

**REPORT ON SECOND CONSULTATION UNDERTAKEN ON DRAFT SUPPLEMENTARY PLANNING GUIDANCE - TREES,
HEDGEROWS AND WOODLANDS ON DEVELOPMENT SITES**

Summary of Findings from Second Public Consultation Exercise

City & County of Swansea Council

October 2021

REPORT ON SECOND CONSULTATION UNDERTAKEN ON DRAFT SPG – TREES, HEDGEROWS AND DEVELOPMENT, 2021

Summary of Findings from Second Public Consultation Exercise

Introduction

- 1.1 In **July 2020**, the City & County of Swansea Council Planning Committee approved a draft version of the revised Trees and Development Supplementary Planning Guidance (SPG) for the purpose of public consultation.
- 1.2 An initial six week public consultation and engagement process was undertaken on the draft version of the SPG between **4th September and 16th October 2020**.
- 1.3 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 SPG was subject to further amendments. Due to the nature and extent of the amendments, the document was presented for a further period of public consultation between **14th June and 5TH September 2021**.
- 1.4 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.
- 1.5 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.

As an agent (e.g. planning consultant, architect)

- St Modwen Homes

On behalf of an organisation

- Canal River Trust (nb- responded – no comments to make on the SPG)
- GGAT
- NRW
- Swansea Tree Forum
- Woodland Trust

- 1.6 All of the comments received have been recorded and evaluated. 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.
- 1.7 This consultation report should be read in conjunction with the Initial Consultation Report, dated May 2021.

2. Schedule of Summarised Comments and Responses

- 2.1 The following schedule categorises the consultation comments raised into issues/themes, together 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 are in reference to the original consultation draft version of the document.

Question 1: Accessibility

Is the document easier to understand? Have technical terms, particularly relating to the categorisation of Trees in BS5837 2021 been sufficiently explained. (See section 4 and Appendix 2).

Summarised Issues	Council's Response	Changes proposed to SPG document
<p>Respondents agree that the legibility of the document is improved, particularly the ordering along lines of Stepwise, and inclusion of Tables in Section 4 and Appendix 2.</p>	<p>Support noted</p>	<p>No further changes required.</p>
<p>The following minor amendments suggested to further improve clarity.</p> <p>Include links to the 'I tree assessment', and in a way that people can access their own area. the I tree Assessment is important, but too vague for people making a planning application</p> <p>Include links to the Draft Swansea Protected Tree Policy, which couldn't be found with a search on the internet.</p>	<p>Reference to I tree Assessment included in revised draft in response to previous comments. The Study was carried out at a county wide level. Reference in the SPG to the level of detail requested is not therefore possible.</p> <p>The amended draft provided further clarification of the scope of the Draft Swansea Protected Tree Policy and its relationship to the SPG (para 2.6). However, links to the document cannot yet be provided as the Tree Policy has not yet been published.</p>	<p>No further changes.</p>

Question 2: Legislation and Policy:

Do amendments to the document make it sufficiently clear how the SPG relates to relevant LDP policies and national legislation, planning policy and planning guidance?

Summarised Issues	Council's Response	Changes proposed to SPG document
Respondents agree that the amendments provide sufficiently clear references to relevant LDP policy, legislation and guidance.	Objectors who raised specific issues have confirmed that the amendments address their previous objections.	No further changes.
Support for addition of helpful clarification at Para 1.2 re highways and landscaping schemes on publicly owned land falling outside scope of SPG		No change
<p>Council Tree Policy needs to be produced to address issues outside of SPG. The Council now has an opportunity to take a lead by using the Good Practice in this Planning Guidance for its own Development Proposals.</p> <p>The Tree Policy needs to set out a strategy which makes clear that <i>healthy trees will no longer be felled/engineering solutions will be found to follow through on a clear commitment to retaining them/provide targets to boost the overall</i></p>	Council Tree Policy is work in progress. Appropriate consultation and engagement will be carried out to provide consultees with an opportunity to comment on the issues raised.	No change

canopy cover, or to prioritise the planting of large native species which support wildlife.

