

Coventry City Council

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

Regulation 12(a) Report of Consultation and Consultation Statement

October 2020

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 6 January 2020 to 17 February 2020. 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 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 a third public consultation by the Council's Cabinet Member on 23 September 2019. 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.

Summary of Response to the Consultation

A total of 13 responses were received for both consultations via email as well as a range of informal comments and suggestions made through stakeholder meetings. A summary of the representations for the previous consultations have previously been published. A summary of the third consultation representations and the proposed response is set out below.

<p>The word “practicable” should be removed from it. It needs clear standards to be adhered to.</p>	<p>The wording has been carefully considered to ensure that the requirements are clear but do not surpass those set out in the Local Plan.</p>
<p>It should require a minimum buffer of at least 100m around Ancient Woodland. The Woodland Trust recommends 50m min, and 100m where there are larger developments which will put more pressure on the woodland and wildlife. With a buffer less than 100m, there can be no ground nesting birds around the edges of ancient woodlands.</p>	<p>Government guidance varies from this. In order to provide a robust and future-proofed SPD we are deferring to the national minimum as a starting position.</p>
<p>The Woodland Trust, guidance on ancient woodlands should be adopted wholesale into the SPD</p>	<p>Noted, however it is not felt appropriate to adopt another document wholesale into this SPD.</p>
<p>It does not give enough importance to the role of trees in removing pollutants and combatting climate change. It should require that every new development should remove X particulates/hectare of development.</p>	<p>The Air Quality requirements placed on new development are set out in the Air Quality SPD. Furthermore, it would not be appropriate for the SPD to set new standards in excess of those articulated in the Local Plan</p>
<p>CAVAT valuations should be mandatory for all trees as part of the arboricultural assessment. The city should establish a tree bank just like the one operated by Birmingham City Council. If any tree is removed, the developer should and must pay the CAVAT value into the tree bank, which must be ring fenced for tree planting and maintenance, and biodiversity improvements. The planning officers report for the planning committee must always contain the CAVAT value of all the trees to be removed.</p>	<p>CAVAT is used to identify the TPO trees and also the TPO quality trees upon a site i.e. those specimens of individuals, groups, and woodlands that are of a quality to be retained.</p> <p>When a tree is not of a quality to be retained from an arboricultural planning perspective, it would be inappropriate to require a monetary value for its removal from a development prospective.</p>
<p>There should be a presumption that all hedges should be retained in view of their importance for biodiversity and connectivity. They are the largest area of wildlife habitat in the country. The planning officers report for any project should state how many “important” hedgerows are to be removed (as per the Hedgerow regulations) and what alternatives exist.</p>	<p>It is not practicable to retain all hedges. Where appropriate hedges are retained or their loss mitigated, including by replacement and infilling of existing gaps. Hedgerows which previously qualified as Important Hedges within the agricultural setting are afforded greater protection via condition. This SPD is specifically drafted to address Trees within the context of development.</p>
<p>This Coventry CC guidance, on the importance of trees, should be incorporated into the SPD and all Planning officers reports and recommendations https://www.coventry.gov.uk/info/67/nature_and_conservation/493/tree_management/2</p>	<p>This guidance was written by the Council’s Urban Forestry Department, and it will form their own policy, whereas this SPD is focussed on providing developers guidelines. A note will be added to the SPD</p>

