

Coventry City Council

Trees & Development Guidelines for Coventry Supplementary Planning Document (SPD)

Regulation 12(a) Report of Consultation and Consultation Statement

December 2018

Introduction

This report sets out the consultation that took place in the lead up to and during public consultation of the Coventry Draft Trees & Development Guidelines Supplementary Planning Document (in this document referred to as the Draft SPD) from Wednesday 8th August and Friday 21st September 2018. It reviews the consultation responses received, the number of representations made and a summary of the main issues raised by the representors.

This document has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 which requires that Local Authorities set out the persons the local planning authority consulted when preparing the supplementary planning document, a summary of the main issues raised with the consultation responses, and how those issues have been addressed. Once adopted, the Trees & Development Guidelines Supplementary Planning Document will form part of the Council's Local Plan.

Background

The Trees & Development Guidelines Supplementary Planning Document has been prepared to provide technical guidance and support to Policy GE3 and GE4 of the new Local Plan. This will help deliver one of the overall objectives of the Plan which is to help protect and manage trees through the planning process.

The Trees & Development Guidelines Supplementary Planning Document is aimed at individuals and organisations involved in submitting a planning application as well as those involved in the determination and enforcement of planning applications, for all relevant developments (residential, commercial and mixed developments).

Public Consultation

The Draft Trees & Development Guidelines SPD was approved for public consultation by the Council's Cabinet Member on 6 August 2018. Public Consultation was held from Wednesday 8th August and Friday 21st September 2018. Notification of the Draft SPD consultation was sent via email and letter to:

- Statutory Consultees including adjoining Local Authorities; and
- Local Plan database contacts including individuals, developers and community groups.

Hard copies of the Draft SPD were made available in the customer contact centre and Council House in the city centre. The consultation was posted on the council's Facebook and Twitter account as well as appearing on the main council webpages.

A number of drop in sessions were also held across the City to facilitate community input and feedback.

Comments were requested via email to ldf@coventry.gov.uk. An email address and contact telephone number was provided on all the consultation material and the website for those who wanted to ask questions and seek further information.

Summary of Response to the Consultation

The Council received a total of 7 responses via email and post as well as a range of informal comments and suggestions made through stakeholder meetings and consultation drop in events. A summary of the representations made and the proposed action in response to the representations are set out in the table below.

Table 1: Summary of Consultation Responses

Representations - Trees SPD	
Comment	Response
Paragraph 2.12 references a buffer of 50m, this conflicts with Natural England's advice of minimum 15m buffer. Reference to 50m buffer should be removed and amended to 15m.	Comment noted. We are mindful that there is no specific distance within the NPPF, however the Planner's Manual for Ancient Woodland and Veteran Trees (October 2017) recommends that a minimum buffer of 50 meters should be maintained to ancient woodland. Upon reviewing this guidance further as well as that of Natural England we propose to amend the wording of this section to further reflect the guidance of the Woodland Trust in this respect. This will add flexibility to the guidance to be applied in appropriate circumstances. Para 2.12 will be amended accordingly to include references to: "Although there is no 'one size fits all' with buffer design, each one should be designed to fulfil the specific requirements of its location and the type of proposed development. As a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance. The preferred approach is to create new habitat, including native woodland, around existing ancient woodland. This will help reverse the historic fragmentation of this important habitat. The consequent increase in ecological connectivity between areas of ancient woodland will create the resilient landscapes recommended in Making Space for Nature published by Defra (2010)"
Chapter 1 - Introduction is lengthy, can this be reduced?	We do not plan to reduce the size of the introduction chapter. We believe all elements of the chapter are integral to the document, and there are no aspects worthy of deletion.
Paragraph 2.8 - reference to NPPF (2012) needs updating.	All references to the previous NPPF will be deleted and amended so as to be replaced by the new version - any contextual changes will need to be updated accordingly (in particular paragraphs 170, 171, 175, 180 and 181).
Chapter 2 - Context is lengthy, can this be reduced?	We do not plan to reduce the size of the context chapter. We believe all elements of the chapter are integral to the document, and there are no aspects worthy of deletion.
Paragraph 2.20 repeats part of paragraph 2.19.	Paragraph 2.20 to be deleted.