Respondent proposes Sheffield Framework as appropriate means to ensure transparent process to decision making relating to management of street trees <https://www.wildsheffield.com/wp-content/uploads/2020/03/FINAL-Sheffield-Street-Tree-PartnershipWorking-Strategy-July-2020.pdf> for example Sheffield's Outcome 1 is that; Our street trees are sustainably and carefully managed in accordance with best practice

Question 3: Tree Replacement Standard:

Do you have any comments on the Council's proposed Tree Replacement Standard (TRS). (See new Appendix 1 and references in Sections 4 and 5).

Summarised Issues	Council's Response	Changes proposed to SPG document
We welcome the adoption of the Tree Replacement Standard. (Woodland Trust)	Support noted	No change required
We welcome Appendix 1, Swansea Tree Replacement Standard. (Swansea Tree Forum)	Support noted	No change required
Appendix 1 should be cross referenced to 3.3.	Cross reference to Appendix 1 is already provided at para 3.5	No further changes proposed.
Welcome principles of TRS set out at A2 of Appendix 1 – Tree Replacement Standard which clarify TRS on an off sites, and express Council priority to retain trees and tree canopy cover.	Support noted	No change required
Query TRS calculation re Tree in Hard Standing (Figs A.2 and A.3, pg. 39). Why does a £ reduction apply for 5+ trees?. This surely is not the intention of the Standard to incentivise the cutting of trees.	Figures A.2 and A.3 refer to the cost of replacing the number of trees specified as a result of the calculations in Table A1. Table A.1 provides the calculation to convert the trees lost to development, into	Amend para A.7 and Figs A.2 and A.3 to clarify how the calculation of financial contributions is linked to calculation of the number of trees in Fig A.1.

	<p>the number of replacement trees required. The presumption is that replacement trees will be integrated into the landscaping and placemaking of the site design. Where, exceptionally, on-site replacement planting cannot be delivered, tables A.2 and A.3 then provide the financial cost for the provision of the specified number of trees off-site. These tables are not therefore an incentive to remove more trees.</p> <p>The Council's recent contract costs show that where 5+ trees are planted, a reduction in costs occurs due to savings related to scale of the project. I.e. plant already on site, number of labourers required etc. Text at A.9 is clear that this the guidance is "only a starting point for purposes of establishing viability". Specific sums will be agreed on a site by site basis.</p>	<p><i>A.7 The number of trees calculated as required (as per Fig A.1) are multiplied the rates of financial contribution per tree as per Fig A.2 (re trees in open ground) and/or Fig A.3 (re trees in hard standing). A worked example is provided at Fig A.4.</i></p> <p>Amend Amount column in Fig A.2 and A.3</p> <p><i>For 1 <u>replacement tree</u></i></p> <p><i>For 5+ <u>replacement tree</u>.</i></p>
<p>General Support from for the Tree Replacement Standard which is in keeping with Bristol City Council adopted Standard. (St Modwen Homes)</p> <p>Minor amendment suggested to provide caveat re diseased and/or dangerous trees that have naturally reached the end</p>	<p>Support noted</p> <p>Dead or dying trees would be classified as BS category C or U trees. The Tree Replacement Standard (section A.4)</p>	<p>Amend section 5 and Appendix 1 to more clearly express the scope and application</p>

