

**REPORT ON INITIAL CONSULTATION UNDERTAKEN ON DRAFT
Supplementary Planning Guidance - Trees, Hedgerows and
Woodlands on Development Sites**

Summary of Findings from First Public Consultation Exercise

City & County of Swansea Council

May 2021

REPORT ON INITIAL CONSULTATION UNDERTAKEN ON DRAFT SPG – TREES, HEDGEROWS AND DEVELOPMENT, 2020

Summary of Findings from First Public Consultation Exercise

1. Introduction

- .1 On **July 2020**, the City & County of Swansea Council Planning Committee approved a draft version of the revised Gower Area of Outstanding Natural Beauty (AONB) Design Guide Supplementary Planning Guidance (SPG) for the purpose of public consultation.
- .2 A six week public consultation and engagement process was undertaken on the draft version of the SPG between **4th September and 16th October 2020¹**.
- .3 Face to face public engagement events were unable to occur due to constraints associated with Covid-19 restrictions. Nevertheless, the consultation involved a wide range of awareness raising and engagement activities, including:
 - Print media articles and social media notices before and during the consultation
 - A specific web page created for the SPG that described the consultation, provided a weblink to the document, and a link to the comment form.
 - Notification emails posted to a range of stakeholders, including Councillors
 - Remote briefings to stakeholder groups via Microsoft Teams presentations.
 - Publication of recorded video presentations on the Council's website.

The consultation generated a range of responses from organisations and individuals, some of which were very detailed. These are set out below and includes responses received via email as well as the bespoke web survey.

¹ The closing date was extended to 26th October 2020 for two specific stakeholders due to an administrative error

<p>As a Ward Councillor (1)</p> <ul style="list-style-type: none"> • Cllr Lynda James 	<p>As an agent (e.g. planning consultant, architect) (-)</p>
<p>As a member of the public (4)</p>	<p>On behalf of an organisation (5)</p> <ul style="list-style-type: none"> • Glamorgan Fungus Group • Swansea Tree Forum • The Gower Society • The Wildlife Trust of South and West Wales • Natural Resources Wales
<p>As the owner of a business (-)</p>	

.4 All of the comments received have been recorded and evaluated². All comments have been categorised into issues/themes in the schedule in Section 2 of this report, and the Council’s response provided within a separate column adjacent to each. In addition, the schedule outlines the changes proposed by the Council to the SPG document as a result.

1.6 In response to the comments received, and in order to ensure the document reflects the most up to date national planning guidance and policy (including Future Wales published in 2021), the Guide has been subject to further amendments. Due to the nature and extent of the amendments, the document will be presented for a further period of public consultation prior to a final version being produced for formal adoption as SPG. A separate report will be produced to set out the findings of this future consultation process.

² One respondent provided two separate responses covering the same theme, and both of these have been recorded in this document.

2. Schedule of Summarised Comments and Responses

2.1 The following schedule sets out, broken down for each part of the SPG document, the consultation comments raised categorised into issues/themes with the Council's response and the changes that are being proposed by the Council to the SPG document as a result. Page numbers/paragraph numbers refer to are in reference to the original consultation draft version of the document.

Chapter 1: Introduction

Question 1: Do you think the draft SPG contains sufficient and appropriate links to the Swansea LDP and its policies?

Question 2: Is the draft SPG clear how relevant legislation and policies relating to trees, hedgerows and woodland will be implemented in Swansea through the planning application process?

Three quarters of respondents agreed that the SPG contained sufficient and appropriate links to LDP policies AND National legislation and policies.

Summarised Issues	Council's Response	Changes proposed to SPG document
LDP Policies expressed in Section 2 should be more clearly referenced and linked to the guidance provided in Sections 3 to 9.	Agree that subsequent sections should be amended to highlight links to LDP policy	Amendments made at Section 3, Section 5.
Overarching concern at recent cases of legal and illegal loss of mature trees. SPG seen as a	The SPG is supplementary planning guidance which	Amend introduction text to clarify that SPG relates only to retention and planting of trees

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>key tool which should maximise opportunity to address issues by reflecting best practice on trees and development.</p>	<p>seeks to support the implementation of LDP Policy. The loss of trees either legally or illegally only falls within the scope of the SPG where a development requires planning permission. There are number of recent cases where the loss of trees were not within the control of the planning system.</p>	<p>which are part of consideration in a development application. See para 1.2</p>
<p>Draft wording is overly focussed on retention of the most valuable trees, (i.e. TPO's, veteran, ancient and the best examples of Category A and B Trees). The wording is insufficient to ensure that protection of all trees is maximised and will allow developers to remove all but the highest categories of trees.</p>	<p>The SPG seeks to implement Swansea's planning policy relating to trees as set out in Policy ER 11. The supporting text to this policy is clear at para 2.9.68 that the Plan seeks to retain and protect ALL trees whether they are protected by legislation or not. The Tree SPG focusses on the process to establish and protect the amenity value of trees. However the</p>	<p>No change</p>

Summarised Issues	Council's Response	Changes proposed to SPG document
	<p>document also recognises the ecological and placemaking value of trees, and makes cross references to relevant national and local planning policy guidance to support the process of taking these aspects of the value of trees into consideration in the planning process.</p>	
<p>The SPG should provide stronger drivers/legislation to prevent the felling of trees</p>	<p>The SPG can only implement the existing national legislation and guidance and adopted LDP Policy.</p> <p>There is a specific process which must be gone through to determine whether felling of trees will be permitted. However, it should be noted that not all cases of tree felling will be considered as part of a planning application. Trees in the public realm may be affected by schemes such as highways works which will</p>	<p>No change</p>

Summarised Issues	Council's Response	Changes proposed to SPG document
	not require planning permission.	
<p>The SPG should include clear references to key documents including</p> <ul style="list-style-type: none"> - Environment (Wales) Act 2016 - Wellbeing of Future Generations Act - British Standard for Tree Categorisation. 	<p>Agree. Section 2 should be amended to make reference to key legislation. Particularly recent introduction of Future Wales: 2040 and update to PPW.</p>	<p>Amendments made to Section 2, to refer to</p> <ul style="list-style-type: none"> - Future Wales 2040, PPW11. - Environment (Wales) Act 2016 - WBFG (Wales) Act 2015 - Other relevant LDP policies. <p>See para 2.2, 2.3, 2.8, 2.9, 2.12, 2.13.</p>
<p>References to categorisation of trees and BS837 are overly technical not sufficiently accessible for all readers. British Standard documents should be made available on the council's website.</p>	<p>Agree, that requirements of technical documents, should be set out in more accessible/less technical language. Particularly in the case of para 4.5 where it is important to make clear what is intended by requirements relating to different BS categories of trees.</p> <p>However, a balance still needs to be achieved between providing technical guidance for professional specialists operating in the planning process, and communicating the</p>	<p>See amendments to Section 3.9-3.12 which clarify definition of BS categories A, B, C and U and the council's expectations where these trees are identified on a site.</p> <p>Appendix 2 provides "An Easy Guide to BS5837" and a table providing details of the BS5837 categories.</p>

Summarised Issues	Council's Response	Changes proposed to SPG document
	<p>standards which residents can expect the Council to enforce on their behalf.</p> <p>British Standards documents, are copyrighted documents for which a fee is payable and cannot therefore be reproduced by the Council. All professionals engaged in the process are aware of the document and how to access it.</p> <p>The SPG seeks to reassure readers that the technical requirements and standards referred to in the SPG are well known to the LPA's tree officer and should be well known to reputable arboricultural consultants engaged by applicants.</p>	
<p>The emerging status of the Tree policy at the time of consultation of the SPG prevents full understanding of the complete framework the council will use to manage all trees within the County. Residents and consultees cannot</p>	<p>The preparation of the SPG is not in any way reliant upon the emerging content of the Tree Policy. The SPG remit is limited to explaining the implementation of existing</p>	<p>Amend para 2.6 to distinguish the purpose of the SPG and Council Tree Policy.</p> <p>"The Draft City and County of Swansea Protected Tree Policy⁵ details the approach of the Council in protecting trees and how the</p>

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<p>assess the further protective measures the Tree Policy offers.</p>	<p>adopted Planning policy and cannot introduce new policy or cover issues which lie outside the planning process. Reference to the Council Tree Policy in the SPG was intended to flag up that interested parties may wish to engage in any future consultation on the emerging strategy.</p>	<p>guidance in TAN 10 is interpreted <u>in relation to proposals affecting trees which do not require planning permission and outside the scope of the SPG.</u>"</p>
<p>The statement in draft para 2.3 that Planning authorities should protect trees etc where they have ecological value seems to me to be a get out clause for developers who may argue that certain trees they want to fell do not have ecological value. The bottom line should be that all trees have ecological value.</p>	<p>Para 2.3 simply provides a quotation of national planning guidance and there is no scope for SPG to alter national guidance. Agree however that layout of this section could be amended to make clear that the text is extracted from PPW.</p>	<p>Amend layout to clarify that text is extracted from PPW. Amend to include PPW para 6.4.26 re Veteran Trees omitted in error from draft SPG</p>
<p>The SPG should refer to the contribution of fungus, lichens and mosses to the ecological value of a tree.</p>	<p>The contribution of fungus is referenced in the Biodiversity SPG, and links are provided to this document. Reference to fungus is too much detail for the tree spg, reference to ecological value will suffice.</p>	<p>No change</p>

Question 3: A key purpose of the SPG is to make clear the nature of information/surveys/assessments that the Council will require to support a planning application. Does the draft SPG make clear the content and quality of the information that is required to support a planning application affecting trees, hedgerows or woodland

Over three quarters of respondents agreed

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>The requirement for a detailed Arboricultural Impact Assessment (at draft para 4.5) should be identified at an earlier stage in the design process to enable the maximum time to be made available to arrive at the best plans for the retention of trees on the site and excellence in mitigation where that is not possible. This will reduce costs and delays for the applicant.</p>	<p>Draft para 5.was is intended to relate to Householder Applications only. Separate advice is provided relating to the planning application requirements for "larger scale development".</p> <p>Agree however, that the draft should be amended to make clearer what requirements are for different types of application.</p>	<p>Amend order of document, to introduce discussion of AIA as part of Section 3 text on the design stages.</p> <p>Amend section 4 to clarify that application requirement will depend on whether the scheme is permitted development, householder or large development.</p>

Question 4: Does the draft SPG clearly explain the Council's expectations in relation to relevant best practice guidance?