Should avoiding damage to existing trees section come under tree/root protection? As we would expect this to be covered as part of any tree protection plan.	Chapter 'Avoiding Damage to Existing Trees' to be moved forward to the 'Implementation' chapter to bring in-line with the principle structure of the document; pre-application, during construction, post-development.
Details regarding pre-app advice should be referenced and point readers in the direction of the appropriate pre-app web-page as this is kept up-to-date.	Further detail to pre-application advice to be included. Make reference to the Local Validation Requirements Checklist.
Paragraphs 3.6 to 3.11 (sub-chapter 'Tree Surveys') - additional mitigation measures required to protect trees which hold ecological value; e.g. 50m buffer between ancient woodland and built development.	Whilst site specifics may dictate a reduction in the buffer distance, they may also necessitate an increase above 50m to protect trees of ecological or arboricultural value. This is covered further in response to point 1 (above).
Collaboration between arboriculturalist and ecologist to ensure tree constraints plan and ecological protection plan complement one another.	Although not part of British Standard, applicants will be encouraged to align the ecological appraisals of the site and TCP as this will produce shared benefits and improved design - additional paragraph at 3.14.
Green Infrastructure - the SPD could consider making provision for green infrastructure within development, as the NPPF requires local planning authorities to do.	The explicit objective of the SPD is to manage tree protection measures as part of delivering new developments, in doing so, this contributes to supporting green infrastructure, enhancing biodiversity and landscape value. These are also wider requirements of the NPPF and as such are covered by the policies in the Local Plan.
New tree planting is a significant opportunity to retrofit green infrastructure in the urban environment.	Comment noted.
Biodiversity enhancement - the SPD could provide an opportunity to enhance the character and local distinctiveness of the surrounding natural and built environment.	Comments have been noted, but due to their general nature, are not considered to necessitate any specific modifications to the SPD.
Landscape enhancement - The SPD could provide opportunities to bring benefits for the local community, for example contact with nature.	The explicit objective of the SPD is to manage tree protection measures as part of delivering new developments, in doing so, this contributes to supporting green infrastructure, enhancing biodiversity and landscape value. These are also wider requirements of the NPPF and as such are covered by the policies in the Local Plan.
It may be appropriate to seek that, where viable, trees should be of a species which are capable of growth to exceed building height. Furthermore, where mature trees are retained on site, provision is made for succession planting so that new trees will be well established by the time mature trees die.	The explicit objective of the SPD is to manage tree protection measures as part of delivering new developments, in doing so, this contributes to supporting green infrastructure, enhancing biodiversity and landscape value. These are also wider requirements of the NPPF and as such are covered by the policies in the Local Plan.
Design principles pertaining to the impacts of lighting on landscape and biodiversity could be considered.	Comment noted. This will be an area of consideration as part of wider Design Guidance that the Council will develop.

