

REPORT TO: ENVIRONMENTAL SERVICES COMMITTEE ON 16 APRIL 2008

SUBJECT: TREES & DEVELOPMENT : FINALISED SUPPLEMENTARY PLANNING GUIDANCE

BY: DIRECTOR OF ENVIRONMENTAL SERVICES

1. REASON FOR REPORT

- 1.1 To seek Committee approval to publish the Finalised Supplementary Planning Guidance on Trees and Development for stakeholder consultation.
- 1.2 This report is submitted to Committee in terms of Section E(2) of the Council's Administrative Scheme relating to preparation of Strategic documents in support of the Local Plan.

2. RECOMMENDATION

2.1 It is recommended that the Committee approve the:-

- (a) content of the Finalised Supplementary Planning Guidance (SPG) on Trees and Development, which is attached as Appendix 1 of this report; and**
- (b) publication of the Finalised SPG for stakeholder consultation, for a consultation period of one month.**

3. BACKGROUND

- 3.1 The Supplementary Planning Guidance (SPG) on Trees and Development is one of a series identified as requiring preparation in the short term in the Action Plan for the Finalised Local Plan. The SPG is required to support the effective implementation of *Policy E3: Tree Preservation Orders and Controls on Trees*.
- 3.2 The intention of the SPG is to expand on the policy detail, which, due to the level of detail required, would have been inappropriate for inclusion in the Finalised Local Plan. Primarily it aims to provide key definitions and to detail tree survey requirements, offering examples and illustrations. It also offers general guidance on how trees may be managed throughout the development process, including advice on protected trees.
- 3.3 This SPG was first approved for publication in Consultative Draft form by a Special Meeting of the Environmental Services Committee on 1st July 2005, as part of a suite of SPGs developed to support the Local Plan – item 3(ix) of the minute relates.
- 3.4 Key issues identified through the consultation process included:

- A need for clearer articulation of the basis/rationale behind the guideline.
 - A review of the triggers/thresholds for tree surveys to be required.
 - A need for clearer definitions of terminology to be provided.
 - A need for worked examples and illustrations to support the interpretation of the text.
- 3.5 The Finalised SPG has now been prepared, taking into account the comments received on the Consultative Draft. Key changes from the Draft stage include:
- Cross-reference to relevant British Standards, in particular *BS5837: Trees in relation to construction – recommendations* with regard to the methodology for undertaking tree surveys and preparation of Tree Protection Plans.
 - Changing the 'required' threshold for tree surveys *from* 'all planning applications for sites with trees' *to* 'all detailed planning applications for designated sites in the Local Plan that have trees. Other applications may still require a tree survey, but this will be at officer discretion.
- 3.6 Due to the higher status accorded to SPG's in the emerging *Planning etc (Scotland) Act 2006* and the time lapse since publication of the consultative draft, it is recommended that the Finalised SPG be the subject of further stakeholder consultation, for a period of one month. The Appendix attached to this report will be made into a booklet for stakeholder consultation.
- 3.7 All comments received on the Finalised SPG will be considered and taken into account in the final revision of the document. A summary of the proposed responses/amendments will then be presented for Committee consideration and approval in June 2008. Any stakeholders who, after negotiation, still wish to maintain objections to the approved SPG, will be offered a Hearing under the terms agreed by this Committee at its meeting on 5th December 2007 (item 9(ii) relates). The Council will then be required to submit the SPG to the Scottish Executive for approval.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Development Plan/Community Plan/Service Improvement Plan

The preparation and publication of Supplementary Planning Guidance will support the Council's corporate priority to implement the Moray Local Plan.

(b) Policy and Legal

The preparation of Supplementary Planning Guidance on Trees and Development is required to satisfy Policy IMP4 of the Finalised Local Plan – it is listed in the Council's Action Plan (Table 1 of the Finalised Local Plan). In the Action Plan, the Council has committed to preparing

the Strategy within a short time scale (0-3 years) from implementation of the new Local Plan.

The Finalised Local Plan policy on Tree Preservation Orders and Controls on Trees (Policy E3) makes reference to the availability of an SPG, which will provide relevant definitions and detail tree survey requirements.

(c) Resources (Financial, Risks, Staffing and Property)

The public consultation and Hearing process will involve Planning & Development staff time. This has already been anticipated and can be accommodated within existing staffing arrangements. Publication and printing costs of the SPG can also be accommodated within existing budgets.

The SPG is likely to result in an increase in the information received with some planning applications and, therefore, an increase in the amount of information to be reviewed by Case Officers in Development Management. Planning & Development officers will, however, provide support in the implementation of this SPG by assisting in the review of Tree Surveys and Tree Protection Plans, as required. This can be accommodated within existing staffing arrangements. Where there is some doubt about the quality/accuracy of the information presented, verification by an external contractor will be sought. It is anticipated that this cost can be accommodated within existing budgets.

(d) Consultations

The Development Control Manager, Environmental Protection Manager, Roads Department Manager and the Head of Legal Services have been consulted on this report. The Development Control Manager has requested that provision be made for the verifying of Tree Survey information, either using in-house expertise or by sourcing relevant external expertise. This request has been addressed in the second paragraph of (c) 'Resources', above.

5. CONCLUSION

- 5.1 The Council has committed to the preparation and publication of “*Supplementary Planning Guidance (SPG) on Trees and Development*” through Policies E3 and the Action Plan in the Finalised Local Plan. The SPG is necessary to ensure the full implementation of Policy E3, expanding on the policy detail by providing key definitions and tree survey requirements.**
- 5.2 The Finalised SPG has now been prepared, taking into account the comments received on the Consultative Draft (2005).**

- 5.3 Due to the higher status accorded to SPG's in the emerging *Planning etc (Scotland) Act 2006* and the time lapse since publication of the consultative draft, it is recommended that the approved Finalised SPG be the subject to a further round of stakeholder consultation.**
- 5.4 The Committee is therefore asked to approve the Finalised *Supplementary Planning Guidance on Trees and Development* and, further, to approve its publication for stakeholder consultation for a period of one month.**

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Background Papers:

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