	directing prospective applicants to the Guidance and any future for Strategy for best practice.
<p>There are too few Tree Protection Orders.</p> <p>1. Local Ward Councillors and civic organisations such as the Coventry Society and the Tree Wardens should have the right to directly propose TPOs to the planning committee. Amenity, the essential requirement for a TPO, is not a technical matter.</p>	<p>As this is an SPD it cannot create new policies such as the one suggested. However, it should be noted that the Council maintain a good average of TPO's within the City (Trees in Towns 2) in proportion to other LA's within the country and that there are a range of criteria for the making of a TPO, which are technical, eg accurate species identification and Health & Safety recognition, expediency issues, etc.</p>
<p>The draft SPD (paragraph 2.21) applies an interpretation of national policy in that it considers the key word in the definition of ancient and veteran trees is 'relative'. It also considers a second word 'proportional' is key, but this word does not form part of the definition. It is unclear why the draft SPD needs to interpret national policy, when the purpose of the SPD is to amplify Local Plan policies.</p>	<p>Agreed, the word 'proportional' will be removed.</p>
<p>Reference is made in paragraph 2.21 to the NPPF definition being 'similar' to definitions within BS5837:2012 and BS3998 for Tree Work: 2010. Paragraph 2.26 also refers to Natural England's definition of veteran trees. It is true they are 'similar' in some respects, but they are different. The BS definitions do not include the phrase 'old relative to other trees of the same species'.</p>	<p>Both BS5837 2012 and BS3998 2010 Tree work, define the term Veteran accurately to date, but do not use the term Ancient tree.</p> <p>The 5837 uplifts trees qualifying as Veterans to its Category A3 (Cultural values and conservation) also to 4.5.11</p> <p>It is a correct observation that neither BS docs use the phrase 'old relative to other trees of the same species' – That is why we have used other such definitions for Ancient and Veteran trees in order to quantify the best protection for both tree categories.</p>
<p>Paragraph 2.37 confuses matters by saying that the Council's preferred definition for veteran trees is in the PPG, but that the NPPF takes primacy. The draft SPD is therefore internally inconsistent with itself, and ambiguous as to what definition the Council will apply.</p> <p>The correct approach is clearly to define veteran trees in line with National Policy. If the Council therefore seek to rely on other definitions when determining planning applications, they will</p>	<p>The NPPF definition is currently unclear (see above) and contradicts its own more recent PPG publications.</p> <p>The PPG are more up to date and references in line with arboricultural and silviculture research and are considered more helpful in their detail in the context of this SPD - hence their preference in the SPD.</p>

<p>potentially be making decisions contrary to the NPPF.</p>	
<p>Reference is made in paragraph 2.22 to an appropriate model illustrating the developmental stages of a tree. It should be noted this paragraph references full maturity as phase 7, when in fact ‘veteran’ is phase 8. In any event, the fact a tree is considered ‘mature’ does not necessarily mean it is automatically deemed ‘veteran’ relative to other trees.</p> <p>In light of the above, we would request the draft SPD simply state:</p> <p><i>In defining ancient and veteran trees, the NPPF takes primacy and the associated PPG should be read alongside it. The definition of Ancient and Veteran Trees is set out in Annex 2 – Glossary of the NPPF as follows: “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”.</i></p>	<p>‘Veteran’ is not an age category – it is a condition, which attracts unique wildlife and ecology and human interest contributing further to the landscape value. Full maturity is shown to the model at phase 7 of the 10 phases.</p>
<p>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.</p>	<p>By following the appropriate and current government guidance the guidelines in SPD are appropriate and will provide for the protection of ancient woodland whilst allowing appropriate development to come forward.</p>
<p>The SPD could recognise more widely the significance of the canals as part of the city’s green infrastructure network and could emphasize the importance of protection and enhancement of soft landscaping along/near the canals.</p>	<p>Whilst the Council recognise the importance of the canals, the SPD focusses on the guidelines with regards to trees in all locations throughout the city.</p>
<p>Para 4.26 could put a greater weight on tree planting schemes that would connect areas of special nature conservation in order to help create ‘stepping stones’ for the wildlife between them.</p>	<p>The liaison with the Ecology Officer suggested in 4.36 ensures that the appropriate scheme is developed, taking into the nature of each proposal. We do not therefore feel it appropriate to add a specific weight to locations.</p>
<p>Tree evaluation and protection should be emphasized more in relation to important non-designated features such as canals, which fulfil an important role in provision of open space, sustainable transport network, wildlife corridor etc.</p>	<p>This SPD is focussed on trees affected by development, rather than specific areas irrespective of whether development is occurring.</p>

