development. A survey of trees on and adjacent to the site should be the first step in the design process.
- 2.2 Figure 4 below summarises the framework within the document British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations'¹⁰. This is a very useful guidance document when looking to successfully incorporate existing trees within a new development.
- 2.3 It is desirable for contact to be made with the Council at the earliest opportunity so that proposals regarding development may be discussed.
- 2.4 It is recommended that applicants make use of the Council's Planning Advice Service. This service offers several levels of pre-application advice with the aim of ensuring that applicants fully understand relevant Council's policies and submission requirements.
- 2.5 At this stage it is beneficial for the applicant to have already undertaken a Topographical Survey, a Tree Survey and be fully aware of all the below and above ground constraints. This will enable them to prepare an Arboricultural Impact Assessment (AIA). This information will enable the Council to provide more accurate advice and guidance regarding acceptable development parameters.

¹⁰ The British Standards Institution (2012), "[BS 5827:2012 Trees in relation to design, demolition and constructions – Recommendations](#)".



* 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.

Figure 4. The design and Construction process and tree care.
 Source: The British Standards Institution (2012), "BS 5827:2012 Trees in relation to design, demolition and constructions – Recommendations, Figure 1".

ARBORICULTURAL ADVICE

- 2.6 Careful planning is essential to achieve a high-quality development that fully considers all arboricultural constraints. The inclusion of a suitably qualified arboricultural consultant on the design team and throughout the development process (i.e. from the feasibility and planning phase to first occupancy) will help ensure that:
- Only trees suitable for retention are kept in accordance with the British Standard document BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.
 - The juxtaposition of retained trees and proposed/existing buildings will not result in conflict.
 - An appropriate level of information is submitted with a planning application.
 - Retained trees are properly protected throughout the construction phase.
 - Only trees of suitable species are incorporated in the landscape scheme.

INCORPORATING TREES INTO DEVELOPMENT

- 2.7 Adequate consideration should be given to trees that are present on or adjacent to a site. The Council can require existing trees to be protected and retained, through the use of a planning condition, even when they are not the subject of a Tree Preservation Order.
- 2.8 Developments should be designed to ensure that retained trees are able to grow and mature in the space provided. This will avoid future problems arising due to the tree's proximity to buildings, which may lead to their removal or unsightly heavy pruning.
- 2.9 New tree planting/landscaping should be recognised from the outset as an integral part of any development, and should have regard to the national, regional and local Biodiversity Action Plans. New planting should be purposefully designed to complement the proposed features of the development. It is equally important to plan for the planting of trees on development sites that have no existing trees.

TOPOGRAPHICAL SURVEYS

- 2.10 Topographical surveys should be precise and show all relevant site features, including accurate location and identification of all trees. This survey should be made available as scale drawings (preferably 1:100 or

1:200) and in a commonly agreed digital format, before any application for planning permission is submitted.

2.11 The survey should include:

- The position of trees with an estimated stem diameter of 75 mm or more that overhang the site or are located beyond the site boundaries within a distance of up to 12 times their estimated stem diameter.
- For individual trees, the crown spread taken at four cardinal points; for woodlands or substantial tree groups, the overall extent of the canopy;
- Spot heights of ground level, throughout the site.

2.12 Further information regarding the Topographical Survey requirements can be found in Section 4.2 of British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations'.

TREE SURVEYS

2.13 Where developments are likely to affect existing trees the Council will require the submission of a detailed Tree Survey, drawn up in conjunction with the Topographical Survey. The Tree Survey should be regarded as an important part of the evidence base underpinning the Design and Access Statement.

2.14 The tree survey should be undertaken by an arboriculturist to record information about the trees on or adjacent to a site. The results of the tree survey, including material constraints arising from existing trees that merit retention, should be used to inform feasibility studies and design options. For this reason, the tree survey should be completed and made available to designers prior to and/or independently of any specific proposals for development.

2.15 It will be expected to meet the requirements detailed in sections 4.2 to 4.4 of British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations'.

2.16 A Tree Survey schedule should accompany the Tree Survey. The schedule should include all of the information contained within Section 4.4.2.5 of British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations'.