Over three quarters of respondents agreed

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>We feel it does not go far enough to protect existing canopy cover and does not set the tone for excellence and best practice in terms of the retention of trees, woodland and hedgerows impacted by development. We would like to see best practice from other tree-related SPGs brought in and are happy to share examples.</p> <p><i>Policy ER 11 requires that "Where trees are to be replaced a scheme for tree replacement must be agreed prior to the commencement of development, including detail of planting and aftercare."</i></p> <p>However, the SPG does not provide any details of what the Council would consider to be acceptable proposals for replacement of trees. A Tree Replacement Strategy should therefore be provided, and is established best practice in other LPA's. e.g. https://www.bristol.gov.uk/planning-and-building-regulations/supplementary-planning-documents</p>	<p>Agree that guidance on Tree Replacement Standards would support the implementation of both the policy and the Council's corporate objectives.</p> <p>The Council have reviewed best practice examples, and a Tree Replacement Standard is now included in the revised draft.</p> <p>The standard sets a clear process for the calculation of the number of trees required as part of both on and off-site compensatory trees to be provided. The calculation reflects the need to consider canopy cover, and not just number of stems. The standard also provides a clear calculation of costs for financial contributions to off-site planting. It makes clear that all off-site planting will be undertaken by the council on council owned land.</p> <p>The impact of the TRS on viability has been carefully considered. The purpose of the TRS is to provide clarity of costs up front. The TRS also makes clear that the Council will expect a stepwise approach to be followed, with avoidance, and then integration of any replacement planting into the design of the scheme as part of good placemaking and multifunctional GI. The requirement to provide financial contributions to off-site planting is expected to occur only in exceptional cases as the final stage in the stepwise process.</p>	<p>See new Appendix 1 – "Swansea Tree Replacement Standard" and associated references in the main body of the document at:</p> <p>4.13 and figure 4.3 (re submission of TRS calculations in applications for large scale developments),</p> <p>5.11 re the use of planning obligations to secure replacement planting.</p> <p>See also new text at paras 3.1 to 3.5 and Figure 3.1 which clarifies the sequential, stepwise approach the Council will take, the emphasis on the integration of retained and planted landscaping within the design in the first instance, and that financial contributions to</p>

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<p>Such a Strategy should clearly communicate to Developers the method the Council will use to calculate the value of trees lost to enable requirements to be integrated into proposals at an early stage and reduces potential costs and time delays.</p> <p>Best practice elsewhere is to ensure that requirements for the number of trees expected to be provided as a replacement, is based on consideration of not just simple numbers of trees lost but also the impact of the loss of trees in terms of canopy cover and biodiversity. The Strategy should reinforce the policy position of requiring replacement on site in the first instance, whilst providing clear guidance for the exceptional circumstances where replacement is off site.</p> <p>By taking this approach, the Tree Replacement Strategy then becomes a key tool in securing the minimum loss of canopy cover in development and thus supporting the Council's commitment to delivering best practice for GI and protection of Biodiversity (s6 duty) and</p>		<p>compensatory planting off-site are considered only at the final stage of the stepwise process.</p>

Summarised Issues	Council's Response	Changes proposed to SPG document
its Climate Change Emergency Declaration.		
<p>The SPG is weakened by the lack of inclusion of a plan for using natural valuation assessment tools to carry out proper accounting on the loss of trees to enable development. Such tools provide clarity to developers to deal with situations where public tree loss occurs to enable private development. The tool provides a monetary value to the air pollution regulation, carbon sequestration, and storm-water alleviation value etc of trees outside woodland.</p> <p>CAVAT – (Capital Asset Valuation of Amenity Trees)³ is cited as an example of tool which has been adopted as a matter of best practice in other Councils. Councils have found that developers are more keen to retain important public trees that would otherwise have been lost when they are required to value them quantitatively. Using CAVAT or equivalent tool</p>	<p>Cases of public trees requiring removal to facilitate private development are rare. However, where they do occur, the tree replacement standard provides the method to calculate the number and cost of trees required, having regard to the width of the trunk diameter and loss of canopy cover.</p> <p>Policy ER 11, para 2.9.68, recognises the importance of ecosystem services provided by trees and refers to the useful information contained in the NRW i-tree Eco assessment*</p> <p>This tool can also be applied to the individual tree. In 2016 an i-tree Eco assessment was undertaken on Swansea and Tawe's Urban Trees – see https://cdn.cyfoethnaturiol.cymru/media/679646/engtawe-i-tree-infographic-v2.pdf?mode=pad&rnd=131477995010000000</p> <p>The Draft SPG should be amended to include reference to I Tree Eco assessments.</p>	<p>See reference to I Tree Eco at new para 1.7 and new Figure 1.1, extract of Swansea I Tree Eco Assessment 2016.</p>

• ³ <https://www.ltoa.org.uk/resources/cavat>

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<p>corrects the low valuation developers currently put on existing trees that are 'in the way' of development.</p> <p>An example is provided of the CAVAT assessments carried out as part of Sheffield City Council's new draft tree strategy which value the city's trees at over £340 Million</p> <p>https://www.wildsheffield.com/wp-content/uploads/2020/03/FINAL-Sheffield-Street-Tree-Partnership-Working-Strategy-July-2020.pdf</p> <p>The SPG should either require, or recommend as best practice, adopting CAVAT (or its preferred equivalent method of assessing natural capital valuation).</p>		
<p>The SPG should make clear Where a developer wishes to remove a category A, B or C tree as part of development, or the Council itself, the SPG should make clear the list of information to be included in an arboreal assessment or relevant planning documents.</p> <p>For example: We would suggest that any developer wishing to remove a</p>	<p>The SPG makes clear the relevant technical standards the council will expect survey and assessments to be prepared in accordance with. For example, Tree Surveys will be required to be in accordance with BS standard. The types of information that the respondent requests, already form part of the requirements of the specified British Standard.</p> <p>Agree however, that the document should be accessible to all readers. The suggested Appendix 1 sets out in a more accessible format the type of information that the</p>	<p>See suggested Appendix 2: Easy Guide to British Standard BS5837, specifically Stage 2, which lists the recommended contents of a tree survey.</p>

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>category A, B or C tree as part of development, or the Council itself, should have to include in its arboreal assessment or relevant planning documents: Unique asset ID/2. GPS reference/3. Species listed by common and scientific name/4. Height/5. Stem diameter/6. Branch spread taken as a minimum at the four cardinal points (North/South/East/West) to derive an accurate representation of the crown; 7. Existing height above ground level of: first significant branch and direction of growth, e.g. 2.4m/ North: 8. Life stage, e.g. young, semi-mature, early mature, mature.: 9. General observations particularly of structural and/or physiological condition and features, e.g. the presence of any decay or physical defect, and/or preliminary management recommendation — Estimated remaining SULE in years, e.g. <10, 10+, 20+, 40+; 10. Category of the tree (A, B, C or U); 11. Value of the tree as determined using CAVAT (or equivalent natural capital valuation tool); 12. All possible engineering options for retention and why options that allowed retention were rejected</p>	<p>public should expect to be included in a survey which meets the BS5837:2012 standards.</p>	

Question 5: Para 4.5 of the draft SPG states: “Category A and B (BS5837:2012) – high and moderate quality trees will usually be expected to be incorporated into a layout. Category C trees should be retained where the proposals do not require their removal.

Do you agree with this approach?

Summarised Issues	Council’s Response	Changes proposed to SPG document
<p>There is no definition of category A, B, C and U trees, which would be helpful to the lay reader.</p> <p>It is not clear to the non-technical reader what is meant by “high and moderate quality”. It is also unclear whether biodiversity is considered in the case of Category C Trees.</p>	<p>Agree that the text should be accessible to all, whilst striking a balance with providing technical guidance for professional readers.</p> <p>Amendments are proposed to this section to clarify the rationale for using the British Standard, its relationship to Policy ER 11 and the meaning of references to each of the categories.</p> <p>See also response to Question 4 above.</p>	<p>See amendments to Section 3, paras 3.8 to 3.12. Specifically, 3.11.</p> <p><i>3.11 BS5837:2012 provides specific categories and definitions of trees which should be reported in any Tree survey. Categories A, B and C define trees to be considered for retention and take into account the arboricultural, landscape and cultural and conservation value of both the individual tree and its role as part of a group or woodland. Category U defines trees unsuitable for retention.⁴</i></p> <p>See also new Appendix 2, Easy Guide to BS5837:2012, which provides more details on how categories and definitions of trees are determined in accordance with BS5837:2012</p>

⁴ See Appendix 2 for information on BS Standards re Tree Survey categories and/ contents.

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>Wording at para 4.5 specifically refers to “all Category A and B trees will be expected to be incorporated into a layout wherever possible”</p> <p>This is inconsistent with wording elsewhere in PPW and LDP Policy ER11 and other LDP policies which control the retention and planting of trees on development sites and the LDP vision and objectives which seek to maximise the retention of all trees.</p> <p>Extracts of LDP Policy as follows SD 2: Masterplanning Principles – “ <i>On all sites where there is capacity for 100 homes or more, development must deliver a ..sustainable neighbourhood ... that: viii. Retains and integrates existing important trees and hedgerows, including local native species, to improve local biodiversity and maintain the existing landscape character;</i>”</p> <p>Policy ER1: Climate Change - para 2.9.4: “<i>The County’s open spaces, trees and soils play a crucial role in mitigating the effects of climate change at the local level. The policy promotes that, as far as practicable, trees should be retained and protected, and</i></p>	<p>An amendment to require that all Category A and B trees are incorporated into layouts, would remove the level of flexibility required to balance the need for development against the information in the tree survey on a case by case basis and allow for conflicting planning requirements to be resolved.</p> <p>There may be cases where a tree does need to be removed to enable development. Part of the process of discussion with the council’s tree officer to determine when this is the case.</p> <p>The LPA will apply this flexibility to determine whether deviations or justifications proposed by an applicant are justified. Thus giving reassurance that this flexibility is applied by a qualified officer</p>	<p>See amendments to Section 3, new paras 3.1 to 3.5 and new figure 3.1 which clarifies the stepwise approach to development affecting trees.</p> <p>See amendments to 3.8 to 3.12 which clarify how the design of a proposal is expected to respond to the conclusions of a BS5837:2012 survey.</p>

Summarised Issues	Council's Response	Changes proposed to SPG document
<p><i>land kept as functioning vegetated soil open to the fall of organic matter, with new trees and shrubs provided by developers wherever possible”</i></p> <p>Policy ER 2: Strategic GI <i>iii. In instances where loss of Green Infrastructure is unavoidable, provide mitigation and compensation for the lost assets.</i></p>	<p>taking all relevant circumstance into account.</p> <p>Statements in Policy ER 11 and within the SPG itself make clear that retention of all trees on site is the presumption in all cases. This is clarified in the proposed new text at the start of Section 3.</p>	
<p>The approach is supported, but the tone and language of the paragraph need to be strengthened.</p> <p>Cat A and B inclusion in layouts should be expected within the design phase of ALL developments, not “usually” if the SPG is to remain loyal to the principles of the LDP.</p>		
<p>Developers should, at the earliest stages of a project design, consider the retention of <u>all</u> trees at a site to genuinely be meeting the relevant national and local commitments to nature, biodiversity, green spaces and the wellbeing of future generations.</p> <p>Where design constraints call for felling of a tree, the various steps that have been taken to come to this conclusion should be demonstrated in writing and should show consideration for all other engineering</p>	<p>The LDP and the SPG are clear as to the value of ALL trees and the principle of engaging at the earliest stage to integrate retention and planting into the design, where it has been justified that loss of trees cannot be avoided.</p>	<p>See amendments to Section 3, new paras 3.1 to 3.5 and new figure 3.1 which clarifies the stepwise approach to development affecting trees.</p> <p>See amendments to 3.8 to 3.12 which clarify how the design of a proposal is expected to respond to the conclusions of a BS5837:2012 survey.</p>

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>options possible (regardless of cost). This documentation should form part of the subsequent planning application.</p> <p>As a rule cost should not be considered a viable argument for felling if the cost of retention is below the CAVAT assessment value for the tree, as this equates to a net economic saving via retention.</p>		

Question 6: Para 4.6 of the draft SPG states: "Category C and U trees should be retained where they have significant biodiversity features and their retention will not be hazardous." Do you agree with this approach?

Over three quarters of respondents agreed with the approach.