	All such comments welcome to the draft Tree Strategy when that is consulted upon.
A list of species that are most beneficial for the locality in terms of biodiversity gains, which would inform developers when producing landscaping schemes should be appended to the SPD. This could result in more straightforward development management decision making and systematically increase biodiversity net gains which meets the objectives contained in Paragraph 170 in point d) of the NPPF 2019.	A comprehensive Tree Selection list is provided within the Appendices to the SPD. Applicants are expected to liaise with the Council regarding biodiversity as part of the application process allowing bespoke and appropriate solutions to be developed.
The draft document could more widely recognise the importance and benefits of fruit trees and orchards in the city. These benefits include, but are not limited to, ecological and cultural value (e.g. engagement of communities in their maintenance etc.).	All such comments welcome to the draft Tree Strategy when consulted upon.
It may be helpful to include a flow chart of the process.	This is covered within BS 5837 and not repeated in the SPD for brevity.
The introduction could place greater emphasis on the environmental and health benefits of trees. Protecting existing trees has become really important with relevance to Pollution and Climate Change.	All such comments welcome to the draft Tree Strategy.
A copy of a CAVAT recording sheet could usefully be included. We believe that CAVAT valuations for all trees that will be affected by a development should be included in an Arboricultural Report.	An example copy of a CAVAT recording sheet will be included in the Appendices. CAVAT values are required when exceptional circumstances are demonstrated that result in the removal of a tree (as per 2.46). It is not considered appropriate or necessary for this to be widened to all trees.
To what extent is development work checked during development and on completion? Do CCC officers have sufficient opportunities to ensure that any conditions are adhered to?	Development work is checked where possible. Furthermore, the Coventry Tree Wardens and the public also act as our additional eyes and ears, and report to us frequently. However, it is not the role of an SPD to allocate staffing resources.
A central list of veteran and ancient trees which have been identified may assist in preparing protection plans. This list should include important street trees which may be affected by heavy machinery en route to the site.	It is not considered practicable to develop and maintain a comprehensive list of all such trees. It remains the responsibility of the developer to identify them on a site by

	site basis, for the confirmation of the relevant officer.
The document says little about aftercare of new planting, which is obviously important if the new trees are to become an established feature of the local environment. There should be more about a developer's obligation to look after trees they have planted.	The requirements for developers to plan appropriately for trees and their future needs are set out in Chapter 4 and include the need for a fully informed planting scheme which includes details on maintenance.
P4 Para2.6 It would be helpful if more detail about trees were to be required in planning applications. This would assist in identifying necessary tree protection procedures before development.	The current text is considered sufficient.
P7 Para2.17, (previously 2.8) Ref to paras 109 and 118 has been omitted. Why?	It is considered that paras 109 and 118 did not have the same specific relevance as those listed, however this does not diminish their weight when determining planning applications.
P11 (old P9 paras 2.11 & 2.12) gives less root protection/buffer zone than the previous 50m recommendation.	The RPA/ buffer for an individual Veteran or Ancient trees has been revised (PPG 5-11-18) to x15 trunk diameter.
P13/P14 Paras 3.3-3.5. What level of enforcement ensures the provision of accurate land surveys?	They are a validation requirement and are checked by officers upon site visits.
P19 Para 3.26 An important paragraph which may be improved by a clearer definition of "not normally": are there guidelines for what may prove exceptions to this rule?	An applicant will need to demonstrate the unavoidable nature of the loss along with suitable compensation / mitigation measures. In such cases, engaging with relevant officers at pre-application stage is highly recommended.
Whilst the SPD is mostly about trees and hedgerows, I thought I'd make a few comments regarding the extinguishment of the public rights of way as currently shown in this plan. Paths M313 and M315 are showing with parts extinguished. Why? These paths need to remain intact and kept on their original routes as specified on the council's definitive map and ordinance survey maps.	As noted in the representation, these comments to not relate to the SPD under consideration.
How will planning applications that are made before the agreement SPD be treated	This SPD will be a material consideration for the determination of all applications once adopted, irrespective of their submission date.

