

APPENDIX 1: Stakeholder Consultation Comments and Proposed Responses

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
Will Anderson Forestry Director Seafield Estate	In general, the publication of this guidance to clarify The Moray Council's position regarding trees and development is welcomed.	Noted	Support in principle for the document is appreciated	No change
Will Anderson Forestry Director Seafield Estate	<p>The content of the guidance is appropriate but in attempting to cover all situations the text sometimes comes across as unclear or confusing. This is particularly so if it is read from the non-technical or small-scale developer's position (i.e. one or two development plots). As large-scale developers should be fully aware of the requirements of BS5837, we feel this guide would be more appropriately aimed at small to medium scale developers and the text revised and phrased accordingly.</p> <p>Should the Council feel the need for this to be aimed at larger developers then several paragraphs could be expanded and/or qualified to address development scale. For example, Page 9 point (h) mentions a scheme for maintenance of open space within the development. It is assumed that this is an unlikely requirement for a one or two plot development. In this case the initial sentence could read to qualify the statement.</p>	Partially Agree	<p>The Council acknowledges that the deliberately wide target audience of this document may result in some sections not being as relevant to e.g. small scale vs large scale developers and vice versa. However, the aim of the document is to make it (and the process) as accessible and transparent as possible to all participants in the process. It should be noted that, while it is down to officer discretion as to whether e.g. 1 to 2 plot developments are affected, the principal trigger for a tree survey etc is whether the site has trees and is a designated development site in the Local Plan. This latter trigger means that the SPG generally applies to mainly medium to large-scale developers.</p> <p>Text at Page 9 point (h) is already prefaced by text (see page 8) that says 'where appropriate'. However, it is agreed that some further editing of the document with reference to development scale would be appropriate.</p>	Page 7(d) and 7(e): Insert at beginning of each paragraph: "Where appropriate,..."

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
Will Anderson Forestry Director Seafield Estate	Page 5, Stage 2, paragraph 3: The first sentence appears to presuppose that trees identified for removal should and will automatically be replaced. If the tree survey identifies that there is no significant loss of amenity then surely this need not always be necessary or desirable.	Not agreed	The paragraph states that 'Trees proposed for removal should be replaced with appropriate planting in a landscape scheme'. The term 'appropriate planting' should take on board the species type, quality and amenity of those species removed as well as the appropriateness of the species type to the locale, local amenity and the development design.	No change
Will Anderson Forestry Director Seafield Estate	Page 12, first paragraph: This is unclear; for example, in the second sentence, does this mean replacement with a mature tree or a tree that will grow to the ultimate size and form of the tree that has been removed? If permission was granted to fell a protected tree it may not be appropriate to immediately replant it in the same location. This paragraph could perhaps be revised to make these points clearer.	Agreed	The first sentence does appear to a) be in conflict with the pragmatism of the second sentence b) imply that a mature tree of equivalent size should be used for replacement planting – when this may not be practical or appropriate.	Replace final sentence of first paragraph, page 12 with: " ... Generally in the case of replacement planting, the Council will require planting of established trees (i.e. fitting the definition of a tree – See Box 2) of the same species as those felled and in the same location as those felled. Where either species or location are not appropriate for safety or environmental reasons, planting of species native to Scotland in a location as close as practicable and appropriate to the removed tree(s)' original location, will be sought"

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
<p>Will Anderson Forestry Director Seafield Estate</p>	<p>Useful Contacts Please note that the Institute of Chartered Foresters have now moved (<i>contact details provided</i>)</p>	<p>Agreed</p>	<p>Necessary to make the SPG as up to date as possible in terms of contact details</p>	<p>Modify text to update contact details as follows: Institute of Chartered Foresters 59 George Street, Edinburgh EH2 2JG. Tel: 0131 240 1425, Fax: 0131 240 1424. Email: ifc@charteredforesters.org Web: www.charteredforesters.org</p>
<p>Estelle Gill Biodiversity Coordinator North East Scotland LBAP</p>	<p>No changes to suggest. I think it is very informative. Lots of trees have been cut down in the past just in case they become a problem or just for trivial reasons. There needs to be some serious consideration of the benefits of trees and the impact of removing them to put on the other side of the cost:benefit analysis.</p>	<p>Noted</p>	<p>Support in principle for the document is appreciated</p>	<p>No change</p>
<p>Estelle Gill Biodiversity Co-ordinator North East Scotland LBAP</p>	<p>There is a trend toward concreting around bases of trees (for health and safety reasons). This is not very good for the tree as the trunk cannot expand and very little water reaches the roots.</p>	<p>Noted</p>	<p>The identification and emphasis on the safeguarding of the Root Protection Area (RPA) in the SPG supports best practice in this regard e.g. in the first instance, in relation to siting of infrastructure in relation to existing trees.</p>	<p>No change</p>

