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Cabinet

13 October 2020

**Name of Cabinet Member:**

Cabinet Member for Housing and Communities – Councillor D Welsh

**Director Approving Submission of the report:**

Director of Streetscene and Regulatory Services

**Ward(s) affected:**

All

**Title:**

Adoption of Trees & Developer Guidelines Supplementary Planning Document (SPD)

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**Is this a key decision?**

No - although the proposals affect more than two electoral wards, the impact is not expected to be significant.

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**Executive Summary:**

It is the Council's intention to protect existing trees wherever possible as they play a vital role in the City, providing ecological, health and amenity benefits. This SPD provides developers with clear guidance on the Council's requirements to protect and retain trees and sets out mitigation and cost implications if the removal of high-value trees cannot be avoided.

The document provides technical guidance and support to the Green Environment policies set out in Chapter 7 of the Local Plan (2016), in particular policies GE3 and GE4. It also builds upon a number of the policies included in Chapters 9 (Conservation and Heritage) and 11 (Environmental Management).

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 (CAVAT).
- Works to trees.
- Tree and root protection measures.

- Planting new trees.
- Accessing and moving around sites.
- Avoiding damage to trees

**Recommendation:**

The Cabinet is requested to:

- 1) Approve the content of the Trees and Development Guidelines SPD and agree its adoption with effect from the 23 October 2020.

**List of Appendices included:**

Appendix 1: Trees and Development Guidelines Supplementary Planning Document (SPD) and supporting appendices

Appendix 2: SPD Consultation Statement

Appendix 3: Report of the Business, Economy and Enterprise Scrutiny Board (3) on 18 December 2019

**Background papers:**

None

**Other useful documents**

The SPD has been subject to previous Cabinet Member reports to oversee the related consultation stages. Documents are available via the following links:

<https://edemocracy.coventry.gov.uk/documents/s39228/09%20-%20Draft%20Trees%20Development%20Guidelines%20for%20Coventry%20Supplementary%20Planning%20Document%20SPD.pdf>

<https://edemocracy.coventry.gov.uk/documents/s42114/06%20-%20DRAFT%20Trees%20Development%20Guidelines%20for%20Coventry%20-%20Supplementary%20Planning%20Document.pdf>

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

The draft Tree and Development Guidelines SPD was considered by the Business, Economy and Enterprise Scrutiny Board (3) on 18 December 2019 (Briefing Note attached as Appendix 3)

<https://edemocracy.coventry.gov.uk/ieListDocuments.aspx?Cid=570&Mid=12071&Ver=4>

**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:**

Adoption of Trees and Development Guidelines Supplementary Planning Document (SPD)

**1. Context (or background)**

- 1.1. Following the adoption of the Coventry Local Plan in December 2017 the Council has been developing a range of Supplementary Planning Documents (SPDs) to provide technical guidance and support to specific policies within the Plan.
- 1.2. Supplementary Planning Documents are designed to build upon and provide more detailed advice and guidance on the policies in the Local Plan. They do not introduce new policy and should be used to help applicants make successful applications and are not to be used to add unnecessarily to the financial burdens on development.
- 1.3. Trees offer many amenity, environmental and health benefits and it is the Council's intention to protect existing trees wherever possible, mitigating the impact on them through and after the development process. The SPD clearly sets out the Council's expectations regarding the protection of existing trees and the requirements around the planting of new on-site trees. Finally, if the loss of a high-quality tree is unavoidable, it ensures appropriate mitigation and compensation can be sought.
- 1.4. The development of SPDs is subject to a number of statutory processes including an initial period of public consultation, followed by a further period of publication and engagement to present the consultation responses and how they have informed the final draft of the SPD. They must then be presented to Cabinet for adoption in accordance with the Council's constitution.
- 1.5. The SPD presented with this report has been through three stages of consultation and public engagement. The responses to two of these consultations have previously been considered through respective Cabinet Member reports. The most recent consultation summary is summarised in Section 3 and a full table of representations is included at Appendix 2 of this report, along with responses to the points made.
- 1.6. This Cabinet paper now seeks the adoption of the Tree and Development Guidelines SPD with amendments consequent from the most recent public consultation.

**2. Options considered and recommended proposal**

- 2.1. As the Coventry Local Plan has already been adopted, only two potential options have been considered.
- 2.2. The first of these options has been set out in the recommendation to this report. The adoption of the SPD will ensure the relevant Local Plan policies can be implemented and interpreted in a consistent and effective way. This will help reduce any potential conflict and promote higher quality planning application submissions, saving time and resources through the wider planning process.
- 2.3. The second option would be to not progress the SPD and to rely solely on the policies in the Local Plan and how applicants interpret those policies. This option has not been recommended as it would place greater reliance on how applicants use the policies which could generate greater inconsistency in evidence submitted in support of applications and lead to greater resource pressure for planning officers managing day to day caseloads.

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

- 3.1. Two rounds of formal public consultation took place on the draft Trees and Development Guidelines SPD, between 8 August 2018 and 23 September 2018 and 7 January 2019 and 18 February 2019. A third and final round of consultation has taken place between 6 January and 17 February 2020.
- 3.2. A total of 10 responses were received for the first two consultations, which resulted in a variety of amendments to the final draft of the document.
- 3.3. A total of 13 responses were received during the most recent consultation at the start of 2020. A summary of the representations made and the proposed action in response to the representations is set out in Appendix 2.
- 3.4. 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:
  - Additional information regarding biodiversity, future tree planting programmes and hedgerows;
  - Clarification of the CAVAT qualifying replacement planting approach; 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, it is proposed to adopt the SPD with effect from 23 October 2020. It will then form a material consideration as part of all relevant planning applications.

### **5. Comments from the Director of Finance and the Director of Law and Governance**

#### **5.1. Financial implications**

The adoption of the SPD will not result in any additional day to day operating costs to the Council; the planning application process will continue to be managed within existing resources. There are no one-off external legal or consultancy costs associated with the adoption of the SPD. The creation and consultation of the SPD has been undertaken by existing Council staff and budgets.

#### **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. Supplementary Planning Documents are subject to supporting evidence and consultation but are not publicly examined or subject to 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 Document.

Notwithstanding this, SPDs must be adopted by a resolution of the Local Planning Authority and they 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 policies set out in

the higher level plan (in this case the Local Plan) to ensure they are interpreted and delivered in the most efficient and effective way.

## **6. Other implications**

### **6.1. How will this contribute to the Council Plan ([www.coventry.gov.uk/councilplan/](http://www.coventry.gov.uk/councilplan/))**

The SPD support the delivery of the overarching aims and objectives of the Council Plan, in particular it will contribute to:

- 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?**

Recent periods of consultation have helped to identify and mitigate risk by highlighting any issues and concerns with the SPD.

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

No direct impact.

#### **6.4. Equality/ EIA**

A full Equality and Impact 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).

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

The appropriate provision, retention and protection of Trees is an important factor in combatting climate change and delivering good development.

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

None

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