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>We agree with this approach, as standing deadwood can provide an important niche for a variety of species. Where these trees are close to death or have died and do not pose a safety hazard, their retention should be first sought, whenever possible. The conservation value of these trees to other species might also be enhanced after their death.</p>	<p>Support noted</p>	<p>No change</p>
<p>The terms "significant biodiversity features" and "hazardous" are ambiguous and open to interpretation</p> <ul style="list-style-type: none"> • Trees have values beyond biodiversity, especially in cities. Their retention should be planned at the onset of a design. • This needs further definition for developers to be able to comply with this guidance in a meaningful way, such ambiguities are a hallmark of 'greenwash' opportunities. • The biodiversity value should be considered alongside all the other 	<p>Para 4.8 seeks to explain that where a survey identifies category C and U trees, wherever possible, consideration should be given to their ecological value.</p> <p>It is the role of the Council's ecologist to provide advice on the ecological value of the tree, and this process is</p>	<p>See amendments to Section 3, para 3.12 to state "retained wherever possible" and to clarify the meaning of "hazardous".</p> <p>"Retention of Category C and U trees with significant biodiversity features: Where these trees are identified which have significant biodiversity features, these should be retained wherever possible and where their retention will not be an unacceptable risk to people and/or property."</p>

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>potential benefits that C and U category trees can provide.</p> <ul style="list-style-type: none"> • Hazardous. need an onus on developers to consider all possible measures to mitigate for a tree being "hazardous" such as engineering solutions 	<p>covered in the Biodiversity SPG and not repeated SPG. If a tree has high biodiversity value, but low amenity value then it will be considered by these officers who may insist on its retention.</p> <p>The SPG gives sufficient flexibility to recognise that C and U trees by their nature will often be unsuitable for retention within a development site, being structurally unsound or dead or dying. It also highlights that retention for ecological value will need to be balanced against issues of safety.</p> <p>Other LDP Policies, for example on Placemaking and Green Infrastructure will ensure that all functions of trees are considered during the design process.</p>	
<p>Draft Para 4.6 could lead to a number of low quality trees being removed – resulting in the</p>	<p>There is provision in BS5837 to consider trees as groups</p>	<p>No change.</p>

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>loss of the biodiversity value of the trees as a group. C and U trees may not stand alone and are more likely to form part of groups of trees/wooded areas, these areas should be considered as a whole rather than each individual tree being assessed on its own merit, which, following the guidance, may result in the whole area being felled.</p> <ul style="list-style-type: none"> The danger with current practice is that individual trees might be counted as lower categories and may thus not be prioritised for retention leading to the felling of entire woodlands which maybe the only haven for wildlife, or source area for biodiversity, in a neighbourhood, despite being primarily comprised of category C trees. <p>Where large numbers of trees are under consideration special mention should be given to the need to retain lower categorisations. The removal of large numbers of trees that might be considered category C, and thus of a low priority for retention in this SPG, undermines attempts to enhance biodiversity in development. Green infrastructure will fail to enhance biodiversity if there are no source areas nearby due to the removal of lower quality woodland, trees and hedgerows. These source areas, for pollinators and invertebrates and birds, for</p>	<p>and woodlands. Furthermore, Policy ER 2 – provides protection to groups of trees where they form part of the green infrastructure network.</p> <p>It is the role of the LPA tree officer to work within these standards and to respond to content of Reports submitted to support an application which would include highlighting where surveys and conclusions do not conform to BS standards.</p>	

Summarised Issues	Council's Response	Changes proposed to SPG document
example, are often lower quality agricultural land and woodland.		

Question 7: Do amendments to the SPG clearly explain the importance of trees, hedgerows and woodland and their contribution to biodiversity, in line with Guidance in PPW 10 and LDP Policy ER 11?

Summarised Issues	Council's Response	Changes proposed to SPG document
There is much focus on the importance of old or mature trees as habitat. Scrub, and smaller trees are equally as important.	Policy ER 11, and the SPG are both clear all trees are important.	No change.
We do not feel the guidance of the policies is reflected in the SPG. We feel the importance of trees, hedgerows and woodlands has been played down in the SPG. A suitable process should be established via the SPG that ensures full consideration of all options other than felling are undertaken as standard, with felling as a last resort, and better meet objectives with FG Act, EAW Act, and LDP vision, and PPW.	See above response, which addresses how the guidance relates to all trees, and the need to make better reference to how aims and objectives of national legislation and guidance relate to the implementation of the SPG.	See amendments above to Section 2, legislative context, and Section 3, which emphasis that the value all trees are considered in the stepwise process. See also proposed new Appendix 2 to provide a clear method for the calculation of replacement trees.

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>The PPW states that <i>“planning authorities should consider the importance of valued trees”</i>. There are numerous examples in Swansea of the value residents and communities place on trees being overlooked in planning and development to the detriment of our city, stakeholder relationships and the biodiversity left in our city.</p> <p>Moreover the current monetary and ecosystem services value of trees is not assessed because of the lack of use of natural capital valuation assessment tools. This is The SPG is a vital tool to correct such past mistakes and it needs to be strengthened to ensure development considers retention as standard for all trees, woodland and hedgerows. Exceptional reasons should need to be given for felling.</p>		

Question 8: Do amendments to the SPG clearly explain how veteran trees and ancient trees and woodland will be considered in the planning application process, in line with PPW and LDP Policy ER 11?

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>We would encourage better communication on data needed to inform developers and their agents about Swansea's ancient and veteran trees and woodland.</p> <p>We encourage the current TPO list and GIS products on ancient and veteran trees and woodland to be made publically and easily available as a matter of priority.</p> <p>Swansea has an unfortunate history of TPO'd trees being removed illegally and the SPG should take every step to limit this. Providing developers, residents and communities with the maximum possible amount of data on where TPO'd trees and ancient woodlands are, not the bare minimum, should be step one.</p>	<p>Ancient woodland maps are available to the public online already. https://naturalresources.wales/evidence-and-data/research-and-reports/ancient-woodland-inventory/?lang=en</p> <p>A link to this site would be a useful addition to the document.</p> <p>The consultation question was not about TPO trees. The planning process does not differentiate TPO trees from those that are not protected.</p>	<p>See new para 3.13 to highlight criteria of policy ER11 on development affecting ancient and veteran trees. See also new para 3.20, to clarify definition of Ancient Woodland and refer to NRW online guidance and mapping.</p> <p>3.13 The importance of Ancient and Veteran trees is emphasized in national planning policy and guidance⁵, and reflected in the detailed criteria of LDP Policy ER11. The Policy provides specific protection to Ancient Woodland, Ancient Woodlands Sites, Ancient and Veteran Trees and clearly states that development will not normally be permitted that would</p>

⁵ See also "Planner's manual for ancient woodland and veteran trees: <https://www.woodlandtrust.org.uk/publications/2019/06/planners-manual-for-ancient-woodland/> and Natural England standing advice: <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

Summarised Issues	Council's Response	Changes proposed to SPG document
		<p>result in any of the impacts specified in criteria i-x.</p> <p>3.20 Ancient woodland: is defined as land that has had a continuous woodland cover since accurate maps were first produced. It is a valuable and irreplaceable resource. Ancient Woodland is given special consideration in the LDP. Further information regarding development within Ancient Woodland is available from NRW⁶ together with links to up to date mapping of ancient woodlands⁷.</p>
<p>We have concerns that only veteran and ancient trees are given additional protective note, as there are very few of these in the area.</p> <p>All semi and mature trees should come under 'retain as the norm' guidance because of the low number of them in Swansea. The use of 'usually' with reference to retention allows too many options for developers to fell unnecessarily.</p>	<p>See response above relating to Policy ER11 and SPG and consideration of all trees of value.</p> <p>This section of the SPG seeks only to refer to the specific national and LDP policy requirements relating to these specific categories of trees.</p>	<p>See above referenced amendments.</p>

⁶ <https://naturalresources.wales/evidence-and-data/research-and-reports/ancient-woodland-inventory/?lang=en>

⁷ At the time of publication – Ancient Woodlands Inventory 2021.

Summarised Issues	Council's Response	Changes proposed to SPG document
The SPG should refer to the importance of fungi, etc in the ecosystems of woodlands.	Amendments are proposed to refer to NRW guidance on ancient woodlands, which includes references to the role of fungi in woodland ecosystems.	See new para 3.20.
Support from NRW for detail provided in paragraphs 4.10 to 4.16, and within Section 5 and 6.	Support Noted	No change

POTENTIAL ADDITIONAL AMENDMENT

The draft version of the SPG was approved for consultation at the Planning Committee on 22nd July 2020. At that Committee, Elected Members suggested that the document should be amended to state that the Council will place Tree Preservation Orders (TPOs) on all newly planted or retained trees located on land in private ownership, where such trees are considered to be part of the landscaping and placemaking of a new development. (This will not apply to trees within public areas which will either be adopted by the Council or maintained under private agreement).

Question 9 Do you agree that the SPG should be amended in this way?

Summarised Issues	Council's Response	Changes proposed to SPG document
Yes, measures to protect trees should be encouraged wherever possible.	Amendments are proposed to explain how TPOs will be used to secure retained or newly planted trees. The	See new para 5.13 Tree Preservation Orders: Wherever possible The LPA will serve TPOs on retained or newly planted trees located on private land within a development site
Yes, TPO's should also be placed on trees on Council Land		

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>Yes, so long as there is a general assumption that trees are, by and large, part of the landscaping and placemaking and that checks are made that it is treated with respect by homeowners</p>	<p>new text applies only to trees on private land, and is introduced in order to support the LPA in meeting its placemaking objectives and ensuring that the benefits of tree planting are maintained throughout the lifespan of the development.</p>	<p>where they are required to meet placemaking requirements and form part of securing the wider sense of place of the development as whole. Trees on publicly owned land would not require TPO as these would be managed by the council and covered by the Council's Corporate tree strategy. The TPO would be applied to the whole development at the point of discharge of condition.</p>
<p>Yes, although this needs to be backed up by officer time to administrate and enforce the protection</p>	<p>This is a corporate/management issue which falls outside the scope of supplementary planning guidance</p>	<p>See amendments to revised draft Section 5 to</p> <ul style="list-style-type: none"> - Clarify that the council will use planning conditions, planning obligations or TPOs as appropriate to secure landscape planting.
<p>Officer amendment</p>	<p>The section on Planning obligations, planning conditions and TPO's has been revised, to give sufficient flexibility for the most appropriate mechanism to be used on a case by case basis.</p> <p>Amendments made to refer to the range of tools</p>	<p>See amendments to revised draft Section 5.</p>

Summarised Issues	Council's Response	Changes proposed to SPG document
	<p>available to secure trees provided in development as part of the landscaping and placemaking (i.e. Conditions, Planning obligations or serving a TPO.)</p> <p>Amendments to 5.9 and 5.10 to replace reference to a timescale of 5 years with “a conditioned period of time”</p>	

QUESTION 10: Do you have any additional comments relating to the draft SPG and/or are there specific amendments (not covered by questions 1-9 above) that you would like to see made to the document?