Paragraph 2.24 - the native list of tree and shrub species in the Council's Ancient Arden Design Guidelines (page 38) could also be referenced, as these species occur locally within the Ancient Arden landscape and provide a valuable contribution to its distinctive local character. These species also complement the Arden Landscape Guidelines published by Warwickshire County Council.	We don't feel cross-referencing is necessary, we will ensure all relevant text is included in this SPD.
A space needs to be inserted between paragraphs 4.21 and 4.22.	Formatting, spelling and grammatical checks will be made, and errors corrected, at the final publication stage.
Reference should be made to Recommendation 2 of the Warwickshire, Coventry and Solihull Sub-regional Green Infrastructure Strategy (Part B) [page 35].	Comment noted. Please be aware that this informed the Local Plan and so is covered in relation to other policies.
Paragraph 2.9 - flood risk management benefits could be added.	Paragraph 2.9 relates specifically to a (now defunct) paragraph in NPPF (2012). Flood Risk Management is considered within paragraph 2.17 of the SPD.
Chapter 1 - Introduction could place greater emphasis on the environmental and health benefits of trees, although the environment does feature in paragraph 2.9.	Paragraphs 2.19 and 2.20 of the SPD present the environmental benefits of trees. As well as throughout the Green Environment chapter of the Local Plan, the Council is also clear within its Health Impact Assessments SPD and Health and Wellbeing chapter of the Local Plan that trees as part of the natural environment play an important health and environmental benefit.
The details of the CAVAT procedure and a copy of a recording sheet could be included in the appendices.	A copy of the CAVAT procedure and recording sheet will be included as Appendix.
Reference to aftercare of new planting should be included where most relevant/appropriate.	Paragraph 4.36 explains how the aftercare of newly planted trees will be enforced.
Paragraph 2.11 and 2.12 - pleased that buffer zone is to be increased to 50m.	See previous comments concerning 'buffer zone'.
Paragraph 2.16 - Ancient, Veteran and other important street trees need identifying and protecting.	References to Ancient Trees are included in paragraphs 2.7, 4.29, 4.40 and 4.44, however wording will be strengthened to make categorically clear the importance of such trees.
Paragraph 2.18 and 3.24 - A tighter definition of "exceptional circumstances" may provide more protection.	Paragraph 3.24 makes no reference to 'exceptional circumstances', however for the avoidance of doubt, "exceptional circumstances" concern 'national importance' only.
Paragraph 2.25 - It would be helpful if more detail about trees were to be required in planning applications, to assist in identifying necessary tree protection measures to be identified prior to development.	Paragraph 2.25 concerns the history of the ancient landscape of the Arden character area. The relevant sections of the SPD ('Planning for Trees Pre-development') provides an appropriate level of detail without being over-burdensome. This is also picked up through the local validation checklist.
Paragraph 3.26 - are there guidelines for what may prove exceptions to the rule of "not normally".	Generally speaking this will relate to exceptional circumstance, however it does offer flexibility for case/site specific circumstances should they be deemed appropriate and justified as part of the planning process.

Paragraphs 3.6 to 3.11 (sub-chapter 'Tree Surveys') - what level of enforcement ensures the provision of accurate land surveys?	The 'Land Surveys' chapter runs from paragraph 3.3 to 3.5. For clarity, the application wouldn't be validated, withdrawn or refused.
Heavy traffic on site en-route to a site may damage trees on access roads.	The impacts of vehicular traffic in general as a result of development is covered by the wider Local Plan and supporting SPD. It is not the role of this SPD to consider wider impacts of traffic movements away from the development site in question. If there are issues associated with the specific site then this SPD will support the need for tree protection measures etc.
Development work should be checked during development and on completion.	Paragraph 4.7 explains how the Tree Preservation Officer will ensure all retained trees will be monitored during construction. Alternatively the named arboriculturalist will be conditioned to monitor the site post-development.
Change the name of the chapter 'Implementation, Monitoring & Review' to remove the word implementation as there is already a chapter with this name.	Remove the word 'Implementation'.
188 OS map needs to highlight the tree at Moat House Leisure and Neighbourhood Centre.	Red circle to show tree will be overlain upon map.
P.14 - spelling of Candelabra needs to be corrected	Spelling has been corrected.
Tree species design brief; for development needs to be included in the Design Criteria section.	Comment noted. The wording in the current draft does not reference detailed comments such as this in order to remain flexible and responsive to national guidance and legislation in more general terms. This ensures the most up to date and appropriate guidance can be applied.
Grey column on the right hand-side of page which needs to be removed.	We will remove the ghost column.
Appendices need to be made larger because they are too small and clarity improved.	Comment noted – changes to be made.
Date column needs to be added to the monitoring sheet as appendix 4.	Monitoring sheet will be updated

Please note: some representations were received from the same address and made the same points.