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Cabinet Member

9 December 2019

**Name of Cabinet Member:**

Cabinet Member for Housing and Communities – Councillor T Khan

**Director Approving Submission of the report:**

Deputy Chief Executive - Place

**Ward(s) affected:**

All

**Title:**

Draft Trees & Development Guidelines for Coventry: Supplementary Planning Document

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**Is this a key decision?**

No.

This draft Supplementary Planning Document (SPD) provides technical guidance which supports the adopted Local Plan.

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**Executive Summary:**

This SPD is intended to provide technical guidance and support to the Green Environment policies set out in Chapter seven of the Local Plan (2016), in particular policies GE3 and GE4. To a lesser extent, it also builds upon some of the policies included in chapters 9 (Conservation and Heritage) and 11 (Environmental Management). The Local Plan provides the framework for determining planning applications across Coventry following its adoption on the 6<sup>th</sup> December 2017. This SPD has been developed by the Council's Planning Policy team, and is intended to provide a comprehensive overview of the requirements for applicants in the planning process where trees are involved.

The SPD is structured in a sequential order for an applicant preparing a planning application submission where trees are involved. It covers supporting technical detail(s) around matters of:

- Land Surveys.
- Tree Surveys.
- Tree Constraint Plans.
- Arboricultural Method Statements.
- Capital Asset Value for Amenity Trees.

- Works to trees.
- Tree and root protection measures.
- Planting new trees.
- Accessing and moving around sites.
- Avoiding damage to trees.

**Recommendations:**

The Cabinet Member is requested to:

Consider the consultation statement included at appendix 2 and approve a final round of public participation on the Trees & Development Guidelines SPD. The consultation is proposed to run for six weeks between Monday 6 January 2020 and Monday 17 February 2020.

**List of Appendices included:**

Appendix 1 – Draft Trees & Development Guidelines for Coventry: Supplementary Planning Document and supporting appendices to the SPD.

Appendix 2 – SPD Consultation Statement.

**Background papers:**

None.

**Other useful documents:**

The Coventry Local Plan was adopted at full Council on the 5<sup>h</sup> December 2017, with adoption statements issued the following day. This SPD relates primarily to Chapter 7 of the Local Plan, which covers policies on the green environment, with reference to chapters 9 (Conservation and Heritage) and 11 (Environmental Management). The Local Plan can be viewed via the following link:

[http://www.coventry.gov.uk/downloads/file/25899/final\\_local\\_plan\\_december\\_2017](http://www.coventry.gov.uk/downloads/file/25899/final_local_plan_december_2017)

**Has it been or will it be considered by Scrutiny?**

Yes – it is planned to go before Scrutiny Board 3 meeting in Dec 2019.

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No.

**Will this report go to Council?**

No.

**Report title: Draft Trees & Development Guidelines for Coventry: Supplementary Planning Document**

**1. Context (or background)**

- 1.1 This SPD continues to expand upon and support the green environment policies set out in Chapter seven of the Local Plan, with particular focus on policies GE3 and GE4. The changes to this SPD have been made by the Planning Policy team to reflect the comments received through the initial rounds of consultation (8th August 2018 - 23rd September 2018 and 7 January 2019 - 18 February 2019), and which further augment tree protection, tree conservation and other related policies. The continued technical support and guidance provided within the document will help all stakeholders to understand the Council's tree protection aims and objectives and help applicants to provide the correct information and assess the right areas where tree protection and planting measures will be required, as early as possible in the planning process. This will not only save time and money but will lead to better planning and stronger outcomes for green infrastructure.
- 1.2 The SPD remains split across five areas, with the first providing the introduction and the second context (introducing the legislation, guidance and policy important to tree conservation, and providing a brief overview of the importance of trees and history of trees in the city). The third area provides detailed information on what is required by applicants prior to submitting a planning application on a site where trees are located. The fourth section sets out the standards the Council expects to see developers, or any other individual/organisation, meet when implementing such works to and around trees. The fifth and final area concerns the monitoring and review requirements.
- 1.3 A previous report was taken to your Cabinet Member meeting on 24 September 2019 which agreed to consult on the draft SPD. However, before the public consultation formally commenced, legal advice was received that recommended a technical adjustment to the way ancient and veteran trees were defined in the SPD. As a result, this specific section of the SPD has been amended and is presented for your approval prior to public consultation commencing.
- 1.4 A summary of responses received to the public consultation periods are included within Appendix 2 – the Consultation Statement. The key points are also set out within section three of this report.

**2. Options considered and recommended proposal**

- 2.1 Three options have been considered in relation to this report. The first has formed the recommendations of this report and is to publish the next stage of the SPD in accordance with national Regulations. This is with a view to adopting the SPD in order to provide technical guidance and support to those submitting planning applications that involve matters of tree protection and conservation.
- 2.2 The second option is to discontinue the SPD, and not consult on this document, thus relying solely on the policies in the Local Plan. This option has not been recommended as it would place greater reliance on how applicants use the new policies which could generate greater inconsistency in evidence submitted in support of applications, and lead to resource pressure for planning officers in particular the Tree Preservation Officer who manages day to day caseloads. As such, this technical guidance is important to the correct understanding of policies within the new Local Plan (in so far as they relate to the green environment). This level of detail was not provided within the Local Plan itself

as it would have extended the complexity and length of the Plan substantially and is not considered good practice.

- 2.3 The third option involves pursuing the adoption of the SPD following the second public consultation. However, this is not advised given the likely objection from stakeholders and the need to respond to amendments in relevant guidance.

### **3. Results of consultation undertaken**

- 3.1 There have been two rounds of formal public consultation to date on the draft Trees and Development Guidelines SPD, between the dates of 8th August 2018 and 23rd September 2018 and 7 January 2019 and 18 February 2019.