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>The Consultation Draft SPG for Trees, Hedgerows and Woodlands in Development Sites is attractively laid out, detailed where appropriate, informative, well referenced, and useful to both lay reader and professional. It</p>	<p>Noted</p>	

Summarised Issues	Council's Response	Changes proposed to SPG document
covers a range of planning issues and links clearly to the LDP and other policies.		
YES: Need much stronger legislation around tree protection, this is just guidance without any strong incentive for a developer to follow.	This is SPG and can only implement existing legislation and LDP policy, it cannot introduce new policy or legislation.	
We find the document hard to follow and would encourage a rethink on layout so the process of assessment is linear and logical and can be followed by a layperson.		Amendments made throughout the document to layout, legibility and accessibility.
<p>Glamorgan Fungi: YES: We note that there is almost no mention of fungi in the documents. Fungi are perhaps the most important members of the terrestrial ecological community, as they recycle nutrients, create habitats and provide food for a huge range of organisms. They are key players in carbon and nitrogen dynamics in habitats, and their role in maintaining heathy soils, should not be overlooked.</p> <p>Decomposition is just as important to consider as primary productivity. We must start to implement measures to combat biodiversity loss and greenhouse gas emissions. Soils with healthy populations of fungi, help sequester carbon and greatly support the functioning of terrestrial habitats. For these reasons, fungi and</p>		

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>their habitats must be given protection, it is of utmost importance when designing strategies to improve, maintain or protect our green spaces. In addition to the aforementioned points, there are certain fungi present in Swansea//, that need direct protection to prevent local extinction. Most trees depend on fungi - particularly mycorrhizal species that enhance the development of trees by providing water and nutrients from the soil that are not readily available. We would ask that due consideration of fungi be in measures proposed to protect trees/roots etc.. New, semi ancient and ancient woodlands may contain assemblages of locally important fungi. Veteran trees hold assemblages of fungi that can be hundreds of years old, and protection must be granted to these particular trees. Tree and hedgerow management – leaving standing deadwood (subject to safety concerns), a mixture of different grades of coarse deadwood and old/veteran trees is very important. In addition, semi or unimproved grassland sites are important for fungi particularly Waxcap fungi (Hygrocybe et al species). These include pasture, cemeteries and old lawns which we hope could be surveyed before change of use is agreed. Grassland fungi are extremely sensitive</p>		

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>to change and this needs to be taken into consideration early in the planning process. We would ask that fungi are given a much higher profile in the documents, which ties into the Well-being of Future Generations (Wales) Act 2015.</p> <p>We must start to think about habitats from the ground up, starting with the microbes that support these habitats. Please do not hesitate to contact us with any further queries on aspects of fungal biology, ecology or conservation.</p> <p>We stress the need for fungal surveys by competent mycologists to be included as early as possible in the planning process.</p>		
<p>Swansea Tree Forum – Re Draft SPG Para 6.5</p> <p>In reality, local officers will rarely have the time to go on site to ensure that conditions are being complied with, both at the construction phase and during the period of time thereafter in which developers are required to maintain newly planted trees. Monitoring and written reporting conditions should form part of planning approval conditions. The SPG should clearly place the onus on the developer to show compliance with conditions rather than on the officer to check compliance is being met. Should regular monitoring and reporting show anything</p>	<p>Revised draft para 5.6 (formerly 6.5) sufficiently covers this issue.</p>	<p>No change</p>

Summarised Issues	Council's Response	Changes proposed to SPG document
concerning, the officer is better able to focus their resources on attending sites in person		
<p>Swansea Tree Forum – Re draft Para 8.2 Wherever possible large growing tree species should be planted in mitigation of loss of trees on site. The layout should consider replacement planting including large growing species as part of the design and not just an afterthought with trees chosen for any space left over after development.</p>	<p>Reference is already made to large growing species in the revised draft SPG at 6.2 (formerly 8.2)</p> <p>New para 6.5 also proposed to clarify the size and form of planted trees.</p> <p>New text relating to the Tree Replacement Standard also include reference to the importance of considering the size of tree.</p>	<p>See new para 6.5.</p> <p>New appendix 1, Tree replacement standard.</p>
<p>The SPG should make it clear that site layout should prioritise where tree pits for large-growing species can be placed and show how service laying will be coordinated to avoid re digging trenches later on that might have a negative impact on planting. Very clear guidance should be given Built up areas where there are a lot of trees [leafy suburbs!!] are always more attractive etc than areas with few trees.</p>	<p>The emerging Placemaking SPG provides further detail on the integration of tree planting into the design of new developments at a range of scales.</p> <p>Amendments also made to include updated references to placemaking in Future Wales.</p>	<p>See amendments throughout the document to cross reference placemaking</p> <p>2.3 – Future wales Policy 14 and placemaking.</p> <p>3.53, 6.8 – ref to Placemaking SPG</p> <p>5.13 – TPOs and placemaking</p>

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>Developments should not preclude retention of trees in private gardens. Many householders like trees in their gardens.</p>		
<p>The SPG should provide specific advice on trees within the Gower AONB designation.</p> <p>Gower Society (GS) has had concerns about serious cases of woodland destruction woodlands within the AONB that are not protected.</p> <p>GS commissioned a Planning Advice Report which suggests that the boundaries between what can be done under the felling licence and what the City and County of Swansea (CCS) can do to protect woodland, are blurred. It also suggests that there was nothing wrong with the process undertaken or the decisions made relating to Cheriton as they were within what the planning system allows, but that this can easily be exploited by good advisors.</p> <p>We suggest that the Draft SPG does not go far enough, or indeed provide clarity, on how unprotected trees, hedgerows and woodlands, particularly within the AONB, should be protected.</p> <p>We consider that we should be seeking better protection for unprotected trees, hedgerows and</p>	<p>Specific guidance on trees within the AONB is provided in the revised Draft 'Placemaking Guidance for the Gower AONB',</p> <p>The SPG sets out the process to identify trees for integration, retention and replacement using the relevant British Standards and this process relates the amenity value of trees...</p> <p>The SPG recognises that trees also have ecological and placemaking value and references are made throughout the document to sign post to these parallel considerations that will need to be taken into account in the planning process.</p>	

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>woodlands within the AONB and that the means of doing this should be clearly explained in the Consultation Draft SPG, not loosely as 'on development sites'. The vital importance of all trees, hedgerows and woodlands to any landscape and environment is clearly recognised in Section 1.0, paragraphs 1.4 to 1.8. We would wholeheartedly support these statements especially in relation to the landscape of the first UK designated AONB.</p>		

The following comments were received which are outside the remit of the SPG, but which could be addressed in the emerging Council Tree Policy

Summarised Issues

Adoption of a natural capital valuation assessment tool (e.g. CAVAT) for all developments impacting trees, hedgerows or woodland.

Adoption of a minimum allowable total canopy cover loss for all developments impacting trees, hedgerows or woodlands.

YES: Would it be prudent to include reference to ash dieback given the prevalence of this fungus in Swansea and Gower? E.g. Will developers be responsible for replacing diseased trees?

Swansea Tree Forum: : Adopt targets for inclusion of large growing trees

We would also suggest a maximum allowable % of small ornamental species to be used in mitigation planting. Developers should be encouraged to plant large growing species which should be planted at as large a stage as possible, not small saplings, in order to ensure that the benefits (in terms of pollution control, carbon capture, wildlife habitat and biodiversity provision) of large growing trees are gained as soon as possible.

See Appendices for full consultation responses received.

Appendix

Full Responses to Consultation on Draft SPG Trees, Hedgerows, Woodlands and Development

Section A: Report of Website Responses

Section A reports all responses received via the online survey published on the council's website. The responses are grouped by consultation question.

Do you think the draft SPG contains sufficient and appropriate links to the Swansea LDP and its policies?

Yes



33%

(6)67%

No (3)

Further Comments

No. The LDP states that trees will, wherever possible, be protected and enhanced as part of development. That language has been diluted in the SPG to 'usually' (See 4.5). Throughout the SPG, the sentiments of the LDP have been diluted and weakened e.g. The SPG keeps using the language "(trees will) USUALLY be expected to be retained" but that is very different to saying all A + B Category Trees need to be incorporated in development plans. The latter would be in line with the sentiments and principles of the LDP. The LDP masterplan principles state that large sites must "retain and integrate existing important trees". We have seen cases, both legally and illegally, where this has not happened in Swansea causing loss of mature trees and damage to relationships between residents, the local authority and developers. Strengthening the SPG to reflect the best practice envisioned in the LDP would help prevent this and set the tone for the required best practice around trees in development. The LDP's sentiments should be used to the maximum level of interpretation in the SPG to prevent poor practice happening in the future, not embrace the weakest possible interpretation of the LDP in order to give most generosity to smoothing the pathway for developers to remove all but the very highest category of protected trees. There is no excuse, in 2020, for undervaluing any tree. Throughout the LDP tree-related statements tend to highlight ancient and veteran trees but as part of referencing the protection of ALL trees. That language seems to have been adapted here to ONLY consider outright protection to ancient and veteran trees. This is again diluting the principles of the LDP to suit the aims of developers. All mature and semi mature trees (all cat A and B trees and as many Cat C trees as possible) would be retained as standard if the principles of the LDP were being upheld in the SPG. The LDP vision states a requirement to conserve natural heritage. Because of decades of developer-led planning and building in Swansea most of our urban and many of our suburban area's natural heritage is degraded to a point where lower category trees are all that is left. Those trees, regardless of the fact that they may not be veteran or ancient, now comprise priceless biodiversity, havens for wildlife and connectivity corridors and need the same level of protection afforded to ancient woodland elsewhere. Our important treescapes are not ancient woodland they are parkland and street trees. If you are going to protect Swansea's natural heritage it means protecting all

categories of semi mature and mature trees. The SPG should be used to afford Swansea's remaining trees the maximum, not minimum protection available from development.

It emphasises the importance of trees in the natural environment and the built environment

Is the draft SPG clear how relevant legislation and policies relating to trees, hedgerows and woodland will be implemented in Swansea through the planning application process?



guidance not strong enough. Need stonger drivers/legislation to prevent developers/public from felling trees.

No. The SPG hangs on many additional frameworks and rule sets and these are not always easy to find. It would be prudent to include links to the Environment Wales Act., Wellbeing of Future Generations Act.etc but also technical documentation that is needed for people to understand the categorisations of trees (British standard for tree categorisation etc). Because they are so critical we would recommend that such documents are either attached to, or linked in to (using time stable links on the Council's own webpages) the SPG. We also have concerns over the repeated reference to a

Tree Policy that is noted as 'forthcoming'. It is difficult to assess the efficacy of the SPG without at the same time knowing the new policy framework the Council will use to manage its own trees.

The statement in 2.3 that Planning authorities should protect trees etc where they have ecological value seems to me to be a get out clause for developers who may argue that certain trees they want to fell do not have ecological value. The bottom line should be that all trees have ecological value.

Although no mention of fungi

Does the draft SPG make clear the content and quality of the information that is required to support a planning application affecting trees, hedgerows or woodland?



Further Comments

No. we note the below areas that need improvement in language and detail 5.5 Where the block plan shows a conflict between the proposals and trees then a more detailed Arboricultural Impact Assessment and/or ecological assessment may be required after consultation with the Councils Arboriculturalist /Tree Officer and/or Ecologist. Submitting this at the outset may reduce delays in processing the application. Engagement with the Councils Arboriculturalist /Tree Officer and/or Ecologist should occur at an earlier stage. Once plans are drawn up and developers are at a more progressed stage of design it is more difficult to alter plans to better protect trees, and it is likely that further expenses could be incurred for modifications. Discussions should occur at the earliest stage possible, once a site is identified for possible development, so that the council officers are able to influence plans and put forward tree retention considerations prior to advanced design stages. The SPG should enable the maximum time to be made available to arrive at the best plans for the retention of trees on the site and excellence in mitigation where that is not possible.

See Additional Comments

Does the draft SPG clearly explain the Council's expectations in relation to relevant best practice guidance?

Yes (6)67%



No (3)



Further Comments

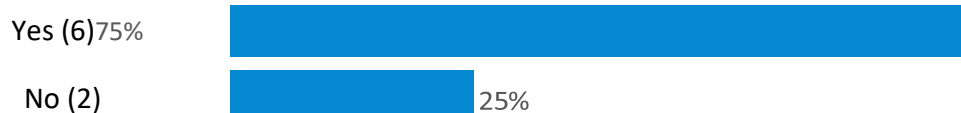
Whilst the current document looks to make Swansea greener that is, at the moment, being done at the expense of what matters - total canopy cover (not number of stems). We are concerned that the SPG draft does not specify a tree replacement strategy that is clear for developers to understand.