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
William Kidd Development Assessment Administrator Historic Scotland	For our statutory environmental interests we are content to agree with the document and have no comments to offer.	Noted	Support in principle for the document is appreciated	No change
Thomas Johnston Vice Chairman Cullen & Deskford Community Council	In general I find the manual very informative and well laid out but would like to see an expansion of page 8 'Recommended Tree Species...' with the addition of a table indicating e.g. rate of growth, approximate final height, life expectancy and in particular trees that should never be planted in a domestic style environment e.g. poplar etc. Many problems between neighbours could be avoided if Tree information was more readily available.	Agreed	While there is a danger of trying to cover too much and include too much information in this SPG, the points raised are valid and can be addressed in the first instance through initial planning and design. It would therefore be beneficial to expand on this section, as suggested.	Insert table of recommended species showing key characteristics relevant for consideration in the planning and design phase. Also insert text specifically addressing those species that are deemed inappropriate for retention/planting around buildings/infrastructure. Cross reference to planning and design phase section.

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
Miss Rowena Macdougall Chartered Surveyor Bowlts Chartered Surveyors	The document gives clear and detailed guidance. Whilst applicants can use this to help them consider sites with trees at an early stage we would be concerned that the level of detail given may lead applicants to think that they can undertake the Tree Survey and Tree Protection Plan without professional help. The guidance text does state that surveys should be 'undertaken by a person qualified and experienced in tree assessment'. This perhaps should be emphasised more within the text.	Not Agreed	There is enough information in the SPG to give applicants an understanding of the information they need to provide, but it is clear that this information should only be sourced from a qualified individual.	No change
Rowena Macdougall Chartered Surveyor Bowlts Chartered Surveyors	We note Elm is included within the list of recommended species for planting. With the high incidence of Dutch Elm Disease in Moray we would suggest that Elm is not planted and is deleted from the list of recommended species for new and replacement planting.	Partially agreed	Our Lands and Parks section has had success in recent years with planting disease-resistant varieties of elms. It has therefore been decided that Elm will remain in the list of recommended species along with other native trees. However, text will be added to highlight the issue of Dutch Elm disease and the need to plant disease-resistant varieties.	Edit Recommended Species section: Include text highlighting the problem of Dutch Elm Disease and the need to plant disease-resistant varieties.
Matthew Hilton Managing Director & Town Planning Consultant CM Design	Misspelling of the words arboriculture and liveability	Agreed	Further editing required	Correct typographic errors

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
Matthew Hilton Managing Director & Town Planning Consultant CM Design	Surely the dimensions in Box 4 on Page 8 should be metric not imperial	Agreed	Metric values should be shown	Show metric values in Box 4.
Matthew Hilton Managing Director & Town Planning Consultant CM Design	Generally I think the SPG should have more information on the effect of trees on buildings, as it only really mentions the problems with leaves, but there are many other issues which are just, or if not, even more important such as: 1. What effect nearby trees have on the soil around a structure e.g. removal of water, so there may be the possibility of differential settlement or subsidence in extreme cases to the affected building 2. What happens if a tree (whether it is mature or not) close to a building is felled e.g. the possibility of heave.	Partially agreed	The SPG already highlights a range of issues (including cracking/heave/instability of foundations in Box 1) with regard to potential conflicts between trees and buildings. The intent of the SPG was to highlight some of the key issues to show the logic behind the SPG requirements and not to go into too much depth/detail, as to the 'why's' as it is not intended to be a manual for undertaking assessment. However, the specific issues highlighted by the consultee are relevant and can be fairly easily integrated into page 3.	Integrate the two issues highlighted into the Box 1 text.
Matthew Hilton Managing Director & Town Planning Consultant CM Design	Reference should be made in the SPG to 'Designing quality buildings: A BRE guide', which is an excellent publication covering all aspects of domestic building construction and includes a section on trees near buildings.	Agreed	Relevant cross-reference to a useful publication.	Include Useful Documents section and include the suggested 'Designing quality buildings: A BRE guide'