A statement that Developers should have a responsibility to look after new trees until the development is adopted is needed. This does not happen in practice at the moment	We disagree. The requirements for developments are clear and CCC have taken successful enforcement action when new tree planting and maintenance has not been successful.
I would stress the importance of Hedgerows, should be more clearly part of SPD	This SPD is specifically drafted to address Trees within the context of development.
Para 2.4.1 refers to the Woodland Trust Guidance of 50m buffer zones from Ancient Woodland. The accepted Natural England tested standard is 15m, which is in-line with BS 5837. Therefore, it is considered that the 50m buffer is excessive and should be disregarded, particularly when it is aspirational and not evidence based.	The buffer description in the draft SPD is considered appropriate and has a robust evidence base as detailed in the SPD, the latest PPG and elsewhere.
Para 3.7 (j) – Tree Quality Assessment. The third assessment value under BS 5837 is ‘cultural’ and not ‘wildlife’ as stated. The SPD states CAVAT is the preferred method. However, it does not define in what circumstances CAVAT or a similar system should be used. The SPD must clarify how Coventry City Council intend this to be applied in the development process, as it could operate as an enforcement and retrospective tool and/or form the basis of discussions at application stage. Should it be intended to assist in the development of applications it is unclear how CAVAT calculations would align with mandatory biodiversity net gain, which is due to come into practice soon. Without clarity on the matter there is the potential for repeat financial costs and double dipping of on and off-site contributions expected from developers.	Para 3.7(j) will be updated to “cultural values including conservation” as per BS 5837. CAVAT is the preferred method of calculating the amenity cost in the event of the loss of a tree, and the process set out in the SPD is sufficiently detailed regarding how and when to apply that cost. The immediate biodiversity loss, and the cost of replacement environment, is not considered with the CAVAT calculation and will be calculated as part of the biodiversity net gain/mitigation package. All contributions will remain Regulation 122 compliant.
Regarding Section 2.46 - In the past we have used CAVAT to support planning applications which include the proposed removal of TPO trees. However, following the revision of the SPD, can you confirm if this is still the case and in what other scenarios we may require a CAVAT assessment to support our applications?	If there is no available space for planting upon the site, the CAVAT valuation sum should be used for planting for public benefit within as close to the locality as possible (funds then transferred to Urban Forestry Team).
Paragraph 2.20 of the draft SPD states that: <i>“the Council will consult with the Forestry Commission and Natural England to seek their advice and assistance when appropriate.”</i> This could be reworded to read as follows: <i>“The Council will consult with the Forestry Commission and Natural England to seek their advice</i>	We are content with the draft text and will continue to consult with the FC and NE as and when appropriate.

<p><i>and assistance when appropriate. This will include consulting the Forestry Commission on all major development affecting or within 500m of an Ancient Woodland</i></p>	
<p>As a <i>'precautionary principle'</i>, The Woodland Trust recommend a minimum 50 metre buffer should be maintained between a development and Ancient Woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice.</p>	<p>As stated in the SPD we do not believe a 'one size fits all' solution is appropriate and will take the lead from the national minimum guidance.</p>
<p>A precautionary natural buffer zone of at least 50 metres would also act as an essential 'safety zone' for people, buildings and wildlife, particularly with the increasing unpredictability of climate change</p>	<p>Noted, however, as per the SPD we will take the minimum buffer zone from national guidance.</p>
<p>Any effect of development can impact cumulatively on Ancient Woodland, which is much more damaging than individual effects. The Wildlife Trust would recommend that paragraph 2.43 of the draft SPD be expanded to cover all these important considerations</p>	<p>We believe that the list as laid out, along with the appropriate national buffer guidance (and an assessment of any additional requirements) provide sufficient considerations.</p>
<p>There should also be stated conditions regarding management of the operational impact during any construction that may be approved in proximity to an Ancient Woodland, to avoid any adverse impacts.</p>	<p>Agreed buffers should be respected during the construction phase and such matters covered within the Construction Management Plan.</p>
<p>Consideration should be given to making statutory woodland Tree Preservation Orders (TPO) on Ancient Woodlands (LWS) in proximity to proposed major development, <i>"in the interests of Amenity"</i>.</p>	<p>Noted, but beyond the scope and remit of this SPD.</p>
<p>Welcomes the recognition given to the importance of hedgerows in paragraphs 2.14, 3.9 and 3.35 (Hedgerow Regulations); 3.26 (Design Criteria); and 4.3 (Avoiding Damage to Existing Trees) – this could be retitled <i>'Avoiding Damage to Existing Trees and Hedgerows'</i>.</p>	<p>This SPD is specifically drafted to address Trees within the context of development.</p>
<p>Further consideration could also be given to protecting and conserving valuable hedges that have been identified in the context of Local Plan Policy GE3. Some of these hedges may not necessarily be covered by the Hedgerow Regulations, but still have important habitat and ecological value that needs to be <i>'protected against loss or damage'</i>.</p>	<p>This SPD is specifically drafted to address Trees within the context of development.</p>
<p>Perhaps the Council could initiate a new scheme to work with landowners and farmers in identifying</p>	<p>Noted, but such detailed management requirements are outside the scope of this</p>