Replacement strategies are relevant best practice and the SPG should include one e.g. <https://www.bristol.gov.uk/planning-and-building-regulations/supplementary-planning-documents>. If Swansea City Council is serious about adopting best practice for green infrastructure and protection of biodiversity the SPG is critical to making the overall science clear. 'More trees' does not equal more anything other than actual stem count. Protecting biodiversity and ecosystem services requires the retention of large trees with big canopies. That retention should be the norm in development and mitigation should require planting of large trees in suitable tree pits, or off site, where mitigation is needed. Best practice has shown that the adoption of a replacement strategy encourages greening within planning documents. Trees can be one of the most contentious areas of planning, by adopting a Tree Replacement Standard within Swansea's SPG this would give developers clarity on the numbers of trees to be replaced where trees are lost within a site. Such a policy also allows for trees to be replaced offsite where space is not available within a development

site. This would give clarity and help Swansea to not lose any additional significant canopy cover over the course of development. We note the SPG is also weakened by the lack of inclusion of a plan for using natural valuation assessment tools (e.g. CAVAT) to carry out proper accounting on the loss of trees to enable development. Across the country councils have adopted CAVAT to give clarity to developers to deal with those situations where public tree loss occurs to enable private development. CAVAT values give a monetary value to the air pollution regulation, carbon sequestration, and storm-water alleviation value etc of trees outside woodland. In requiring CAVAT to be assessed, councils have found that developers are more keen to retain important public trees that would otherwise have been lost when they are required to value them quantitatively. We therefore believe that the SPG should either require, or recommend as best practice, adopting CAVAT (or its preferred equivalent method of assessing natural capital valuation) e.g. <https://www.ltoa.org.uk/resources/cavat> Our reason for recommending the adoption of CAVAT as a standard best practice is because of the need to correct the low valuation developers currently put on existing trees that are 'in the way' of development. We know that the value of trees is significantly underestimated by local authorities and developers and the use of CAVAT, or equivalent tools, is vital to correct this. We include here an example of the CAVAT assessments carried out as part of Sheffield City Council's new draft tree strategy which value the city's trees at over £340 Million <https://www.wildsheffield.com/wp-content/uploads/2020/03/FINALSheffield-Street-Tree-Partnership-Working-Strategy-July-2020.pdf> We would suggest that any developer wishing to remove a category A, B or C tree as part of development, or the Council itself, should have to include in its arboreal assessment or relevant planning documents: 1.Unique asset ID 2.GPS reference 3.Species listed by common and scientific name 4.Height 5.Stem diameter 6.Branch spread taken as a minimum at the four cardinal points (North/South/East/West) to derive an accurate representation of the crown 7. Existing height above ground level of: first significant branch and direction of growth, e.g. 2.4m/ North 8. Life stage, e.g. young, semi-mature, early mature, mature. 9. General observations particularly of structural and/or physiological condition and features, e.g. the presence of any decay or physical defect, and/or preliminary management recommendation — Estimated remaining SULE in years, e.g. <10, 10+, 20+, 40+ 10. category of the tree (A, B, C or U) 11. Value of the tree as determined using CAVAT (or equivalent natural capital valuation tool) 12. All possible engineering options for retention and why options that allowed retention were rejected.

It is not only trees with TPO on them that should be regarded as important. It is a matter of hit and miss whether trees have them or not.

Do you agree with this approach?



all trees, especially urban trees, should be considered for incorporation in the early design phases by planners.

plenty or wriggle room for developers- the wording could be tightened and clarified

This needs considerably strengthening in tone and language. Cat A and B inclusion in layouts should be expected within the design phase of ALL developments, not “usually” if the SPD is to remain loyal to the principles of the LDP. Developers should, at the earliest stages of a project design, consider the retention of all trees at a site to genuinely be meeting the relevant national and local commitments to nature, biodiversity, green spaces and the wellbeing of future generations. Where design constraints call for felling of a tree, the various steps that have been taken to come to this conclusion should be demonstrated in writing and should show consideration for all other engineering options possible (regardless of cost). This documentation should form part of the subsequent planning application. As a rule cost should not be considered a viable argument for felling if the cost of retention is below the CAVAT assessment value for the tree, as this equates to a net economic saving via retention. We are very concerned about the language used by the SPG, and this should be altered to make it clear that all A + B Category Trees need to be incorporated in development plans. We do not feel the language on retention as the norm goes far enough. It should also be strengthened. The language used (‘usually’ instead of a requirement etc) gives space for developers and their agents to easily state that Category B trees cannot be retained. A further serious weakness is the lack of specific mention of how to measure mitigation of tree canopy loss. It is a missed opportunity to set out how replacements should be dealt with; developers work more effectively when given exactness. A clear replacement standard should be included in the SPG as an example of good practice. There are many examples available, the Bristol Tree replacement standard, which is now being adopted by other Local authorities, is a good starting point. - <https://www.bristol.gov.uk/planning-and-buildingregulations/supplementary-planning-documents> The above best practice elements require the adoption of a natural valuation assessment tool (e.g. CAVAT) as standard and this should be incorporated into the SPG such that arboreal assessments, whether on Council developments that are exempt from planning or otherwise, include a CAVAT or equivalent for all Cat A and B trees.

I am unable to comment as I'm not familiar with BS5837 and what "quality" means. Is biodiversity for category C trees considered?

I'm concerned at the 'will usually be expected' wording. There should be a line in the sand whereby removal of certain trees is not an option in any circumstances. This wording is woolly and open to abuse.

Do you agree with this approach?



Further Comments

hazardous is too open to interpretation and as does "significant biodiversity" - trees have values beyond biodiversity, especially in cities. Their retention should be planned at the onset of a design. Need better definitions around this statement as well as a an onus on developers to consider all possible measures to mitigate for a tree being "hazardous" such as engineering solutions

but as above

“Significant biodiversity value” is an ambiguous term. This needs further definition for developers to be able to comply with this guidance in a meaningful way, such ambiguities are a hallmark of ‘greenwash’ opportunities. The biodiversity value should be considered alongside all the other potential benefits that C and U category trees can provide. C and U trees may not stand alone and are more likely to form part of groups of trees/wooded areas, these areas should be considered as a whole rather than each individual tree being assessed on its own merit, which, following the guidance, may result in the whole area being felled. The danger with current practice is that individual trees might be counted as lower categories and may thus not be prioritised for retention leading to the felling of entire woodlands which maybe the only haven for wildlife, or source area for biodiversity, in a neighbourhood, despite being primarily comprised of category C trees. Where large numbers of trees are under consideration special mention should be given to the need to retain lower categorisations. The removal of large numbers of trees that might be considered category C, and thus of a low priority for retention in this SPG, undermines attempts to enhance biodiversity in development. Green infrastructure will fail to enhance biodiversity if there are no source areas nearby due to the removal of lower quality woodland, trees and hedgerows. These source areas, for pollinators and invertebrates and birds, for example, are often lower quality agricultural land and woodland. Hazardous is an ambiguous term that needs to be defined or expounded upon. As above, all engineering solutions, regardless of cost, should be considered prior to felling of a tree which may be deemed hazardous from potential serious hazards such as large branches breaking off etc. to more minor issues around pavement disturbances. A sensible risk matrix should be used to define hazards. Costs associated with damage to services and access should not be considered as hazards and should be defined otherwise. The following shows how LAs can use engineering solutions when considering how to manage a hazardous tree:

<https://savesheffieldtrees.org.uk/engineering-solutions/> Full assessment of potential engineering solutions will also be more accurate if there is best practice guidance to include a method of natural valuation assessment tool (e.g CAVAT valuation). These tools allow a developer to balance the cost of engineering solutions to retain trees with the real cost to the city and its people of the loss of a tree. The use of such tools would be fitting to the LDP vision to conserve the city’s natural heritage using the best methods available.

Ah yes!

Are there examples of where retention of trees would be hazardous?

Yes with the caveat that it may be possible to reduce the hazard by removing some limbs, without removing the whole tree.

Do amendments to the SPG clearly explain the importance of trees, hedgerows and woodland and their contribution to biodiversity, in line with Guidance in PPW 10 and LDP Policy ER 11?

Yes (5) 56%



No (4)



Further Comments

There is much focus on the importance of old or mature trees as habitat, scrub, and smaller trees are equally as important.

No. We do not feel the guidance of the policies is reflected in the SPG. We feel the importance of trees, hedgerows and woodlands has been played down in the SPG. A suitable process should be established via the SPG that ensures full consideration of all options other than felling are undertaken as standard, with felling as a last resort. Strengthening the SPG to require this level of excellence in planning applications will raise the standard for local planning and development and build capacity within local planners, developers and their agents to better meet the aims and objectives of the Future Generations Act, Environment Wales Act and the vision of the city's LDP. PPW states "Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape", the sentiment of this statement is not reflected in an SPG that only requires tree retention of category A, B or C trees as 'usual' and gives multiple get out clauses for developers and their agents to avoid retention as standard. The PPW also states that "planning authorities should consider the importance of valued trees". There are numerous examples in Swansea of the value residents and communities place on trees being overlooked in planning and development to the detriment of our city, stakeholder relationships and the biodiversity left in our city. Moreover the current monetary and ecosystem services value of trees is not assessed because of the lack of use of natural capital valuation assessment tools. This is The SPG is a vital tool to correct such past mistakes and it needs to be strengthened to ensure development considers retention as standard for all trees, woodland and hedgerows. Exceptional reasons should need to be given for felling. We have the following further concerns about specific points within the SPG. 6.1 A tree protection scheme is more likely to be successfully implemented if submitted and approved as part of the planning application. Tree protection measures and advice are not often at the forefront of planning decisions and this is often due to lack of resources within the relevant departments within Local Authorities and other relevant sections. This makes for a dangerous precedent where the bare minimum is done to consider tree retention/felling. The SPG should be used to give Officers and ecologists sufficient time and resources to be able to properly assess the implications of tree felling against, not only biodiversity duties, but also all the other benefits that tree retention would bring, as well as relating this to existing legislation (Environment Wales Act., Wellbeing of Future Generations Act. Etc.). Officers should also be supported by LA management and planning dept. when they consider that trees should be retained. The best way to ensure this is to write a requirement for assessment as early as possible in the planning process and a

requirement for fuller information to be supplied about all trees on site, as soon as possible. We have suggested the following: 1.Unique asset ID 2.GPS reference 3.Species listed by common and scientific name 4.Height 5.Stem diameter 6.Branch spread taken as a minimum at the four cardinal points (North/South/East/West) to derive an accurate representation of the crown 7. Existing height above ground level of: first significant branch and direction of growth, e.g. 2.4m/ North 8. Life stage, e.g. young, semi-mature, early mature, mature. 9. General observations particularly of structural and/or physiological condition and features, e.g. the presence of any decay or physical defect, and/or preliminary management recommendation — Estimated remaining SULE in years, e.g. <10, 10+, 20+, 40+ 10. category of the tree (A, B, C or U) 11. Value of the tree as determined using CAVAT (or equivalent natural capital valuation tool) 12. All possible engineering options for retention and why options that allowed retention were rejected. 6.5 If difficulties are experienced at any time during the construction process in complying with conditions relating to trees (e.g. in maintaining the distances of protective fencing in accordance with the Tree Protection Plan) and it is desired that the terms of any conditions be modified, it will be necessary to consult with and get written approval of the LPA prior to carrying out any changes. In reality, local officers will rarely have the time to go on site to ensure that conditions are being complied with, both at the construction phase and during the period of time thereafter in which developers are required to maintain newly planted trees. Monitoring and written reporting conditions should form part of planning approval conditions. The SPG should clearly place the onus on the developer to show compliance with conditions rather than on the officer to check compliance is being met. Should regular monitoring and reporting show anything concerning, the officer is better able to focus their resources on attending sites in person. 8.2 Wherever possible large growing tree species should be planted in mitigation of loss of trees on site. The layout should consider replacement planting including large growing species as part of the design and not just an afterthought with trees chosen for any space left over after development. The SPG should make it clear that site layout should prioritise where tree pits for largegrowing species can be placed and show how service laying will be coordinated to avoid re digging trenches later on that might have a negative impact on planting. Very clear guidance should be given Built up areas where there are a lot of trees [leafy suburbs!!] are always more attractive etc than areas with few trees. Developments should not preclude retention of trees in private gardens. Many householders like trees in their gardens.

Little reference to fungi see Additional Comments

I'm not sufficiently expert or experienced to comment on this, but I am pleased to see the issues being taken seriously.

Do amendments to the SPG clearly explain how veteran trees and ancient trees and woodland will be considered in the planning application process, in line with PPW 10 and LDP Policy ER 11?

