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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE  
ON 12 AUGUST 2008**

**SUBJECT: TREES & DEVELOPMENT  
SUPPLEMENTARY PLANNING GUIDANCE**

**BY: DIRECTOR OF ENVIRONMENTAL SERVICES**

**1. REASON FOR REPORT**

- 1.1 To present for Committee consideration and approval, the results of the stakeholder consultation on the Finalised Supplementary Planning Guidance on Trees and Development, and seek Committee approval for the proposed responses/amendments arising from consultee comments.
- 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 That the Committee approve:**

- (i) The proposed responses to stakeholder comments and resultant amendments to the Finalised Supplementary Planning Guidance (SPG) on Trees and Development – see Appendix 1 of this report.
- (ii) That no Hearing be convened to resolve the few remaining differences of opinion.
- (iii) The adoption of the amended Supplementary Planning Guidance on Trees and Development, to be used as a material consideration in the determination of planning applications.

**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 Emerging Moray Local Plan 2008. The SPG is required to support the effective implementation of *Policy E3: Tree Preservation Orders and Controls on Trees*.
- 3.2 The Finalised version of the SPG was approved for consultation by this Committee on 16<sup>th</sup> April 2008 (paragraph 13 of the minute refers).

- 3.3 The consultation period was for six weeks, concluding on 9<sup>th</sup> June 2008. Comment was invited from stakeholders and the general public. The consultation received coverage in the Northern Scot. A copy of the Finalised SPG was sent to all key stakeholders, including government agencies, community councils, agents, developers, major landowners and other identified organisations with an interest in arboriculture in Moray. A copy was also placed at Council Access points and a link to an electronic copy of the SPG was made available on the front page of the Council website.
- 3.4 Nine consultation responses were received from different stakeholder groups. Their comments are set out in **Appendix 1** of this report along with the proposed response and, where appropriate, amendment to the SPG arising from their comments.
- 3.5 Respondents broadly supported the SPG, in principle. A number of editorial and referencing suggestions were made, and issues were raised regarding the following matters:
- Target audience
  - Impact on development management process
  - Definition of a tree
  - Further information on impacts of trees on buildings
  - Role of Design Statements
  - Discretionary trigger for tree survey
  - Role of qualified/experienced professionals in process
  - Availability of suitable qualified/experienced professionals to undertake survey work
  - Retention/planting of larger trees
  - Triggers and requirements for replacement planting
  - Further information about recommended tree species for planting
- 3.6 It is considered that none of the issues raised is significant enough to warrant a Hearing (under the terms agreed by this Committee at its meeting on 5<sup>th</sup> December 2007 (paragraph 9(ii) of the minute refers).

#### **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 Emerging Moray Local Plan 2008 – it is listed in the Council's Action Plan (Table 1 of the Emerging Moray Local Plan 2008). 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 Emerging Moray Local Plan 2008 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)**

Publication and printing costs of the SPG can 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**

Alan Short, Development Management Manager, Ian Bruce, Environmental Protection Manager, Gordon Holland, Transportation Manager and Aileen Scott, Principal Solicitor (Commercial and Conveyancing) have been consulted on this report and their comments incorporated as appropriate.

**5. CONCLUSION**

**5.1 The publication of the Finalised Supplementary Planning Guidance for consultation prompted comments from nine stakeholders, for which responses and, in some instances, modifications to the Supplementary Planning Guidance are justified.**

**5.2 No significant issues have arisen from stakeholder consultation and no Hearing is required. The Committee can therefore proceed to adopt the amended SPG and to commence its use as a material consideration in the determination of planning applications.**

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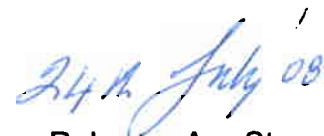
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Designation: Director of Environmental Services

Name: Robert A Stewart