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
<p>Matthew Hilton Managing Director & Town Planning Consultant CM Design</p>	<p>Further consideration must be given to what 'discretion' a planning officer gives for requesting a tree survey and if the application would be refused outright if the applicant fails to submit/ or the assessment is not to the Officer liking.</p>	<p>Not Agreed</p>	<p>A planning officer may request any supporting information relevant to the assessment of any application, hence 'officer discretion'.</p> <p>Trees are a material consideration in the development management process and, therefore, if trees are a key feature likely to be affected on an application site then a survey may be requested. Therefore the trigger in the SPG reflects this: <i>'..a Tree Survey and Tree Protection plan may be required at the discretion of the case officer where they identify tree protection is a potential issue'</i></p> <p>If insufficient/inadequate information is provided regarding trees then an officer may refuse an application. This SPG provides a basis for that information request – 'adequacy' can be assessed against meeting the minimum requirements of the SPG.</p>	<p>No change.</p>

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
<p>Matthew Hilton Managing Director & Town Planning Consultant CM Design</p>	<p>No one in the Development Management team has any experience of qualifications in the protection of trees, therefore how will an Officer review the assessment. If it is to go out to a third party for review/comment, this is inherently going to significantly delay an already painfully slow system, thus impacting detrimentally further on the Section Performance Indicators. Has anyone investigated if there are any suitably qualified professionals available in the locale who can undertake these 'necessary' assessments?</p>	<p>Noted</p>	<p>There are a number of qualified and experienced professionals operating in Moray. While not able to specifically recommend particular contractors through the SPG, the Useful Contacts section provides some suggestions as to how to locate qualified professionals able to undertake the survey work.</p> <p>Officers will be able to review how the survey and plan conform to the minimum criteria in the SPG. If there is concern about the findings of the survey, then an external professional may be engaged to review the survey.</p> <p>If the SPG is followed and information provided in a timely manner, this may in fact speed up the assessment process. Pre-application discussions will also be key in identifying required information prior to submission of any application.</p>	<p>No change</p>

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
<p>Matthew Hilton Managing Director & Town Planning Consultant CM Design</p>	<p>Whilst the SPG gives guidance on what trees should be given consideration to be retained, it does not provide specific advice for the Council or applicant as to what would happen if all the trees on site were to be removed (prior to a planning application being made).</p>	<p>Noted</p>	<p>It is hoped that potential applicants will not take this approach. The SPG encourages applicants to see the benefits of assessing the trees on the site (as per all other site features) for their potentially positive contribution to the final design of the development.</p> <p>The SPG, in taking this positive approach, is not geared toward dealing with the potential applicant who clearfells a proposed development site, prior to making an application for development, in order to circumvent any requirement for a tree survey. However, it is worth highlighting that such an applicant:</p> <ul style="list-style-type: none"> a) Risks breaching felling licence criteria and investigation by the Forestry Commission. b) Risks an Emergency TPO being served on the site by the Council c) Risks compensatory landscaping conditions being attached to any permission, where existing trees were known/evident to have been present on site. d) Risks prejudicing neighbours and the local community against their application. 	<p>No change</p>