Identifying trees suitable for retention. (BS 5837:2012 Tree Categorisation)

- 2.17 Table 1 within BS 5837: 2012 explains how trees should be categorised. Section 4.5 of the standard describes how the cascade chart should be used. Category A and B trees should be retained. Category C trees should be considered for retention where they would not impose a significant constraint on development.

ROOT PROTECTION AREAS (RPA)

- 2.18 This is the area identified around a tree where the excavation or soil disturbance is prohibited. This area is vital to avoid damage to the roots or rooting environment of retained trees. Section 4.6 of BS5837: 2012 should be referred to for detailed guidance on the calculation of RPA's. **It should not be assumed that building/excavating may take place up to the edge of the RPA. It will be required that adequate working space between proposed buildings and the RPA is built into the design.**
- 2.19 RPA's may often need to be significantly altered to take into account pre-existing site conditions that indicate that rooting has occurred asymmetrically, a polygon of equivalent area should be produced. Modifications to the shape of the RPA should reflect a soundly based arboricultural assessment of likely root distribution. Further guidance on calculating RPA's can be found in Section 4.6.3 of BS5837: 2012.

ABOVE GROUND CONSTRAINTS

- 2.20 In addition to considering the protection of tree root systems, it is equally important to consider any above ground constraints in relation to existing trees. Such as:
- allowing sufficient working space and access needed for the proposed development.
 - the potential for the restriction of daylight and sunlight into the proposed development
- 2.21 Further guidance can be found in Section 5.2 and 5.3.4 of BS5837: 2012.

TREE CONSTRAINTS PLAN (TCP)

- 2.22 The constraints imposed by trees, both above and below ground should inform the site layout design. The TCP should also clearly indicate what trees are proposed for retention/removal and include adjusted RPA's for retained trees (See 2.18 for further guidance on RPA's).

BASEMENT DEVELOPMENTS

- 2.23 Under the adopted Local Plan Policy CL7 (d) the Council requires all basement development to “*not cause loss, damage or long term threat to trees of townscape or amenity value.*”

Basement Footprints

- 2.24 Adopted Local Plan Policy CL7 (a) states that basement footprints should “*not exceed a maximum of 50% of each garden or open part of the site. The unaffected garden must be in a single area and where relevant should form a continuous area with other neighbouring gardens. Exceptions may be made on large sites*”.
- 2.25 This policy will need to be considered in conjunction with the Root Protection Areas of any retained trees at the design stage of any development.

Sustainable Drainage Systems (SuDS)

- 2.26 Adopted Local Plan Policy CL7(j) states that any basement proposals must “*include a minimum of one metre of soil above any part of the basement beneath the garden*”. The one metre of soil can be used to meet the requirements of SuDS. However, if a SuDS is provided using a different method, the metre of soil is still required to enable new landscaping and tree planting above the basement.
- 2.27 If SuDS is to be provided using an attenuation tank or crate, it should be positioned outside of the Root Protection area of any trees to be retained within the site.
- 2.28 The draft policy GB12: Sustainable Drainable in the NLPR further encourages an increase of permeable or porous surfaces and green infrastructure, including trees and urban hedgerows, to enhance natural drainage. The policy also seeks to prioritise sustainable, natural green SuDS over engineered options (such as underground attenuation tanks or oversized pipelines).

ARBORICULTURAL IMPACT ASSESSMENT (AIA)

- 2.29 The applicant’s arboriculturist should use the required information detailed in **Section 2** of this document to consider all tree constraints and prepare an Arboricultural Impact Assessment that evaluates the direct and indirect effects of the proposed design and where necessary recommends mitigation.

