

Coventry City Council

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

Regulation 12(a) Report of Consultation and Consultation  
Statement

September 2019

## **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 8th August to 21st September 2018 and 7 January 2019 to 18 February 2019. 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. Public consultation had previously taken place between 8th August and 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.

A second public consultation took place between 7 January 2019 and 18 February 2019. Comments were requested via email to [ldf@coventry.gov.uk](mailto: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**

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 for the first consultation has previously been published. A summary of the second consultation representations and the proposed response are set out below.

<b>Comment</b>	<b>Response</b>
<p>The Council should consider if the content of the Supplementary Planning Document (SPD) complements Policies GE3 and GE4 of the Local Plan and the Town and Country Planning Regulations 2012, instead of going beyond what an SPD should contain.</p>	<p>After consideration of the points made in the Trees and Development Guidance SPD, close links can be found to policies GE3 and GE4 of the Local Plan. The SPD does expand on the Local Plan's policies but are within the overall context of Policies GE3 and GE4 and therefore, are amplifying and providing further appropriate detail as to how the policies should be interpreted.</p>
<p>The SPD fails to provide the existing advice regarding the minimum size of the buffer for ancient woodland (15m).</p>	<p>In reference to the Government's recent variations which have recommended buffers between 15m+ and 50m, the Council would want to future proof this reference within the SPD by simply referring to the current guidelines at the time for the minimum buffer depths which surround ancient woodlands.</p>
<p>No reason has been given for why the Forestry Commission and Natural England's existing advice is not provided regarding Ancient Woodlands.</p>	<p>In reference to the Government's recent variations which have recommended buffers between 15m+ and 50m, the Council will want to future proof this reference within the SPD by simply referring to the current guidelines of the time for the minimum buffer depths which surround an ancient woodlands.</p>
<p>The Council has either missed or disregarded the Government's and statutory consultees standing advice on this matter, instead referring to paragraph 2.13 of the Planner's manual for ancient woodland and veteran trees which pre-dates the current advice.</p>	<p>The Planner's Manual for Ancient Woodland and Veteran Trees (July 2019, Woodland Trust) has since been revised following recent PPG revision. The Manual recommends the same minimum precautionary minimum 50m+ buffer as previous. In reference to the Government's recent variations which have recommended buffers between 15m+ and 50m, the Council will want to future proof this reference within the SPD by simply referring to the current guidelines of the time for the minimum buffer depths which surround ancient woodlands.</p>
<p>No reasoning is provided for paragraph 2.13. If these parameters exist based on scientific evidence, the document should clearly set these out for comment.</p>	<p>Such evidence is provided to the reports appended to the PPG Ancient woodland page further reading lists: Impacts of nearby development on ancient woodland (2012) Woodland Trust; Impacts of nearby development on the ecology of ancient woodland (2008) Just Ecology; A Review of the Impact of Artificial Light on Invertebrates (2011) Buglife; Bats and artificial lighting in the UK (2018) Bat Conservation Trust; Guidelines for consideration of bats in lighting projects (2018) EUROBATS.</p>

	<p>There is however no scientific evidence for where 15m has derived, the guidance recommends a minimum of 15m+.</p> <p>In reference to the Government's recent variations which have recommended buffers between 15m+ and 50m, the Council will want to future proof this reference within the SPD by simply referring to the current guidelines of the time for the minimum buffer depths which surround ancient woodlands.</p>
<p>No explanation has been provided as to why ancient woodland, within the City warrants a significantly greater minimum buffer (more than 3 times more) than the buffer required by the Government and Statutory consultee, who have previously worked on this matter.</p>	<p>The current guidance refers to a minimum of 15m+ dependent upon the scale of development, rather than a maximum of 15m superfluous to the scale of development.</p> <p>In reference to the Government's recent variations which have recommended buffers between 15m+ and 50m, the Council will want to future proof this reference within the SPD by simply referring to the current guidelines of the time for the minimum buffer depths which surround ancient woodlands.</p>
<p>Paragraph 3.27 includes a policy for how the Council will determine planning applications that impact on trees and woodland. The criteria in the SPD differs from criteria within Policies GE3 and GE4 which could lead to the conclusion that the SPD is seeking to introduce an entirely different form of assessment.</p>	<p>Paragraph 3.27 of the SPD has the same context as Policies GE3 and GE4 of the Local Plan. The difference is that Paragraph 3.27 of the SPD considers why a planning application would be denied regarding tree protection; whereas Policies GE3 and GE4 of the Local Plan consider how planning applications would be granted. The context of the paragraph in the SPD and the policies in the Local Plan are based on the same context with the difference being the point of view. It is considered that they do not contradict each other.</p>
<p>Planning applications have been submitted before the SPD was released, which stated factors related to trees that would not be suitable under the new SPD. However, prospective applicants have not been advised, in advance, of these changes and therefore, preceded as planned. How will this impact on applications that are yet to be determined?</p>	<p>The earlier PPG version (4-1-18) advised on the appropriate size of buffer zones (under 'Mitigation measures') as 50m to mitigate the effects of pollution and trampling.</p>
<p>The policy needs to specify what kinds of trees are more desirable. This should be put out to consultation.</p>	<p>The SPD includes an appended document which indicates the types of Tree suitable for planting.</p>
<p>Naturally formed trees make a much better contribution than pollarded lollipop trees.</p>	<p>Comment noted and agreed.</p>
<p>The preference of the public for different kinds of trees, and treatments, should be determined by surveys, and consultation.</p>	<p>It is good practice for prospective applicants to recommend species treatment/management to the Planning Department's Tree Preservation Officer's approval.</p>