<p>of their life as opposed to removing trees to enable development.</p> <p>For example, if a site has an area of woodland that it is proposed to open up and make accessible with paths and trim trails, and so is going to need to be managed, this will inevitably result in the loss of some trees. However, that shouldn't be classed as development whereas the removal of trees to allow houses to be built, for example, should be classed as a development.</p> <p>A timescale for paying the off-site contributions would be useful, e.g. prior to commencement of development, prior to occupation etc.</p>	<p>states that the obligation to provide financial contributions to off-site replacement tree planting will only be triggered where trees qualify under categories A and B of BS5837:2012</p> <p>The draft SPG does seek to provide some guidance on the application of the TRS in the case of removal of woodland to facilitate a planning consent, stating that appropriate compensatory planting will be based on significant trees identified in the BS survey, subject to a separate process of consideration of mitigation of loss of biodiversity.</p> <p>However, agree that a review of the section would be beneficial to ensure that this the scope and application of the TRS, and particularly in relation to woodlands, is expressed as clearly as possible.</p> <p>Agreement of timescales for payment of financial contributions is addressed on a case by case basis as part of s106 Agreement.</p>	<p>of the TRS, particularly in relation to woodland and category C and U trees.</p> <p>No further change.</p>
<p>NRW stated that they had no further comments to make in relation to this question.</p>	<p>Noted</p>	<p>No further changes required.</p>

Question 4: TPOs on Landscaping Trees:

Do you have any comments the Council's proposal to secure longevity of trees in the private realm through the placing of TPOs. (see section 5)

Summarised Issues	Council's Response	Changes proposed to SPG document
Welcome introduction of TPOs on landscaping trees. (Woodland Trust).	Noted	No changed required.
Para 5.13 is welcome (re TPOs on retained or newly planted trees). (Swansea Tree Forum)	Noted	No changed required.
Welcome commitment in Section 5 to maintain and where necessary replace newly planted trees, the use of inspections, and the requirement for the developers to provide adequate supervision of the planting and tree root protection processes. (Swansea Tree Forum)	Noted	No changed required.

<p>TPOs are mentioned in 2.5 to 2.7 in relation to ancient Trees but the wording is not consistent with 3.13, and should be updated to reflect this newer wording. Swansea Tree Forum believe that there should be no development threatening Ancient trees and woodlands, which are fragile and irreplaceable, and wording throughout the document should reflect this.</p>	<p>Paras referred to are simply factual statements of existing national or local planning policy and guidance, the content of which cannot be amended.</p>	<p>No change</p>
<p>A blanket wide approach covering a whole development is onerous and could cause issues at the point of sale and any subsequent resales as part of the conveyancing process. (St Modwen Homes)</p>	<p>Amend wording to allow the Council sufficient flexibility to consider on a case by case basis, the most appropriate approach to making a TPO. (I.e. which trees the TPO will apply to, and the point at which the TPO will be made).</p>	<p>Add new para 5.10 <i>The Council may consider making TPOs on the trees protected previously by condition at any time following point of discharge.</i></p> <p>Delete final sentence of para 5.13</p> <p>Tree Preservation Orders: Wherever possible the LPA will serve TPOs on retained or newly planted trees located on private land within a development site 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>

NRW stated that they had no further comments to make in relation to this question.	Noted	No further changes required.
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Question 5: Do you wish to make any other comments

Summarised Issues	Council's Response	Changes proposed to SPG document
General Comment		
The Canal & River Trust (Glandwr Cymru in Wales) have no comments to make on this consultation	Noted	No change required.
Glamorgan Gwent Archaeological Trust request that the document be amended to refer to situations where the consideration of applications affecting trees/the natural environment will also require consideration of the impact on the historic environment. Refer also to situations where the management of natural and historic environment can be undertaken together. (joint environmental/archaeological mitigation strategies).	Agree, the effect of applications relating to trees on the historic environment is an important consideration which should be highlighted in the SPG. Amendments should be made to list of relevant policies at Chapter 2, and also at Chapter 4 setting out relevant considerations in a planning application, and the potential need for a historic environment survey.	Amend para 2.13 and 4.4 to refer to LDP Policy relating to the historic environment 2.13 - Policies HC1 & HC2: relating to the management of trees and the historic environment. (i.e. listed buildings, registered parks and gardens, conservation areas, scheduled monuments). 4.4 The impact of permitted development on the biodiversity,