Yes (7)78%



No (2)



Further Comments

We would encourage better communication on data needed to inform developers and their agents about Swansea's ancient and veteran trees and woodland. We encourage the current TPO list and GIS products on ancient and veteran trees and woodland to be made publically and easily available as a matter of priority. Swansea has an unfortunate history of TPO'd trees being removed illegally and the SPG should take every step to limit this. Providing developers, residents and communities with the maximum possible amount of data on where TPO'd trees and ancient woodlands are, not the bare minimum, should be step one.

Protecting these trees is very important

But mention of fungi would be good

Do you agree that the SPG should be amended in this way?

Yes (9)90%



No (1)



Further Comments

Measures to protect trees should be encouraged wherever possible.

although this needs to be backed up by officer time to administrate and enforce the protection

It should also include those on Council Land

So long as there is a general assumption that tress are, by and large, part of the landscaping and placemaking and that checks are made that it is treated with respect by homeowners

Do you have any additional comments relating to the draft SPG and/or are there specific amendments (not covered by questions 1-9 above) that you would like to see made to the document?

Yes (6)75%



No (2)



Further Comments

Need much stronger legislation around tree protection, this is just guidance without any strong incentive for a developer to follow.

There is no definition of category A, B, C and U trees, which would be helpful.

We support and applaud the ambitions of the draft strategy on trees, hedgerows and woodlands. - We feel it does not go far enough to protect existing canopy cover and does not set the tone for excellence and best practice in terms of the retention of trees, woodland and hedgerows impacted by development. -

We have concerns that the sentiments and visions of the relevant local and national frameworks and policies are not reflected adequately in the SPG. -

We have concerns that only veteran and ancient trees are given additional protective note, as there are very few of these in the area. All semi and mature trees should come under 'retain as the norm' guidance because of the low number of them in Swansea. The use of 'usually' with reference to retention allows too many options for developers to fell unnecessarily. - best practice should include the need for natural capital valuation assessment tools to define the true value of all category trees on a site and those values should be taken into consideration in assessments for retention or felling. - additional tools should be brought in to ensure proper valuation of the tree assets on any site and ensure mitigation is enough. We have sketched out options for these additional tools which require a minimum impact on existing canopy cover and mitigation to provide measurable enhancement of total canopy cover (not just 'more trees' which is usually the addition of small ornamental stems at the net loss of canopy cover via the removal of larger trees). - all engineering options for retention should be considered for all category A and B trees. -

We would like to see mitigation planting and the use of natural valuation assessment tools as a requirement and are concerned that there is no statutory requirement for mitigation planting built into the guidance. Whilst we recognise that -

We are concerned that best practice around the use of natural capital valuation tools is not included in the guidance. Use of these freely available tools as a requirement in planning would allow the ecosystem service value of trees to be correctly taken into consideration in assessing retention and felling economics. - We are concerned that the accompanying Tree Policy is not yet available so residents and consultees cannot assess the further protective measures it offers. -

We would like to see best practice from other tree-related SPGs brought in and are happy to share examples. - We find the document hard to follow and would encourage a rethink on layout so the process of assessment is linear and logical and can be followed by a layperson. - The spg should be accompanied by better data provision on ancient and veteran trees. A published list of TPO's trees and a map of ancient and veteran trees/woodland for the county etc. Specific amendments should include changes to make retention of all category A and B trees the norm, the recommendation of adoption of natural valuation assessment tools as standard practice, the adoption of a need for developers to include metrics on the impact the development will have on total canopy cover and not just refer to 'more trees', maximum allowable standards should be set for canopy cover impact,

a replacement standards approach should be adopted, all applications should need to evidence all possible engineering solutions to avoid felling cat A and B trees and discuss their consideration.

Would it be prudent to include reference to ash dieback given the prevalence of this fungus in Swansea and Gower? eg Will developers be responsible for replacing diseased trees?

Retaining mature trees is very important. Replacing a felled mature tree with a sapling will not do. We should be actively working to rapidly increase tree cover in urban and rural Swansea. The guidance makes it clear that the council obviously understands the importance of trees in the development process however too many trees have been removed in the recent and distant past.

Further Comments

We note that there is almost no mention of fungi in the documents. Fungi are perhaps the most important members of the terrestrial ecological community, as they recycle nutrients, create habitats and provide food for a huge range of organisms. They are key players in carbon and nitrogen dynamics in habitats, and their role in maintaining healthy soils, should not be overlooked.

Decomposition is just as important to consider as primary productivity. We must start to implement measures to combat biodiversity loss and greenhouse gas emissions. Soils with healthy populations of fungi, help sequester carbon and greatly support the functioning of terrestrial habitats. For these reasons, fungi and their habitats must be given protection, it is of utmost importance when designing strategies to improve, maintain or protect our green spaces. In addition to the aforementioned points, there are certain fungi present in Swansea, that need direct protection to prevent local extinction.

Most trees depend on fungi - particularly mycorrhizal species that enhance the development of trees by providing water and nutrients from the soil that are not readily available. We would ask that due consideration of fungi be in measures proposed to protect trees/roots etc.. New, semi ancient and ancient woodlands may contain assemblages of locally important fungi. Veteran trees hold assemblages of fungi that can be hundreds of years old, and protection must be granted to these particular trees.

Tree and hedgerow management – leaving standing deadwood (subject to safety concerns), a mixture of different grades of coarse deadwood and old/veteran trees is very important. In addition, semi or unimproved grassland sites are important for fungi particularly Waxcap fungi (*Hygrocybe* et al species). These include pasture, cemeteries and old lawns which we hope could be surveyed before change of use is agreed. Grassland fungi are extremely sensitive to change and this needs to be taken into consideration early in the planning process.

We would ask that fungi are given a much higher profile in the documents, which ties into the Well-being of Future Generations (Wales) Act 2015. We must start to think about habitats from the ground up, starting with the microbes that support these habitats. Please do not hesitate to contact us with any further queries on aspects of fungal biology, ecology or conservation. We stress the need for fungal surveys by competent mycologists to be included as early as possible in the planning process.

I'm concerned by points raised at the consultation that the tree policy is not yet available yet this document frequently refers to it.

Section B: Report of Emailed Responses

Section B reports all responses received via email, either as an emailed survey form, or as a separate letter. Each email or letter is reported separately.

Swansea Tree Forum Response to SPG's on Trees and Hedgerows and on Biodiversity.

- **Do you think the draft SPG contains sufficient and appropriate links to the Swansea LDP and its policies?**

No. The LDP states that trees will, wherever possible, be protected and enhanced as part of development. That language has been diluted in the SPG to 'usually' (See 4.5). Throughout the SPG, the sentiments of the LDP have been diluted and weakened e.g. The SPG keeps using the language "(trees will) USUALLY be expected to be retained" but that is very different to saying all A + B Category Trees need to be incorporated in development plans. The latter would be in line with the sentiments and principles of the LDP. The LDP masterplan principles state that large sites must "retain and integrate existing important trees". We have seen cases, both legally and illegally, where this has not happened in Swansea causing loss of mature trees and damage to relationships between residents, the local authority and developers. Strengthening the SPG to reflect the best practice envisioned in the LDP would help prevent this and set the tone for the required best practice around trees in development. The LDP's sentiments should be used to the maximum level of interpretation in the SPG to prevent poor practice happening in the future, not embrace the weakest possible interpretation of the LDP in order to give most generosity to smoothing the pathway for developers to remove all but the very highest category of protected trees. There is no excuse, in 2020, for undervaluing any tree. Throughout the LDP tree-related statements tend to highlight ancient and veteran trees but as part of referencing the protection of ALL trees. That language seems to have been adapted here to ONLY consider outright protection to ancient and veteran trees. This is again diluting the principles of the LDP to suit the aims of developers. All mature and semi mature trees (all cat A and B trees and as many Cat C trees as possible) would be retained as standard if the principles of the LDP were being upheld in the SPG. The LDP vision states a requirement to conserve natural heritage. Because of decades of developer-led planning and building in Swansea most of our urban and many of our suburban area's natural heritage is degraded to a point where lower category trees are all that is left. Those trees, regardless of the fact that they may not be veteran or ancient, now comprise priceless biodiversity, havens for wildlife and connectivity corridors and need the same level of protection afforded to ancient woodland elsewhere. Our important treescapes are not ancient woodland they are parkland and street trees. If you are going to protect Swansea's natural heritage it means protecting all categories of semi mature and mature trees. The SPG should be used to afford Swansea's remaining trees the maximum, not minimum protection available from development.

- 2 Is the draft SPG clear how relevant legislation and policies relating to trees, hedgerows and woodland will be implemented in Swansea through the planning application process?**

No. The SPG hangs on many additional frameworks and rule sets and these are not always easy to find. It would be prudent to include links to the Environment Wales Act., Wellbeing of Future Generations Act.etc but also technical documentation that is needed for people to understand the categorisations of trees (British standard for tree categorisation etc). Because they are so critical we would recommend that such documents are either attached to, or linked in to (using time stable links on the Council's own webpages) the SPG. We also have concerns over the repeated reference to a Tree Policy that is noted as 'forthcoming'. It is difficult to assess the efficacy of the SPG without at the same time knowing the new policy framework the Council will use to manage its own trees.

3 Does the draft SPG make clear the content and quality of the information that is required to support a planning application affecting trees, hedgerows or woodland?

No. we note the below areas that need improvement in language and detail

5.5 Where the block plan shows a conflict between the proposals and trees then a more detailed Arboricultural Impact Assessment and/or ecological assessment may be required after consultation with the Councils Arboriculturalist /Tree Officer and/or Ecologist. Submitting this at the outset may reduce delays in processing the application.

Engagement with the Councils Arboriculturalist /Tree Officer and/or Ecologist should occur at an earlier stage. Once plans are drawn up and developers are at a more progressed stage of design it is more difficult to alter plans to better protect trees, and it is likely that further expenses could be incurred for modifications. Discussions should occur at the earliest stage possible, once a site is identified for possible development, so that the council officers are able to influence plans and put forward tree retention considerations *prior to advanced design stages*.

The SPG should enable the maximum time to be made available to arrive at the best plans for the retention of trees on the site and excellence in mitigation where that is not possible.

4 Does the draft SPG clearly explain the Council's expectations in relation to relevant best practice guidance?

Whilst the current document looks to make Swansea greener that is, at the moment, being done at the expense of what matters - total canopy cover (not number of stems). We are concerned that the SPG draft does not specify a tree replacement strategy that is clear for developers to understand. Replacement strategies are relevant best practice and the SPG should include one e.g. <https://www.bristol.gov.uk/planning-and-building-regulations/supplementary-planning-documents> . If Swansea City Council is serious about adopting best practice for green infrastructure and protection of biodiversity the SPG is critical to making the overall science clear. 'More trees' does not equal more anything other than actual stem count. Protecting biodiversity and ecosystem services requires the retention of large trees with big canopies. That retention should be the norm in development and mitigation should require planting of large trees in suitable tree pits, or off site, where mitigation is needed.

Best practice has shown that the adoption of a replacement strategy encourages greening within planning documents. Trees can be one of the most contentious areas of planning, by adopting a Tree Replacement Standard within Swansea's SPG this would give developers clarity on the numbers of trees to be replaced where trees are lost within a site. Such a policy also allows for trees to be replaced offsite where space is not available within a

development site. This would give clarity and help Swansea to not lose any additional significant canopy cover over the course of development.