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
<p>Matthew Hilton Managing Director & Town Planning Consultant CM Design</p>	<p>Generally this document is supported. However, serious concern must be expressed that the requirement to prepare and submit a Tree Survey and Tree Protection Plan is just another example of the Planning System being 'dumped on' to deal with more and more issues at a time when it is disastrously under pressure.</p>	<p>Not Accepted</p>	<p>Trees are a material consideration in the development assessment process. The submission of a Tree Survey and Tree Protection Plan with the planning application allows full consideration of environmental issues through this process.</p>	<p>No change</p>
<p>Richard Heggie Director Urban Animation</p>	<p>Altyre Estate supports the principle of high quality landscaping and tree planting in new development proposals.</p> <p>In particular, the use of larger tree species should be encouraged, since these make a particularly important contribution to the landscape and consolidate the established character of much of Moray.</p> <p>I note the SPG does mention the use of larger indigenous tree species but I would encourage the Council to dedicate more attention to opportunity, when assessing proposals for new developments.</p>	<p>Agreed</p>	<p>The contribution (and potential contribution through developments) of larger trees to the Moray landscape is well made, and worth highlighting in the SPG.</p> <p>Certainly the Emerging Local Plan has highlighted some opportunities for feature trees e.g. development along the Grantown Road, Forres. While the preference is for native species to be used in such developments, the role of larger exotic (non-indigenous) species in planting schemes, in certain circumstances (e.g. where this is important to historical/conservation context or where providing appropriate 'feature' trees in a development) needs to be acknowledged.</p>	<p>Review text in Recommended Species section to incorporate a specific reference to encouraging planting of larger tree species in appropriate contexts e.g. particularly in developments with large plots or in open space provision.</p> <p>Acknowledge the potential role and contribution of larger exotic trees in some developments as 'feature' trees.</p>

ITEM:
PAGE: 136

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
<p>Peter McIlhenny LDN Architects</p>	<p>Protecting existing and encouraging tree planting is, of course, sensible and laudable. To have yet another survey brought by default to a planning application procedure already heavy with such requirements is, however, disappointing.</p> <p>A properly researched Design Statement would surely identify the need for or prudence of a survey specific to trees, bringing the subject forward without the need for prescription. Better still would be legislation towards the prescribed appointment of properly qualified designers who would recognise the sensibility of such assessment, and their resultant record and guidance documents, without the need for coercion.</p>	<p>Noted</p>	<p>The Council's Emerging Local Plan Policy E3 makes reference to a requirement for tree surveys and to the provision of guidance on this through an SPG.</p> <p>The SPG is promoting the undertaking of survey work <i>prior</i> to design work taking place. Information from the survey forms part of the research that should be taken on board by designers in the production of a Tree Protection Plan (this latter element could, if expedient, be incorporated into a Design Statement).</p>	<p>No change</p>

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
<p>Kenny Shand Springfield Properties</p>	<p>Page 4 Box 2 – Definitions: From experience we have found that where there is a lot of vegetation on site which could be classed as 'scrub' self-seeded trees; these can be difficult to map onto site plans in any meaningful way. The contribution they make to the overall site can at times be questionable and adds another layer of time, potential delay and costs.</p> <p>We have found that a survey is perhaps just as meaningful if it picks up on the larger specimens (typically starting around 200-400mm) within a site and simply provides boundary extents of what we would term 'scrub' trees i.e. those smaller self seeded groups. Single stem trees of around 75mm at 1.5m could lead to survey problems, particularly on large areas of self-seeded ground.</p>	<p>Not Agreed</p>	<p>The definition of 'a tree' as per the SPG was drawn from British Standard (BS) 5837:2005. This is the Standard being advocated for use through the SPG.</p> <p>The BS5837 also recognises the value and practicality of assessing and classifying 'groups' of trees, in certain circumstances, rather than every individual specimen. This practical approach is highlighted in the SPG.</p>	<p>No change</p>

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
<p>Kenny Shand Springfield Properties</p>	<p>Page 4 Box 2 – Definitions: Where there are large belts / groups of smaller trees that contribute to the site's setting, then we could agree these on-site and retain, where possible and required selected areas to be picked up on the subsequent survey? This would pick up on the contribution they make to the setting and character of a site without incurring unnecessary work and expense</p>	<p>Not Agreed</p>	<p>The philosophy behind the SPG is promoting best practice in planning and design i.e. that all trees/groups of trees on the site are identified, assessed and classified so that this can inform the design process. This assessment needs to be undertaken by an individual(s) qualified and experienced in arboriculture, as part of the initial site assessment (pre-design).</p> <p>It would therefore be inappropriate to exclude certain areas of trees within a defined site from a survey, as this would pre-empt the design process. In cases where e.g. large groups were identified for retention under the terms of a Local Plan designation, these trees still require to be surveyed in order to assess their potential contribution to the site and any management or protection issues arising.</p>	<p>No change</p>