2.30 The AIA should also consider any potentially damaging activities that may have a detrimental effect on nearby trees and where necessary provide mitigation/solutions. Such as:

- Piling within or close to RPAs
- Location of service/drainage runs
- SuDS
- Ground level changes for hard landscaping within RPAs
- New permanent hard surfaces within RPAs
- Working and access space needed for construction
- Tree pruning/removal
- Building material storage areas (including bunded areas for storing toxic materials that may leach into the soil within RPAs)
- Location of site huts and worker access

3

Incorporating trees into the development – The Design Stage

- 3.1 The Arboricultural Impact Assessment should provide the design team with a platform with which they can design the development taking into account the existing tree constraints within the development site. Trees on adjacent land should also be considered, including street trees managed by RB Kensington and Chelsea and street trees on Red Routes managed by Transport for London¹¹.
- 3.2 Applicants must consider tree retention as a high priority at the start of the design process. The benefits provided by a tree is usually proportionate to the size of its canopy. Therefore, the larger the tree, the more valuable it is environmentally and aesthetically. For this reason, it is important to retain and incorporate existing trees within a development.

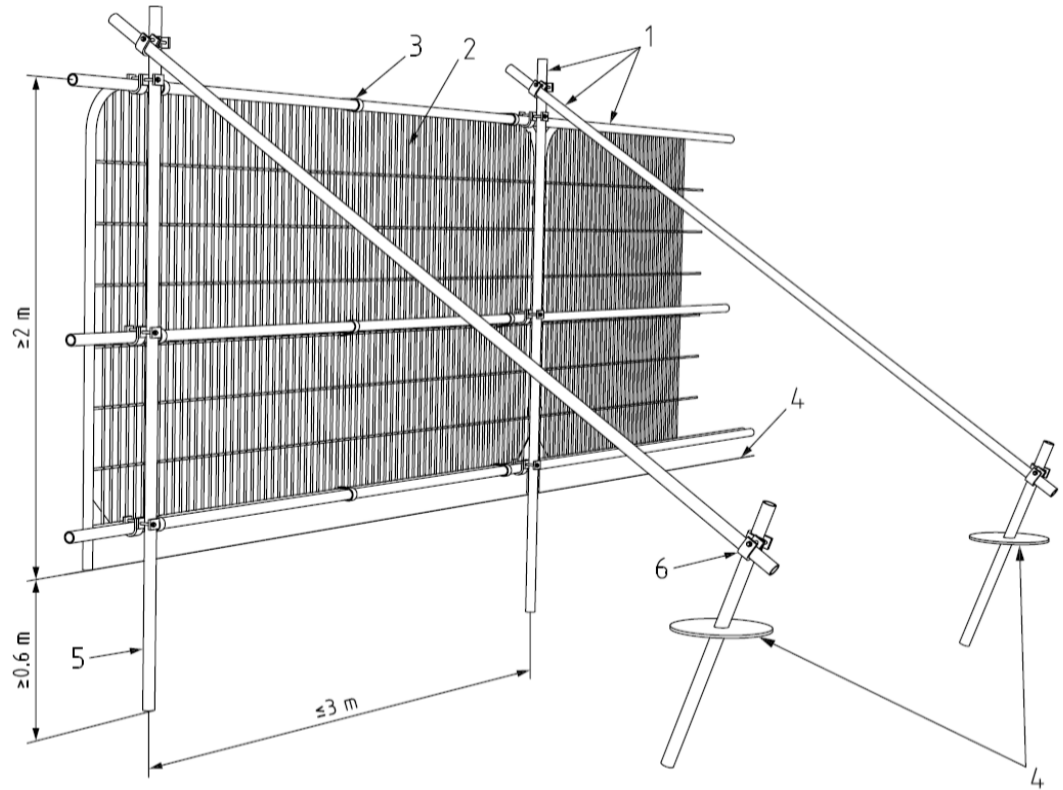
SUBMISSION REQUIREMENTS

- 3.3 Before a planning application is submitted it is recommended that applicants seriously consider using the Councils Planning Advice Service mentioned previously in Section 2. of this document.
- 3.4 Applicants should submit an Arboricultural Impact Assessment (AIA) that should include the following:
 - Topographical Survey (See paragraph 2.10)
 - Tree Survey (See paragraph 2.13)
 - Tree Constraints Plan/statement (See paragraph 2.22)
 - Tree Protection Plan (See paragraph 3.5)
 - Tree planting and landscape proposals (See paragraph 5.0)

¹¹ Transport for London will be consulted by RBKC Planning officers where a potential development may affect trees on the Transport for London Road Network.