<p>suitable trees at intervals within existing <i>'important'</i> hedgerows, and to safeguard them during hedge cutting. The result would be the emergence within a matter of years of native hedgerow trees, with a relatively high survival rate and minimal loss of agricultural land.</p>	<p>SPD and are better suited directed to the draft Tree Strategy.</p>
<p>The SPD should offer guidance regarding the potential to secure enhancement through development and active management, including the creation of new areas of native plantation woodland; new shelter belts; native hedgerows; and tree-lined avenues.</p>	<p>Future off-site planting aspirations sit outside this SPD. Biodiversity and green infrastructure will be the focus for a future area of work, and a new Tree Strategy is in preparation.</p>
<p>The Hedgerow Regulations 1997 are mentioned in the report but I wonder whether hedgerows deserve a higher profile throughout, possibly having their own section. It would be useful to highlight their history and role within the Arden landscape. In addition, their importance with regards to biodiversity and how they improve habitat connectivity.</p>	<p>This SPD is specifically drafted to address Trees within the context of development. Biodiversity and green infrastructure will be the focus for a future area of work.</p>
<p>Trees and hedgerows are essential elements of green infrastructure, so it would also be useful to highlight the role of 'The Warwickshire, Coventry and Solihull Green Infrastructure Strategy',</p>	<p>Agreed, reference to be added to introductory text regarding the strategy and any successor strategies</p>
<p>In the introductory sections on the importance of trees, it would be useful to highlight the latest research on their impact on health and wellbeing.</p>	<p>Agreed, reference to be added to introductory text</p>
<p>It would be useful to have a section which refers to the latest research on the use of trees to improve air quality.</p>	<p>Reference to air quality is made in the introduction, but more detailed notes are best suited in other documents as this SPD focusses specifically on the protection and replacement of trees rather than air quality issues.</p>
<p>A section on filtering unsightly views using trees and hedgerows would also be useful. Particularly, how this might be maintained throughout the whole year through using a mix of species, expectations of timescales and age of trees used.</p>	<p>The principle of views is covered sufficiently in 4.36 with more detailed consideration appropriate through discussion with officers at application and pre-application stages.</p>
<p>There is strong evidence to support the planting of floodplain with trees and this is why sites which are adjacent to or include floodplain should be reviewed with this in mind. This is even more important with the challenge that climate change presents and the likely increase in the frequency</p>	<p>Where development takes place on or adjacent to floodplains then this SPD will have relevance. Wider tree planting aims will come forward with the Tree Strategy, and comments should be addressed to that consultation.</p>

of severe storms	
It is essential that sites for biodiversity offset are identified within the areas impacted by development and distributed throughout the region.	Noted, however this is beyond the scope of this SPD. A future piece of work will focus on Biodiversity.
As part of the pre-development process, the potential for creating new woodland sites should be evaluated	The scoping of new woodland sites sits outside the scope of this SPD but will be considered along with other matters in the forthcoming Tree Strategy work.