We note the SPG is also weakened by the lack of inclusion of a plan for using natural valuation assessment tools (e.g. CAVAT) to carry out proper accounting on the loss of trees to enable development. Across the country councils have adopted CAVAT to give clarity to developers to deal with those situations where public tree loss occurs to enable private development. CAVAT values give a monetary value to the air pollution regulation, carbon sequestration, and storm-water alleviation value etc of trees outside woodland. In requiring CAVAT to be assessed, councils have found that developers are more keen to retain important public trees that would otherwise have been lost when they are required to value them quantitatively. We therefore believe that the SPG should either require, or recommend as best practice, adopting CAVAT (or its preferred equivalent method of assessing natural capital valuation) e.g. <https://www.ltoa.org.uk/resources/cavat>

Our reason for recommending the adoption of CAVAT as a standard best practice is because of the need to correct the low valuation developers currently put on existing trees that are 'in the way' of development. We know that the value of trees is significantly underestimated by local authorities and developers and the use of CAVAT, or equivalent tools, is vital to correct this. We include here an example of the CAVAT assessments carried out as part of Sheffield City Council's new draft tree strategy which value the city's trees at over £340 Million <https://www.wildsheffield.com/wp-content/uploads/2020/03/FINALSheffield-Street-Tree-Partnership-Working-Strategy-July-2020.pdf>

We would suggest that any developer wishing to remove a category A, B or C tree as part of development, or the Council itself, should have to include in its arboreal assessment or relevant planning documents:

- 1.Unique asset ID
- 2.GPS reference
- 3.Species listed by common and scientific name
- 4.Height
- 5.Stem diameter
- 6.Branch spread taken as a minimum at the four cardinal points (North/South/East/West) to derive an accurate representation of the crown
7. Existing height above ground level of: first significant branch and direction of growth, e.g. 2.4m/ North
8. Life stage, e.g. young, semi-mature, early mature, mature.
9. General observations particularly of structural and/or physiological condition and features,

e.g. the presence of any decay or physical defect, and/or preliminary management recommendation
— Estimated remaining SULE in years, e.g. <10, 10+, 20+, 40+

10. category of the tree (A, B, C or U)

11. Value of the tree as determined using CAVAT (or equivalent natural capital valuation tool)

12. All possible engineering options for retention and why options that allowed retention were rejected.

5 Para 4.5 of the draft SPG states: *"Category A and B (BS5837:2012) – high and moderate quality trees will usually be expected to be incorporated into a layout. Category C trees should be retained where the proposals do not require their removal. "*

This needs considerably strengthening in tone and language. Cat A and B inclusion in layouts should be expected within the design phase of ALL developments, not “usually” if the SPD is to remain loyal to the principles of the LDP. Developers should, at the earliest stages of a project design, consider the retention of all trees at a site to genuinely be meeting the relevant national and local commitments to nature, biodiversity, green spaces and the wellbeing of future generations. Where design constraints call for felling of a tree, the various steps that have been taken to come to this conclusion should be demonstrated in writing and should show consideration for all other engineering options possible (regardless of cost). This documentation should form part of the subsequent planning application. As a rule cost should not be considered a viable argument for felling if the cost of retention is below the CAVAT assessment value for the tree, as this equates to a net economic saving via retention.

We are very concerned about the language used by the SPG, and this should be altered to make it clear that all A + B Category Trees need to be incorporated in development plans. We do not feel the language on retention as the norm goes far enough. It should also be strengthened. The language used (*‘usually’* instead of a requirement etc) gives space for developers and their agents to easily state that Category B trees cannot be retained. A further serious weakness is the lack of specific mention of how to measure mitigation of tree canopy loss. It is a missed opportunity to set out how replacements should be dealt with; developers work more effectively when given exactness. A clear replacement standard should be included in the SPG as an example of good practice. There are many examples available, the Bristol Tree replacement standard, which is now being adopted by other Local authorities, is a good starting point. -<https://www.bristol.gov.uk/planning-and-buildingregulations/supplementary-planning-documents>

The above best practice elements require the adoption of a natural valuation assessment tool (e.g. CAVAT) as standard and this should be incorporated into the SPG such that arboreal assessments, whether on Council developments that are exempt from planning or otherwise, include a CAVAT or equivalent for all Cat A and B trees.

6. Para 4.6 of the draft SPG states: *"Category C and U trees should be retained where they have significant biodiversity features and their retention will not be hazardous."*

“Significant biodiversity value” is an ambiguous term. This needs further definition for developers to be able to comply with this guidance in a meaningful way, such ambiguities are a hallmark of ‘greenwash’ opportunities. The biodiversity value should be considered alongside all the other

potential benefits that C and U category trees can provide. C and U trees may not stand alone and are more likely to form part of groups of trees/wooded areas, these areas should be considered as a whole rather than each individual tree being assessed on its own merit, which, following the guidance, may result in the whole area being felled. The danger with current practice is that individual trees might be counted as lower categories and may thus not be prioritised for retention leading to the felling of entire woodlands which maybe the only haven for wildlife, or source area for biodiversity, in a neighbourhood, despite being primarily comprised of category C trees. Where large numbers of trees are under consideration special mention should be given to the need to retain lower categorisations. The removal of large numbers of trees that might be considered category C, and thus of a low priority for retention in this SPG, undermines attempts to enhance biodiversity in development. Green infrastructure will fail to enhance biodiversity if there are no source areas nearby due to the removal of lower quality woodland, trees and hedgerows. These source areas, for pollinators and invertebrates and birds, for example, are often lower quality agricultural land and woodland.

Hazardous is an ambiguous term that needs to be defined or expounded upon. As above, all engineering solutions, regardless of cost, should be considered prior to felling of a tree which may be deemed hazardous from potential serious hazards such as large branches breaking off etc. to more minor issues around pavement disturbances. A sensible risk matrix should be used to define hazards. Costs associated with damage to services and access should not be considered as hazards and should be defined otherwise. The following shows how LAs can use engineering solutions when considering how to manage a hazardous tree:

<https://savesheffieldtrees.org.uk/engineering-solutions/>

Full assessment of potential engineering solutions will also be more accurate if there is best practice guidance to include a method of natural valuation assessment tool (e.g CAVAT valuation). These tools allow a developer to balance the cost of engineering solutions to retain trees with the real cost to the city and its people of the loss of a tree. The use of such tools would be fitting to the LDP vision to conserve the city's natural heritage using the best methods available.

7. Do amendments to the SPG clearly explain the importance of trees, hedgerows and woodland and their contribution to biodiversity, in line with Guidance in PPW 10 and LDP Policy ER 11?

No. We do not feel the guidance of the policies is reflected in the SPG. We feel the importance of trees, hedgerows and woodlands has been played down in the SPG.

A suitable process should be established via the SPG that ensures full consideration of all options other than felling are undertaken as standard, with felling as a last resort. Strengthening the SPG to require this level of excellence in planning applications will raise the standard for local planning and development and build capacity within local planners, developers and their agents to better meet the aims and objectives of the Future Generations Act, Environment Wales Act and the vision of the city's LDP.

PPW states "*Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape*", the sentiment of this statement is not reflected in an SPG that only

requires tree retention of category A, B or C trees as 'usual' and gives multiple get out clauses for developers and their agents to avoid retention as standard. The

PPW also states that "*planning authorities should consider the importance of valued trees*". There are numerous examples in Swansea of the value residents and communities place on trees being overlooked in planning and development to the detriment of our city, stakeholder relationships and the biodiversity left in our city. Moreover the current monetary and ecosystem services value of trees is not assessed because of the lack of use of natural capital valuation assessment tools. This is The SPG is a vital tool to correct such past mistakes and it needs to be strengthened to ensure development considers retention as standard for all trees, woodland and hedgerows. Exceptional reasons should need to be given for felling.

We have the following further concerns about specific points within the SPG.

6.1 A tree protection scheme is more likely to be successfully implemented if submitted and approved as part of the planning application.

Tree protection measures and advice are not often at the forefront of planning decisions and this is often due to lack of resources within the relevant departments within Local Authorities and other relevant sections. This makes for a dangerous precedent where the bare minimum is done to consider tree retention/felling. The SPG should be used to give Officers and ecologists sufficient time and resources to be able to properly assess the implications of tree felling against, not only biodiversity duties, but also all the other benefits that tree retention would bring, as well as relating this to existing legislation (Environment Wales Act., Wellbeing of Future Generations Act. Etc.). Officers should also be supported by LA management and planning dept. when they consider that trees should be retained. The best way to ensure this is to write a requirement for assessment as early as possible in the planning process and a requirement for fuller information to be supplied about all trees on site, as soon as possible. We have suggested the following:

- 1.Unique asset ID
- 2.GPS reference
- 3.Species listed by common and scientific name
- 4.Height
- 5.Stem diameter
- 6.Branch spread taken as a minimum at the four cardinal points (North/South/East/West) to derive an accurate representation of the crown
7. Existing height above ground level of: first significant branch and direction of growth, e.g. 2.4m/ North
8. Life stage, e.g. young, semi-mature, early mature, mature.
9. General observations particularly of structural and/or physiological condition and features, e.g. the presence of any decay or physical defect, and/or preliminary management recommendation — Estimated remaining SULE in years, e.g. <10, 10+, 20+, 40+

10. category of the tree (A, B, C or U)

11. Value of the tree as determined using CAVAT (or equivalent natural capital valuation tool)

12. All possible engineering options for retention and why options that allowed retention were rejected.

6.5 If difficulties are experienced at any time during the construction process in complying with conditions relating to trees (e.g. in maintaining the distances of protective fencing in accordance with the Tree Protection Plan) and it is desired that the terms of any conditions be modified, it will be necessary to consult with and get written approval of the LPA prior to carrying out any changes.

In reality, local officers will rarely have the time to go on site to ensure that conditions are being complied with, both at the construction phase and during the period of time thereafter in which developers are required to maintain newly planted trees. Monitoring and written reporting conditions should form part of planning approval conditions. The SPG should clearly place the onus on the developer to show compliance with conditions rather than on the officer to check compliance is being met. Should regular monitoring and reporting show anything concerning, the officer is better able to focus their resources on attending sites in person.

8.2 Wherever possible large growing tree species should be planted in mitigation of loss of trees on site.

The layout should consider replacement planting including large growing species as part of the design and not just an afterthought with trees chosen for any space left over after development. The SPG should make it clear that site layout should prioritise where tree pits for large-growing species can be placed and show how service laying will be coordinated to avoid re digging trenches later on that might have a negative impact on planting. Very clear guidance should be given that developments that lead to an overall reduction in total canopy cover in the city, and result in an increased number of smaller trees resulting in an overall loss of carbon retention, pollution mitigate and result in biodiversity loss are not acceptable. The current slow transition away from large canopied trees to plants and small ornamental species in Swansea city centre goes against best practice guidance on biodiversity protection and civic amenity trees and the SPG should reflect a wish to retain large trees wherever possible to protect biodiversity and ensure the protection of total canopy cover in the county.

Adopt a canopy impact minimisation target

To reflect best practice we would encourage all development to stop using the 'green wash' target of 'more trees' when there is an overall loss of canopy cover as a result of the development and start focusing on the retention of total canopy cover. Planning applications should include an assessment of total canopy cover on the site before and after development and guidance should be given on a maximum % acceptable reduction in total canopy cover (regardless of total number of plants and trees added). Plans that result in too great a total % reduction in canopy cover should be asked to review.

Plans should show overall canopy cover on the site, extrapolated over 25 years beyond development and should need to ensure both a proven canopy cover increase and CAVAT value increase in that time frame with a set minimum (e.g. 30% cover increase) achievable within a set time frame.

Adopt targets for inclusion of large growing trees

We would also suggest a maximum allowable % of small ornamental species to be used in mitigation planting. Developers should be encouraged to plant large growing species which should be planted at as large a stage as possible, not small saplings, in order to ensure that the benefits (in terms of pollution control, carbon capture, wildlife habitat and biodiversity provision) of large growing trees are gained as soon as possible.

8 Do amendments to the SPG clearly explain how veteran trees and ancient trees and woodland will be considered in the planning application process, in line with PPW 10 and LDP Policy ER 11?