TREE PROTECTION PLAN

- 3.5 The Topographical Survey, Tree Survey and Tree Constraints Plan will enable the production of a Tree Protection Plan (TPP) for all retained trees within a development site.
- 3.6 The physical protection of trees during the demolition and construction phase of a development is necessary to ensure that all retained trees are adequately protected.
- 3.7 Tree protection measures often impact on the space available for construction, site access and material storage. It can be very useful and sometimes necessary on congested development sites for the Tree Protection Plan to be completed before the design stage. The TPP should contain the following information:
- The TPP should be superimposed on a layout plan, based on the topographical survey and showing all hard surfacing and other existing structures within the RPA.
 - The TPP should clearly indicate the precise location of protective barriers to be erected to form a construction exclusion zone around the retained trees. It should also show the extent and type of ground protection, and any additional physical measures, such as tree protection boxes, that will need to be installed to safeguard vulnerable sections of trees and their RPAs (e.g. street trees directly adjacent to a construction site.)
 - The TPP should also clearly indicate the proposed locations of site huts, temporary toilet facilities and storage of building materials.
 - Details of the proposed protective fencing to form the construction exclusion zones. **Tree protective fencing that can be easily moved (e.g. Heras panels mounted on rubber/concrete feet) is not acceptable.** Figure 5 below illustrates the Council's preferred protective fencing specification, in accordance with the recommendations within BS5837:2012.



Key

- 1 Standard scaffold poles
- 2 Heavy gauge 2 m tall galvanized tube and welded mesh infill panels
- 3 Panels secured to uprights and cross-members with wire ties
- 4 Ground level
- 5 Uprights driven into the ground until secure (minimum depth 0.6 m)
- 6 Standard scaffold clamps

Figure 5. Default specification for protective barrier.

Source: The British Standards Institution (2012), "BS 5827:2012 Trees in relation to design, demolition and constructions – Recommendations".

CONSTRUCTION TRAFFIC MANAGEMENT PLANS (CTMP)

- 3.8 Where there are Council owned street trees outside of a development site and a CTMP needs to be submitted as part of a planning application, it is vital that the CTMP takes into account the approved Tree Protection Plan to avoid contradictory site set up information being submitted.
- 3.9 Approved TPP measures for Council owned street trees will need to be shown on any relevant plans for approval within the CTMP.

4

Implementation of Planning Controls

PLANNING CONDITIONS

- 4.1 Planning conditions may be used to secure further details after planning permission has been granted. Some conditions may require the submission of details, which at the time of the decision were not finalised.
- 4.2 Congested development sites are not uncommon in Kensington and Chelsea. Therefore, it may be necessary for applicants to expand on the TPP by submitting an Arboricultural Method Statement (AMS) to provide details relating to unresolved construction processes within the RPA, such as:
- New hard surfaces
 - Excavation/Installation methods for new service runs
 - Temporary ground protection
- 4.3 It is imperative that applicants discharge all pre-commencement planning conditions, including tree related conditions, prior to demolition/construction commencing.
- 4.4 The Council will not only expect developers to obtain the appropriate professional advice during the design and application stage but may attach a condition to ensure adequate supervision of the demolition/construction phase by a suitably qualified arboriculturist.
- 4.5 If at any time during the demolition/construction process the applicant needs to make a change to the approved tree protection measures (e.g. in maintaining the distances for protective fencing in accordance with the approved TPP) it will be necessary to obtain the written agreement of the Council.

FAILURE TO COMPLY WITH PLANNING CONDITIONS

- 4.6 Where a breach of any tree protection related planning condition is identified, the Council will take appropriate enforcement action. This may include serving a 'Stop Work Notice' on a construction site where a

contravention has occurred, or the instigation of legal proceedings under Section 210 of The Town & Country Planning Act 1990.

