

POLICY AND PERFORMANCE SCRUTINY PANEL

Thursday, 15 July 2021

TREES AND DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT

Report of the Senior Planning Policy Specialist

Recommendation(s)

It is recommended that

- (1) the Policy and Performance Scrutiny Panel provides comments on the consultation draft Trees and Development Supplementary Planning Document (SPD) as part of the formal consultation process**
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Summary

The draft Trees and Development Supplementary Planning Document (SPD) has been published for public consultation. It provides guidance on the approach to trees alongside new developments in the Borough. It aims to ensure that trees are fully considered in the planning process and there is a net gain in trees on development sites.

The consultation draft was approved by Cabinet on 24 May 2021 and published for consultation until 21 July 2021. It is presented for comments as part of the formal consultation process. Following the end of the consultation period, a revised version will be produced, and it will return to Cabinet for final approval. The final version will be used by Development Management when negotiating new development proposals and determining planning applications.

Focus for Scrutiny

Does the consultation draft SPD cover the key areas with regards to trees and development?

Does the consultation draft SPD provide an appropriate level of guidance?

Does the panel support the tree replacement policy as set out in Appendix 1 (contained in Appendix 1 of the draft SPD)?

Statutory Powers

Town and Country Planning Act 1990 (“TCPA 1990”)

Planning and Compulsory Purchase Act 2004 (“PCPA 2004”)

The Town and Country Planning (Local Planning) (England) Regulations 2012 (“the Local Planning Regulations”)

Strategic Implications

1. The guidance will help meet the objectives in the Council’s Corporate Plan (2015 – 2025) to develop Green Infrastructure and deliver an Excellent Environment for All. It also supports the Council commitment to tree planting as part of the Climate Change and Environmental Emergency programme and has significant positive benefits. These include mitigating the effects of climate change, providing habitat and biodiversity, creating a more attractive landscape and reducing stress and improving mental health.

Introduction

2. The consultation draft Trees and Development SPD is provided in appendix one. This document provides technical guidance on policy DM1 in the emerging Eastleigh Borough Local Plan (2016-2036) which sets the general criteria for new development. The Local Plan is the main statutory document against which individual planning applications are determined. Supplementary Planning Documents (SPDs) provide detailed guidance on the implementation of Local Plan policies and are material considerations in determining planning applications. As the emerging Local Plan progresses towards adoption, the Council is considering the need to update existing SPDs and for new SPDs to be prepared. This SPD will be the first new guidance document to be adopted with the Local Plan.
3. The SPD includes key principles about incorporating existing trees, planting and establishing new trees and in exceptional cases, the replacement of existing trees on site. It collates guidance in one document and sets out how and when applicants should engage with the Council. This will help maximise the benefits of trees within developments, to deliver a net gain in trees and avoid potential conflicts if they are not given full consideration at an early stage.
4. The SPD is part of a suite of documents setting out the Council’s approach to trees. The proposed Tree Strategy 2021-2030 will provide the overarching framework including the vision for trees in the borough and key principles. The emerging Tree Policy sets out the approach to tree management for all trees under the Council’s ownership or management.
5. The SPD was discussed at the Policy and Performance Scrutiny Panel meeting in September 2020. Since those discussions, the Environment group has provided input over a series of meetings as the draft was developed between September 2020 and March 2021.

Trees and Development SPD (consultation draft)

6. The SPD provides guidance from the initial design of the proposal and pre-application discussions through construction and planting to the avoidance of future conflicts as trees mature. The SPD has three parts; part 1 provides an introduction and policy context; part 2 details the benefits of trees and the urban forest (all public and privately-owned trees within the borough); and part 3 is the technical guidance for applicants. It includes 10 key points for applicants to follow.
7. The guidance in part 3 is structured as follows:
 - a) Pre-Application Advice, Guidance and Information Requirements (key point 1)
 - b) Incorporating Existing Trees into Development and tree retention (key points 2 and 3)
 - c) Ancient and Veteran Trees, and Other Ecological Designations (key points 4 and 5)
 - d) Pre-commencement, Construction and Tree Protection (key point 6)
 - e) Incorporating New Trees into Development (key points 7-10)
8. Formal pre-application discussions are promoted to identify planning issues and consider how to incorporate existing trees in the proposal at an early stage. The Council expects that applications will include all necessary information as set out in the SPD and the proposal should be informed by suitable specialists.
9. Existing trees are assets to the site and careful consideration must be given to incorporating them in the design and layout of the development and protecting them during construction. Pre-emptive felling site clearance works are strongly discouraged and suitable replacement trees will be sought if this occurs. Only in exceptional cases will tree removals be considered and the SPD includes a tree replacement policy to ensure that there is at least one for one replacement where trees are lost for development. This policy is based on the diameter of the trees lost, with the requirement for up to a maximum of eight trees per large tree removed. This policy does not apply to ancient and veteran trees and trees with other ecological designations which are given higher levels of protection including buffer zones and expanded root protection areas (RPAs).
10. The tree replacement policy provides a clear system for developers to follow that can be introduced quickly. Alternative options were considered based on canopy cover or leaf area. While they represent a more progressive approach, these are not taken forward at this stage as significant time and resources would be required to develop a bespoke policy for the Borough and this would be more complex to administer.

11. New trees play an important role in the landscape design of new development. The SPD provides guidance for trees along roads and streets, within areas of car parking and in gardens in major developments. The SPD includes technical guidance covering suitable species, tree pits, planting locations and practice and on avoiding conflicts with buildings, surfaces, underground services and with sightlines.

Next steps

12. The SPD is out for formal public consultation until 21st July 2021. Information about the consultation has been sent to everyone on the Local Plan database and email list. This includes statutory agencies such as Natural England, local councils, local residents, businesses and interest groups, and developers and landowners. The representations received on the SPD will be considered and appropriate changes made. The revised SPD will then be taken to Cabinet for approval. The SPD will be formally adopted when the Local Plan is adopted, until that time, it will be a material planning consideration with more limited weight.

Financial Implications

13. The work to progress this SPD to adoption is accounted for in existing budgets. There may be potential saving of planning resources with the clarification of what is required when a planning application is submitted.

Risk Assessment

14. There are no identified risks relating to this Report

Equality and Diversity Implications

15. An Equality Impact Assessment was undertaken on the Local Plan and its proposed modifications. The SPD provides detailed guidance on a Local Plan policy and promotes good practice and has no equality and diversity implications.

Climate Change and Environmental Implications

16. The SPD will have positive impacts on climate change and the environment. Trees contribute to the environment in a variety of ways and are an important element in mitigating the effects of climate change. The guidance will help maximise these benefits in new developments.

Conclusion

17. The consultation draft Trees and Development SPD is provided for comment as part of the formal consultation process.

DAWN HEPPELL, SENIOR PLANNING POLICY SPECIALIST

Date: 5 July 2021
Contact Officer: Dawn Heppell
Tel No:
e-mail: dawn.heppell@eastleigh.gov.uk
Appendices Attached: 1

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

* List Background Papers or state None.

Appendix 1 Consultation Draft Trees and Development SPD