<p>In the past, there has been a lack of resource, or will, to carry out TPOs in a timely fashion, i.e. before planning permission is granted or before felling occurs. The policy should include provision that wherever the CAVAT value of a tree at risk exceeds £40,000 there should be an automatic assessment for a TPO before planning permission can be granted.</p>	<p>Comment noted. The Council have revised the SPD section for CAVAT assessments to include TPO trees and also trees of TPO quality.</p>
<p>Whenever a tree is assessed, officers should keep a sufficient record of the assessment.</p>	<p>This is already carried out as part of the due process.</p>
<p>Wherever a tree with a CAVAT value of more than £40,000 is to be removed, the stakeholder groups should be advised at least 6 weeks in advance, except in the case of a need for emergency action.</p>	<p>A tree with a CAVAT value of £40,000+ does not necessarily qualify to be of TPO quality. The public consultation period for standard applications is 21 days.</p>
<p>In the past, the council contract with tree surgeons allowed the surgeons to make the assessment of what work was needed. This is a clear conflict of interest, which should be prohibited. Those who gain from work orders, should not have a role in assessing the needs.</p>	<p>This is not applicable and the statement is not correct. Tree surgeons (arborists) do not recommend the work for Council contracts. The applicant's arboriculturists do recommend any work to site trees which are approved by the Planning Department's Tree Preservation Officer.</p>
<p>The policy should require that Council policy should always be fully evidence based.</p>	<p>Comment noted.</p>
<p>Approve of the use of CAVAT valuations. All developer and council tree reports should include the CAVAT value for each tree assessed, - and a cumulative value for any tree groups. Developers should pay the full CAVAT value towards improvements and protections for the landscape.</p>	<p>Comment noted. The Council have revised the SPD CAVAT section to include TPO trees and also trees which are of TPO quality.</p>
<p>Buffer zones should be a minimum of 100 meters. Ancient woodlands are very susceptible to over use, and damage from soil compaction, and over fertilisation through being overrun with cats and dogs.</p>	<p>The Council need to comply with the minimum buffer depths for ancient woodlands which are current at the time.</p>
<p>The use of tree groups should not be accepted in tree surveys. They disguise the damage to the landscape. Individual trees, greater than 15 cm diameter should all be assessed.</p>	<p>The BS 5837: 2012 does require Tree Groups to be assessed, together with Individual trees and Woodlands, and Hedgerows. Individual trees, greater than 7.5 cm diameter are assessed.</p>
<p>The design guidance should recognise holloways as an essential part of the Arden landscape. Where</p>	<p>Comment noted.</p>

development occurs, they should be re-established in ancient Arden.	
The SPD could consider making provision for Green Infrastructure within developments. This should be in line with any Green Infrastructure strategy covering Coventry.	The SPD will be strengthened by adding reference(s) to the Council's suite of Green Infrastructure assets as set out in the strategy.
Urban green space provides multi-functional benefits – it contributes to coherent and resilient ecological networks, allowing species to move around, and within, towns and the countryside.	Comment noted.
Urban Green Infrastructure is also recognised as one of the most effective tools available to us in managing environmental risks such as flooding and heat waves.	Comment noted.
Greener neighbourhoods and improved access to nature can also improve public health and quality of life and reduce environmental inequalities.	Comment noted.
There is a significant opportunity to retrofit green infrastructure in urban environment – green roof systems, roof gardens, green walls and new tree planting.	Comment noted.
Could consider issues relating to the protection of natural resources, including air quality, ground and surface water and soils within urban design plans.	Comment not relevant to this SPD and are covered in other SPDs.
This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraph 118 of the National Planning Policy Framework – provide guidance on the level of bat roost or bird box provision within the built structure.	Comment not relevant to this SPD and are covered in other SPDs.
The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access and contact with nature.	Comment noted.
May be appropriate to seek that, where viable, trees should be of a species capable of growth to exceed building height and managed so to do,	Comment noted.

and 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.	
Could consider the impacts of lighting on landscape and biodiversity.	Comment noted.
A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project.	Comment noted.