COMMENCEMENT OF SITE WORKS

- 4.7 The site manager of a development site will be responsible for the correct implementation of the approved Tree Protection Plan including the Arboricultural Method Statement.
- 4.8 A copy of the TPP and AMS must be available on site at all times. The following simple rules **MUST** be complied with throughout the demolition and construction phases of the development:
- **Do not** remove the protective fencing for any reason without prior approval.
 - Repair any damage to the protective fencing **immediately**.
 - Ensure that **any building materials including contaminants** (fuel, oil and any toxic chemicals) are **only stored in the areas shown on the approved TPP**.
 - **Do not** light fires within 12m of any tree and beware of flames drifting towards branches.
 - If a retained tree is damaged in any way, the contractor should inform the Council's arboricultural officer or appointed arboricultural consultant **immediately**.

REMOVAL OF TREE PROTECTION

- 4.9 Any approved tree protection measures should not be removed until all construction operations have been completed. Failure to retain all of the approved tree protection measures until such time may result in enforcement action by the Council.

5 New Tree Planting

INTRODUCTION

- 5.1 Wherever possible the Council will seek the retention of existing trees. However, where tree removal has been justified and agreed, appropriate replacement tree planting must be provided in order to maintain and expand canopy cover within the borough.

LEGISLATION, POLICY AND BEST PRACTICE

- 5.2 Section 197 of the Town and Country Planning Act 1990¹² places a duty on a local planning authority 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.

National Planning Policy Framework (NPPF)

- 5.3 Paragraph 131 on the NPPF¹³ states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that appropriate measures are in place to secure the long-term maintenance of newly planted trees. Applicants and local planning authorities should ensure that the right trees are planted in the right places.

RBKC Local Plan (2019)

- 5.4 Under the Local Plan¹⁴ Policy CR6, the Council made a commitment to “*require the provision of new trees that complement existing or create new, high quality green areas which deliver amenity and biodiversity benefits*”. The policy further states (e) that the Council will “*require new trees to be suitable species for the location and to be compatible with the surrounding*

¹² [Town and Country Planning Act 1990, Section 197](#)

¹³ [National Planning Policy Framework, July 2021](#)

¹⁴ [RBKC Local Plan, 2019](#)

landscape and townscape". In addition, criterion (f) states that landscape design is required to:

- i. Be fit for purpose and function;
- ii. Be of a high quality and compatible with the surrounding landscape, and townscape character;
- iii. Clearly defined as public or private space
- iv. Optimise the benefit to wildlife habitat.

5.5 New Local Plan Review (NLPR) emerging Policy GB18(H) states the following:

"New trees must be of a suitable species for the location and be compatible with the surrounding landscape and townscape, mitigate the effects of climate change and significant rainfall events."

RBKC Greening SPD (2021)

5.6 Paragraph 11.30 of the Greening SPD (2021).¹⁵ states the following:

"The London Environment Strategy 2018 sets out several ambitions in relation to trees and woodlands. These include the protection and management of the existing urban forest (a forest or collection of trees that grow within a city, town or urban area); increasing canopy cover by 10% of current levels; and creating 200 hectares of species-rich woodland by 2050. These objectives are supported by the London Urban Forest Plan (2020) and the London Plan 2021, which promote planting of trees and woodlands in new developments, and where loss of trees is unavoidable, requires replacement based on the existing value of the trees removed."

The Council's Local Biodiversity Action Plan.¹⁶

5.7 Our natural environment is undergoing rapid and unprecedented changes, particularly related to climate change. These environmental stresses are affecting biodiversity. Humanity is no longer living off nature's interest but drawing down its capital. This growing pressure on ecosystems is causing habitat destruction or degradation and permanent loss of productivity, threatening both biodiversity and human well-being (WWF, 2006). Park and

¹⁵ [RBKC Greening SPD, June 2021](#)

¹⁶ [RBKC Biodiversity Action Plan 2022-2027](#)

street trees in the borough have been severely affected by Horse Chestnut Leaf Miner moth in the years since this disease arrived in the UK.

5.8 Therefore, the effects of climate change and biodiversity net gain must be a consideration when selecting tree species for planting schemes on new developments.

5.9 The Council will expect all new tree planting schemes to be implemented in accordance with the recommendations within BS 8545: 2014 'Trees: from nursery to independence in the landscape – Recommendations'.