- 3.2 A total of ten responses were received for both consultations via email 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 as part of the second consultation are set out in Appendix 2.

- 3.3 The primary comments came from stakeholders with an interest in the protection and preservation of the green environment, especially trees. The comments focussed upon the following key aspects:

- The need to update the references to the National Planning Policy Framework (NPPF) to reflect the newly updated document issued by Government in July 2018 and February 2019 and other updated guidance issued by the Woodland Trust since the second draft version was issued;
- Clarification of the CAVAT qualifying replacement planting approach;
- Clarification of veteran and ancient tree definitions based on the 2019 NPPG revisions;
- Other minor modifications concerning clarity of wording; and
- The relevance and justification of the buffer to the existing ancient woodlands and trees.

### **4. Timetable for implementing this decision**

- 4.1 Subject to approval by the Cabinet Member, it is proposed to republish the Draft SPD alongside the consultation statement for a period of six weeks between Monday 6 January 2020 and Monday 17 February 2020.

- 4.2 This final period of public consultation will seek formal representations to the SPD. Following this round of consultation, all responses will be reviewed, and the SPD will be updated (if appropriate) for the final time. The SPD will then be presented for adoption at Cabinet at the earliest opportunity in 2020.

### **5. Comments from the Director of Finance and Corporate Services**

- 5.1 Financial implications

Unlike the Local Plan or an Area Action Plan, a SPD is not subject to public examination. It therefore does not incur the same level of costs as a higher level Plan. Any costs associated with the delivery of this SPD will be met through existing budgets attributed to the Planning Policy team.

## 5.2 Legal implications

Supplementary Planning Documents are produced under the Planning and Compulsory Purchase Act 2004 (as amended) and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This draft SPD has been produced in accordance with the relevant legislation and regulations. SPD's are subject to supporting evidence and consultation but are not publicly examined or subject to a Sustainability Appraisal. As such, their 'material weight' in planning terms is less than that of a Local Plan, Area Action Plan or other Development Plan Documents. Notwithstanding this, SPD's must be adopted by a resolution of the Local Planning Authority and are still important planning policy documents that provide technical guidance and supporting information to those submitting planning applications. A SPD does not introduce new policy, instead it builds and expands upon those set out in the higher level plan (in this case the new Local Plan) to ensure they are interpreted and delivered in the most efficient and effective way.

## 6. Other implications

None.

### 6.1 How will this contribute to achievement of the Council's Plan?

- A prosperous Coventry: The SPD will support the delivery of the Green Environment policy, and partly the Heritage and Environmental Management policies in the Local Plan. It will provide technical guidance to ensure the Plan helps deliver enhanced green infrastructure. This will help to ensure Coventry remains a physically attractive place to live and invest;
- Citizens living longer, healthier, independent lives: The SPD promotes greater understanding and appreciation of the city's green environment. A place where trees are respected can bring about health benefits in the form of mental well-being and a higher quality of life;
- Making Coventry an attractive and enjoyable place to be: The SPD will support the green environment and environmental management policies in the Local Plan. It will provide technical guidance to ensure the Plan helps promote the protection of the natural aspect of our environment. This will help to ensure Coventry's urban setting remains an attractive location to live, work and visit;
- Making places and services easily accessible: The SPD will help to facilitate the accessibility of public transport and active travel by making routes more attractive to engage with either by foot, cycle, bus or train. In other words, it will play a role in helping to make the cities transport infrastructure more user-friendly especially when walking or travelling by bike.
- Encouraging a creative, active and vibrant city: Protecting and conserving the green environment, supported through this SPD, will facilitate an improved quality of life, encouraging a mix of reasons to come to the city.
- Developing a more equal city with cohesive communities and neighbourhoods: Trees have the ability to naturalise anywhere. This SPD looks to utilise that notion to ensure that trees can have an equalising effect across the city and play a part in helping to remove the perceptions of the socio-economic standing of local residents.
- Improving the environment and tackling climate change: The successful implementation of this SPD will help seek to mitigate the impacts of development on the environment through the retention of trees and the role they play in supporting ecosystems and habitats, alongside the benefit of reducing the impact of climate change.

## **6.2 How is risk being managed?**

The primary risk associated with this SPD is the length of time it will take to formally adopt the SPD, however this risk has been reduced as the document has already been taken through two rounds of consultation. Although the Draft SPD can be a material consideration from the moment it is published, its weight varies according to how far advanced it is during the preparation process and the level and type of objection that remains outstanding. As a result, the Council continues to be reliant on planning applicants to utilise the SPD at their own discretion and to their own benefit when developing planning applications. Based on the initial consideration of the affected policies of the Local Plan, and officer's engagement with planning consultants via pre-application services and informal discussions, the publication of this SPD is actively awaited and encouraged. As such we consider this risk to remain minimal.

## **6.3 What is the impact on the organisation?**

No direct impact.

## **6.4 Equalities / EIA**

A full Equality and Consultation Assessment (ECA) was undertaken as part of developing the Local Plan. As this SPD supports the delivery and technical interpretation of policies within the Plan no further assessment has been undertaken. As part of that analysis, the Council had due regard to its public sector equality duty under section 149 of the Equality Act (2010).

A key priority of this SPD is to support the interpretation and effectiveness of the green environment policies within the Local Plan. These policies focus on promoting greater protection to the natural environment.

## **6.5 Implications for (or impact on) climate change and the environment**

Key priorities of the Green Environment policy within the Local Plan (and therefore this SPD) include the protection of trees, preservation of biodiversity and the landscape and planning for climate change. As such, this SPD seeks to influence a positive impact on the environment socially, environmentally and economically.

## **6.6 Implications for partner organisations?**

None.

### **Report author(s):**

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