<p>For example – development of brownfield sites containing historic buildings, historic trees, trees sites within a Registered Park or Garden, setting of historic assets/ management of hedgerows (Schedule 1 Part 1 of Hedgerow Regs re historic environment.</p>		<p>ecosystem resilience and historic environment value of trees should also be considered in accordance with relevant LDP policy and SPG/</p> <p>4.9 Impacts on the biodiversity, ecosystem resilience and historic environment value of trees should also be considered. Trees may also be of historic importance where they are located for example within an historic landscape (e.g. a Registered Park and Garden), a conservation area, or the setting of a listed building. Impacts and subsequent response, mitigation and management should be considered in accordance with the relevant policy and guidance.</p> <p>Amend Fig 4.1 and 4.2 “Environment/Archaeological Survey - *may be required.</p> <p>Amend para 4.12 4.12 The following may be required to demonstrate that development is feasible prior to approval:.....</p> <ul style="list-style-type: none"> - Historic Environment/Archaeological Survey <p>Impacts on the biodiversity, ecosystem resilience and historic environment</p>
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		value of trees should also be considered.
Section 1:Introduction		
<p>Welcome removal of wording of 6.4.26 '<i>unless there are significant and clearly defined public benefits</i>'.</p> <p>Ancient woodland is irreplaceable and our most precious habitat. It must be protected from any further loss.</p>	<p>The text referred to is an extract of Planning Policy Wales para 6.4.26. It cannot therefore be amended in the SPG.</p> <p>The revised SPG made amendments to make it clear that the text in the box at Figure 1.2 is an extract from Planning Policy Wales.</p>	No further changes proposed.
<p>Para 1.1 –Reference to term material <i>consideration</i> is not sufficiently clear. Para should clearly state that following this Guidance is essential to a successful planning application.</p>	<p>Material consideration is a planning term which expresses the weight of SPG within the planning decision making process.</p> <p>Development Plans Manual Edition 3 March 2020 states that “<i>Only the policies of the adopted development plan have special status under section 38(6) of the Planning and Compulsory Purchase Act 2004. However, Supplementary Planning guidance can be taken into account as a material consideration provided it is derived from and is consistent with the adopted development plan and has itself been the subject of consultation, which will carry more weight.</i>”</p>	No change.

<p>Para 1.4 and 1.9 - in view of their longer life span, Swansea Tree Forum would wish trees to be given the same protection and priority as heritage buildings</p>	<p>This is beyond the remit of SPG, which can only provide further guidance on adopted LDP Policy. It cannot amend national policy or legislation.</p>	<p>No further changes proposed.</p>
<p>Section 2: Legislation and Policy Context</p>		
<p>Re SPG para 2.7 - we would like to see the removal of “<i>would not normally be permitted</i>”. This should be replaced with stronger wording to reflect that no development should happen in these areas.</p> <p>It would be helpful for para 2.7 to be removed or to have more clarity as to the importance of trees in place making</p>	<p>The text referred to is an extract of the adopted LDP Policy ER 11, and cannot be amended in the SPG.</p>	<p>No further changes proposed.</p>
<p>Section 3: Incorporating Trees into Development</p>		
<p>Para 3.1. - It is helpful to have a stepwise approach to trees on development sites.</p>	<p>Draft SPG was amended to include reference to the Stepwise approach. Support for amendment welcome.</p>	<p>No further changes required.</p>
<p>Amend Section 3 to explain how the surveys and assessments required fit in to the stepwise approach (i.e. Tree survey, ecological survey, Arboricultural impact Assessment, Arboricultural Method Statement, Tree Protection Plan, TPOs).</p>	<p>Amend para 3.1 to clarify how “identify assess” stage of stepwise process related to surveys and assessments.</p>	<p>Amend para 3.1 “...A stepwise process should then be followed from the earliest stage of the development process, which is informed by appropriate information in relation to <u>identification and assessment of trees</u> within and adjacent the site. (See Figure 3.1).</p>