GUIDANCE/RECOMMENDATIONS FOR TREE PLANTING SCHEME DESIGNERS

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

- Tree planting scheme designers should ensure that adequate space is provided for newly planted trees to reach their mature height and spread without causing nuisance to adjacent buildings and their occupants in the years to come.
- Tree planting schemes should also consider potential future problems that may lead to a pressure to fell as the trees mature, such as the proximity of party walls and underground services etc.
- Wherever possible, large forest canopy tree species should be planted. However, in an urban environment it is equally important to plant sustainable species that will not outgrow their location and cause a nuisance to local residents. This Council fully endorses the guidance within the Forestry Commission's 'Right Tree, Right Place'¹⁷ initiative.
- New planting schemes should consider the use of native and non-native species to ensure that the right tree is planted in the right place.
- Species selection should also consider the effects of climate change and biodiversity net gain.
- The design and preparation of new planting pits should be carefully considered to ensure that a suitable medium is provided for new trees to establish and mature.

¹⁷ Forestry Commission (2021), [A guide to planning new woodland in England](#).

- The Council does not consider above or below ground planters/containers as suitable locations for planting new trees. Experience has demonstrated that trees planted in containers are much less likely to establish successfully and/or reach their mature height and spread.
- Applicants should be aware that tree planting planning conditions will stipulate that any new trees that die, or are removed, within five years of being planted will have to be replaced.
- The Council will expect that new or replacement trees will be a minimum size of 14-16 cm girth when sourced from the nursery. In certain instances, the Council may insist that larger semi mature trees are included in a new planting scheme.
- Even if there are no existing trees at a proposed development site the Council may decide to use planning conditions to ensure that new trees are planted to increase canopy cover within the borough.

Appendix 1 – The Legal Framework

Section 197 of the Town and Country Planning Act 1990 places a general duty on any 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.

(b) to make such Orders (Tree Preservation 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.

Many trees in the Royal Borough are already protected by Tree Preservation Orders (TPO) or by merit of their location within a Conservation Area. Under the Town and Country Planning Act 1990 (as amended) it is an offence to fell, top, lop or cause wilful damage to any protected tree without consent from the Local Planning Authority.

The Council regards unauthorised removal of or damage to protected trees very seriously and will not hesitate to prosecute whenever the circumstances warrant it.

Appendix 2 – Planning Policy and Guidance

The preservation of existing trees is a material consideration in the planning process, whether they are subject to existing statutory protection or not. Whilst trees may affect the development potential of some sites, in many cases they can be successfully integrated into new development schemes, adding to the overall value of a development.

The RBKC Tree Strategy highlighted the importance of having an SPD for Trees and Development. This was documented as Strategic Objective No.5 (SO 5.), which is **“To produce a Supplementary Planning Document to ensure the protection of trees to be retained on development sites and to require high standards of replacement tree planting and landscaping.”**

The RBKC Local Plan (2019) contains a number of key policies and recommendations relating to trees which are a material consideration when determining planning applications. In particular:

Policy CR6 Trees and Landscape

The Council will require the protection of existing trees and the provision of new trees that complement existing or create new, high quality green areas which deliver amenity and biodiversity benefits.

To deliver this the Council will:

- a. resist the loss of trees unless:
 - i. the tree is dead, dying or dangerous;
 - ii. the tree is causing significant damage to adjacent structures;
 - iii. the tree has little or no amenity value;
 - iv. felling is for reasons of good arboricultural practice.
- b. resist development which results in the damage or loss of trees of townscape or amenity value;
- c. require where practicable an appropriate replacement for any tree that is felled;
- d. require that trees are adequately protected throughout the course of development;
- e. require new trees to be suitable species for the location and to be compatible with the surrounding landscape and townscape

f. require landscape design to:

- i. be fit for purpose and function;
- ii. be of a high quality and compatible with the surrounding landscape, and townscape character;
- iii. clearly defined as public or private space;
- iv. optimise the benefit to wildlife habitat;

g. serve Tree Preservation Orders or attach planning conditions to protect trees of townscape or amenity value that are threatened by development.

Local Plan Policy CL7(d) also seeks to protect trees when developing new basements. Further information and guidance can be found in Chapter 7 of Basements SPD (2016)¹⁸.