We would encourage better communication on data needed to inform developers and their agents about Swansea's ancient and veteran trees and woodland. We encourage the current TPO list and GIS products on ancient and veteran trees and woodland to be made publically and easily available as a matter of priority. Swansea has an unfortunate history of TPO'd trees being removed illegally and the SPG should take every step to limit this. Providing developers, residents and communities with the maximum possible amount of data on where TPO'd trees and ancient woodlands are, not the bare minimum, should be step one.

***9. The draft version of the SPG was approved for consultation at the Planning Committee on 22nd July 2020. At that Committee, Elected Members suggested that the document should be amended to state that the Council will place Tree Preservation Orders (TPOs) on all newly planted or retained trees located on land in private ownership, where such trees are considered to be part of the landscaping and placemaking of a new development.
(This will not apply to trees within public areas which will either be adopted by the Council or maintained under private agreement).***

10. Do you have any additional comments relating to the draft SPG and/or are there specific amendments (not covered by questions 1-9 above) that you would like to see made to the document?

- We support and applaud the ambitions of the draft strategy on trees, hedgerows and woodlands.
- We feel it does not go far enough to protect existing canopy cover and does not set the tone for excellence and best practice in terms of the retention of trees, woodland and hedgerows impacted by development.

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- we have concerns that the sentiments and visions of the relevant local and national frameworks and policies are not reflected adequately in the SPG.
 - We have concerns that only veteran and ancient trees are given additional protective note, as there are very few of these in the area. All semi and mature trees should come under 'retain as the norm' guidance because of the low number of them in Swansea. The use of 'usually' with reference to retention allows too many options for developers to fell unnecessarily.
 - best practice should include the need for natural capital valuation assessment tools to define the true value of all category trees on a site and those values should be taken into consideration in assessments for retention or felling.
 - additional tools should be brought in to ensure proper valuation of the tree assets on any site and ensure mitigation is enough. We have sketched out options for these additional tools which require a minimum impact on existing canopy cover and mitigation to provide measurable enhancement of total canopy cover (not just 'more trees' which is usually the addition of small ornamental stems at the net loss of canopy cover via the removal of larger trees).
 - all engineering options for retention should be considered for all category A and B trees.
 - We would like to see mitigation planting and the use of natural valuation assessment tools as a requirement and are concerned that there is no statutory requirement for mitigation planting built into the guidance. Whilst we recognise that
 - We are concerned that best practice around the use of natural capital valuation tools is not included in the guidance. Use of these freely available tools as a requirement in planning would allow the ecosystem service value of trees to be correctly taken into consideration in assessing retention and felling economics.
 - We are concerned that the accompanying Tree Policy is not yet available so residents and consultees cannot assess the further protective measures it offers.
 - We would like to see best practice from other tree-related SPGs brought in and are happy to share examples.
 - We find the document hard to follow and would encourage a rethink on layout so the process of assessment is linear and logical and can be followed by a layperson.
 - The spg should be accompanied by better data provision on ancient and veteran trees. A published list of TPO's trees and a map of ancient and veteran trees/woodland for the county etc

Specific amendments requested (in addition to the above).

- Adoption of a tree replacement standard for all developments impacting trees, hedgerows or woodland

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- Adoption of a natural capital valuation assessment tool (e.g. CAVAT) for all developments impacting trees, hedgerows or woodland.
 - Adoption of a minimum allowable total canopy cover loss for all developments impacting trees, hedgerows or woodlands.
 - Adoption of stronger language that makes retention the norm for category a and b trees (not just 'usually') and makes retention of all other categories the expected standard (norm) where more than one such tree is implicated (e.g. so no removal of large areas of low quality woodland, trees and hedgerows for development).
 - Adoption targets for canopy impact minimisation and inclusion of large trees.
 - Discourage use of 'more trees' as an argument in mitigation when total stem count is being used to hide the overall loss of total canopy cover.
 - Include a published list of TPO's trees and a map of ancient and veteran trees/woodland is for the county etc
 - Amend to better reflect the sentiments and visions of the relevant local and national frameworks and policies.

Natural Resources Wales Comments

Consultation on Draft Supplementary Planning Guidance - Trees, Hedgerows and Woodland on Development Sites

Section 1 - General Questions

Following public consultation, the Council will amend the document and seek its formal approval as SPG to the Swansea LDP. It will be a material consideration when considering how trees are dealt with in the determination of planning applications, in particular in support of LDP Policy ER11.

Do you think the draft SPG contains sufficient and appropriate links to the Swansea LDP and its policies?

Yes – X

Further Comments:

We note the links to the Council's LDP and its policies within Section 2 of the SPG. Although detailed guidance is provided in Sections 3 – 9, we suggest that re-clarifying links with ER Policy 11 might be helpful within these sections.

Is the draft SPG clear how relevant legislation and policies relating to trees, hedgerows and woodland will be implemented in Swansea through the planning application process?

Yes – X

Further Comments:

Although detailed guidance is provided throughout the document, further clarification could be provided as to how the guidance in Section 3 – 8, links to relevant legislation and policy ER 11.

A key purpose of the SPG is to make clear the nature of information/surveys/assessments that the Council will require to support a planning application.

Does the draft SPG make clear the content and quality of the information that is required to support a planning application affecting trees, hedgerows or woodland?

Yes – X

Further Comments:

The SPG makes clear the content and quality of the information required to support a planning application within Sections 2 – 9.

Does the draft SPG clearly explain the Council's expectations in relation to relevant best practice guidance?

Yes – X

Further Comments:

It is noted that the SPG explain the Council's expectations in relation to best practice throughout the document such as referring to: 'Veteran trees: A guide to good management' in Paragraph 4.13 and the British Standard 5837:2012 in Paragraph 4.1.

Section 2: - Key Amendments to draft SPG - not in previously adopted version of Trees SPG

Para 4.5 of the draft SPG states: "*Category A and B (BS5837:2012) – high and moderate quality trees will usually be expected to be incorporated into a layout. Category C trees should be retained where the proposals do not require their removal.*"

Do you agree with this approach?

Yes – X

Further Comments:

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Para 4.6 of the draft SPG states: "*Category C and U trees should be retained where they have significant biodiversity features and their retention will not be hazardous.*"

Do you agree with this approach?

Yes – X

Further Comments:

We agree with this approach, as standing deadwood can provide an important niche for a variety of species. Where these trees are close to death or have died and do not pose a safety hazard, their retention should be first sought, whenever possible. The conservation value of these trees to other species might also be enhanced after their death.

Do amendments to the SPG clearly explain the importance of trees, hedgerows and woodland and their contribution to biodiversity, in line with Guidance in PPW 10 and LDP Policy ER 11?

No – X

Further Comments:

It is noted that the importance of Tree and hedgerows are explained and referred to in paragraphs 4.10 – 4.19. However, we recommend that further detail relating to the importance of Woodland should be included in the SPG.

Do amendments to the SPG clearly explain how veteran trees and ancient trees and woodland will be considered in the planning application process, in line with PPW 10 and LDP Policy ER 11?

Yes – X

Further Comments:

We note that this detailed in paragraphs 4.10 to 4.16, and within Section 5 and 6.

Potential Additional Amendment

The draft version of the SPG was approved for consultation at the Planning Committee on 22nd July 2020. At that Committee, Elected Members suggested that the document should be amended to state that the Council will place Tree Preservation Orders (TPOs) on all newly planted or retained trees located on land in private ownership, where such trees are considered to be part of the landscaping and placemaking of a new development.

(This will not apply to trees within public areas which will either be adopted by the Council or maintained under private agreement).

Do you agree that the SPG should be amended in this way?

Yes – X

Further Comments:

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Additional Comments

Do you have any additional comments relating to the draft SPG and/or are there specific amendments (not covered by questions 1-9 above) that you would like to see made to the document?

Yes – X

Further Comments:

Consideration could be given to the incorporation of evidence / data on value of trees / woodland (<i>e.g. the iTree project</i>).
We also suggest that highlighting the value of woodlands to human health and wellbeing could be strengthened within the document.



THE GOWER SOCIETY

Reg. Charity No. 1172919

www.thegowersociety.org.uk

Addendum 4

**Supplementary Planning Guidance (SPG)
ER11: Trees, Hedgerows and Woodlands on Development Sites
Consultation Draft (September 2020)**

Comments

Does the SPG cover an appropriate range of planning issues?

Yes, but not all. Please see comments under ‘Significant changes you would like to see made to the document’.

Does the SPG provide sufficient clarity for applicants and decision makers on the important principles governing development in Gower?

Yes. In Section 1.0 the document clearly states that the SPG will be a ‘material consideration’ in the determining of planning applications. In 1.5 it emphasises the ‘vital importance of trees in the landscape and environment’. In 1.4, 1.6, 1.7 and 1.8 it highlights the importance of trees in the planning process.

Are links to the LDP and its policies made sufficiently clearly throughout the draft?

Yes. The links to legislation are set out in Section 2, i.e. the Town and Country Planning Act, Planning Policy Wales, Technical Advice Note (Tan) 10, TPOs, the Swansea Local Development Plan (LDP) and other legislation, e.g. Schedule 1 of the Wildlife and Countryside Act. In 2.7, reference is also made to a Draft City and Council of Swansea Protected Tree Policy. Section 2.0 could have been a complicated section but has been made manageable and readable.

Sections 3.0 to 9.0 cover a range of issues relating to trees including preventing damage during construction, incorporating trees into developments, application requirements, planning conditions, tree protection plans and arboriculture method statements, tree and shrub planting and professional advice. The sections are detailed and while necessarily more relevant to the developer than the lay person, they have been kept relatively simple and readable. All these sections are well supported by photographs, diagrams, and charts. There are also useful references to further reading at the bottom of many pages and good reference and appendices sections at the end of the document (Sections 10.0 and 11.0).

Significant changes you would like to see made to the document (highlighting section/module and paragraph number)

The SPG provides guidance on the protection of trees in conservation areas, with TPOs, ancient and veteran trees, and trees that are in ancient woodland. However, in Section 1.0,

paragraph 1.1, it also states that **‘for the avoidance of doubt, the guidance set out relates to all trees, hedgerows and woodland, not just those that are protected’**.

Over the last 12 to 18 months, the Gower Society (GS) has had concerns about serious cases of woodland destruction in areas of the AONB at Carter’s Ford and Cheriton Woods that are not protected. There have also been concerns about trees at Fairy Hill and Caswell. Damage and quarrying at Cheriton Woods, carried out by a developer with a felling licence, has been particularly extensive. As a result, the GS commissioned a Planning Advice Report. The report suggests that, in the case of Cheriton Woods, the boundaries between what can be done under the felling licence and what the City and County of Swansea (CCS) can do to protect woodland, are blurred. It also suggests that there was nothing wrong with the process undertaken or

the decisions made relating to Cheriton as they were within what the planning system allows, but that this can easily be exploited by good advisors.

With reference to the above, we suggest that the Consultation Draft SPG for Trees, Hedgerows and Woodlands (a document that appears to cover the whole of the CCS and not just the AONB) does not go far enough, or indeed provide clarity, on how unprotected trees, hedgerows and woodlands, particularly within the AONB, should be protected. We consider that we should be seeking better protection for unprotected trees, hedgerows and woodlands within the AONB and that the means of doing this should be clearly explained in the Consultation Draft SPG, not loosely as ‘on development sites’. The vital importance of all trees, hedgerows and woodlands to any landscape and environment is clearly recognised in Section 1.0, paragraphs 1.4 to 1.8. We would wholeheartedly support these statements especially in relation to the landscape of the first UK designated AONB.

If you have any further comments on how the SPG could be improved, please specify below

The Consultation Draft SPG for Trees, Hedgerows and Woodlands in Development Sites is attractively laid out, detailed where appropriate, informative, well referenced, and useful to both lay reader and professional. It covers a range of planning issues and links clearly to the LDP and other policies.

However, the comment, above is of concern.

16 October 2020