Para 3.2 - We would expect it to be a requirement to seek engineering solutions as an alternative to felling trees.	The stepwise approach will address this by ensuring that the first priority is to secure retention. .	
Para 3.25 mentions a Tree constraints Plan, and 3.27 a Tree Protection Plan, which are very clear, and should again be highlighted in the Stepwise Guide.	Stepwise stages of “identify and assess” and “manage, monitor, maintain” will address this.	No change
Para 3.48 - It may be helpful to define what “ <i>certain trees, woodlands and hedgerows are of such importance</i> ”. Whilst all parts of a local plan and SPG are factors requiring consideration, this 'loose' wording may lead to the loss of trees, woodlands and hedgerows. This also seems to contradict the following paragraph.	See stepwise approach, which ensures retention of such trees. This is not contradictory, as the purpose of the stepwise is to ensure an evidence based, responsive and balanced decision making process.	No change
Section 4 – Application Requirements		
Paragraph 4.8 refers to a land survey. The words 'topographical survey' should be added in brackets if that is what is being referred to as there are different types of land survey, e.g. Agricultural Land Classification Survey, Geotechnical Survey etc. (St Modwen Homes)	Agree, that relevant sections of the SPG should be amended to clarify that land survey is intended to mean “topographical survey”	Amend Figure 4.1, Figure 4.3 and para 4.10. Land Survey/ <u>Topographical Survey</u>
Changes to development proposals can be mitigated by early consultation with GGAT as the LPA's archaeological advisors.	Amend Section 7 to refer to recommended standard of professional historic environment advice	Amend para 7.2. 7.2 Fundamentally it is important to establish who you need to employ.

<p>Factors from a historic environment aspect which may lead to risk are unmitigated change from both physical and visual means.</p> <p>All historic environment and archaeological work, including that undertaken to assess change in sensitive areas and which may impact the historic environment, should be undertaken to the Standards and Guidance of the Chartered Institute for Archaeologists https://www.archaeologists.net/codes/cifa</p> <p>It is our policy to recommend that all work is undertaken either by a Registered Organisation (RO) with the ClfA or by a MCIfA level member. These professional organisations are experienced in working alongside other professions where the historic environment is a consideration with other sectors.</p>		<p>For example, is it a Tree Consultant, Landscape Architect, Ecologist, Archaeologist or Tree Surgeon / Contractor you need to employ?</p> <p>Add new para 7.7 7.7 A suitably qualified Archaeologist: All work should be undertaken either by a Registered Organisation (RO) with the ClfA or by a MCIfA level member and be undertaken to the Standards and Guidance of the Chartered Institute for Archaeologists <i>[footnote- https://www.archaeologists.net/codes/cifa]</i></p>
<p>Section 5 – Securing the retention and planting of trees in development</p>		
<p>No comments</p>	<p>N/A</p>	<p>N/A</p>
<p>Section 9 – Useful Contact Information</p>		
<p>Section 9 Useful Contact Info :- Where reference is made to employing a chartered arborist it would be helpful to include information about the</p>	<p>Agree</p>	<p>Amend Section 9 – Useful Contact Info – to include reference to https://www.charteredforesters.org/</p>

organisation - https://www.charteredforesters.org/		
Add contacts for historic environment/archaeology professionals	Agree	Chartered Institute for Archaeologists https://www.archaeologists.net/codes/cifa

The following comments were received to the 2021 consultation which are outside the remit of the SPG, but which could be addressed in the emerging Council Tree Policy

Summarised Issues
GGAT highlight that the Council do not have an SPG for the historic environment; best practice is to have an SPG for the historic environment, to include the Archaeologically Sensitive Areas; SPGs have been produced for other local authorities in SE Wales. This ensures that the historic environment is to the forefront at a strategic level and that subsequent mitigation at detailed level has an accepted base.