Policy CL7 Basements

The Council will require all basement development to:

d. not cause loss, damage or long term threat to trees of townscape or amenity value.

In addition, New Local Plan Review (NLPR) emerging Policy GB18 – “Trees and Landscape” also deals with protection of existing trees.

Protection of Trees

A. The Council will resist the loss of trees of value, based on amenity, historic and ecological value.

B. Exception to the criterion A above will be where:

- i. The tree is dead, dying or dangerous.
- ii. The tree is demonstrated as causing significant damage to adjacent structures.
- iii. Felling is for reasons of good arboricultural practice.

C. Resist development which results in the damage, or loss, of trees of townscape or amenity value or gives rise to the threat to trees of townscape or amenity value which is immediate or long term which affects the continued well-being of such trees.

¹⁸ RBKC, [Basements SPD](#), April 2016

- D. Trees must be adequately protected throughout the course of development, including identified Root Protection Areas.
- E. The Council will serve Tree Preservation Orders or attach planning conditions to protect trees of townscape or amenity value that are threatened from development, inappropriate pruning works or removal.

Loss of Trees

- F. Require where practicable an appropriate replacement of a suitable size for any tree that is felled and that safeguarding measures are implemented to ensure that the tree has the best possible opportunity of reaching maturity.
- G. Where the loss of a tree is unavoidable the Council will require that any new tree compliments existing trees and assists in creating new, high quality green areas which deliver amenity and biodiversity benefits.
- H. New trees must be of a suitable species for the location and be compatible with the surrounding landscape and townscape, mitigate the effects of climate change and significant rainfall events.

Landscape Design

- I. Require landscape design to:
 - i. Be fit for purpose and function.
 - ii. Be of a high quality and compatible with the surrounding landscape, townscape character and mitigate the effects of climate change and significant rainfall events.
 - iii. Clearly defined as public or private space.
 - iv. Optimise the benefit to wildlife habitat including biodiversity net gain as set out in Policy BG17.
 - v. Proactively encourage tree planting where this can contribute to mitigating the effects of climate change and flood risk.

Appendix 3 – Useful Contacts

For further advice contact:

The Arboricultural Team

Planning and Place

Royal Borough of Kensington and Chelsea
3rd Floor
Town Hall
Hornton Street
London
W8 7NX

Tel: 020 7361 3012

Email: trees@rbkc.gov.uk

General Planning Enquiries

Contact: Development Management

Tel: 020 7361 3012

Email: planning@rbkc.gov.uk

Other Useful Contacts

[Arboricultural Association](#)

[Department for Environment Food and Rural Affairs](#)

[Forestry Commission – London Trees and Woodland Framework](#)

Appendix 4 – Useful References

- British Standard BS3998: 2010 Recommendations for Tree Work
- British Standard BS5837: 2012 Trees in Relation to Design, demolition and construction – Recommendations.
- British Standard 8545: 2014 Trees: from nursery to independence in the landscape – Recommendations.
- British Standard BS8206-2: 2008 Lighting for buildings. Code of Practice for Daylighting.
- Building Research Establishment. Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice.
- Matheny, N and Clark, James R (1998). Trees and Development – A Technical Guide to the Preservation of Trees During Land Development.
- National House Building Council Standards Chapter 4.2 2022. Building Near Trees.
- National Joint Utilities Group Publication: Volume 4 (as amended): Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees.
- Arboricultural Advisory and Information Service (AAIS). Arboricultural Practice Note (APN) 5 – Shaded by Trees.
- Arboricultural Advisory and Information Service (AAIS). Arboricultural Practice Note (APN) 12 – Through the Trees to Development.
- The Arboricultural Association. Guidance Note 12 – The use of Cellular Confinement Systems; A guide to good practice
- Royal Borough of Kensington and Chelsea - Tree Strategy
- Royal Borough of Kensington and Chelsea – [Basements SPD](#), April 2016
- Royal Borough of Kensington and Chelsea – [Greening SPD](#), June 2021
- Royal Borough of Kensington and Chelsea – [Local Biodiversity Action Plan 2022-2027](#)
- Royal Borough of Kensington and Chelsea – [Air Quality Action Plan 2022-2027](#)