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## **Draft National Planning Policy Framework**

### **Response of the Trees and Design Action Group**

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The Trees and Design Action group (TDAG - [www.tdag.org.uk](http://www.tdag.org.uk)), is a voluntary, not-for-profit group representing a wide range of organisations representing interests in both the natural and built environment. A list of TDAG's supporting organisations is included as Appendix A. TDAG's objective is to increase awareness of the role of trees in the built environment and to promote both the protection and planting of large tree species in the urban realm. Since it formed in early 2007 the group has undertaken a number of initiatives to put the case for trees and has published a number of documents specifically aimed at improving awareness of the benefits of trees (*No Trees, No Future* in 2008 and *The Canopy* in 2011). These documents provide case studies showing practical examples of both the design and implementation of schemes.

Of TDAG's ten point action plan, 8 of them are directly relevant to the proposed NPPF, these action points are:

1. Promote integrated solutions to the urban realm
2. Influence planning policies and tree strategies
3. Provide education and public awareness
4. Tree Value, Funding and Revenue
5. Publish streetscape guidance
6. Produce and promote guidance for trees in developments
7. Develop landscape character assessments
8. Support trees in townscape

We welcome this consultation to engage with government in regard to the proposed NPPF. We see this as an opportunity to draw attention to the important contributions made by trees, whether individually or as part of the urban forest, to the urban, suburban, peri-urban and rural landscape and to the quality of life enjoyed by all sectors of the community. Trees have long been accorded special consideration in the UK planning system and we wish to see this continued and reinforced. The principles of good planning, design and management of trees need to be recognised at a national level so that a more detailed application of good tree population management can be made locally, including at the level of individual neighbourhoods.

We are therefore very concerned to note that there is no reference to trees in the NPPF, apart from S.169 which refers to the importance of protecting aged or veteran trees unless the need for and benefits of development clearly outweigh the loss. With regard to this reference, there appears to be no definition of an 'aged' tree, which seems likely to lead to confusion. Furthermore, the caveat appears to weaken existing policy relating to this type of heritage asset, when considered against the general tone, balance and priorities set out in the NPPF as a whole.

Of greater importance, however, is the silence of the NPPF in respect of trees more generally. Throughout the draft document there is a presumption of allowing development unless it conflicts with the NPPF taken as a whole. Given the silence on trees, we are concerned that trees will not carry significant weight as a material

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TDAG Final response NPPF.doc

consideration against any development proposals, and particularly, for example, housing development. This would be a radical departure from policy that has evolved over the past 60 years, whereby trees have been given special consideration in the planning system.

The government will no doubt be aware of the importance attached to trees by the public at large, as indicated by the recent concerns expressed over intentions to sell publicly owned forest estates. However, in addition to the political and popular interests in trees, there is an established and growing body of scientific evidence that recognises the important functional benefits of trees and the real economic value that these deliver. Many of these benefits are referred to in the UK National Ecosystem Assessment (June 2011) and reflected in Defra's Natural Environment White Paper (NEWP).

It is therefore particularly disappointing, and potentially threatening, that the NPPF fails to refer to trees generally and does not appear to relate in any substantive way to the findings of the NEA nor the recommendations for the planning system within the NEWP. This failure does not support the credibility of the government's claim to be 'the greenest government ever'.

TDAG would also draw attention to the need to observe the relevant provisions of the European Landscape Convention, ratified by the UK government in 2009. Article 5d requires member states to *'integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape'*. Article 6 sets out specific measures relating to matters such as identification, assessment, quality outcomes and implementation. As trees are integral to the landscape and, indeed, represent the largest, longest lived and most visible organic components of this, it is important that the planning system should continue to make special provision for their treatment, protection, management and planting.

TDAG has a further concern, referenced obliquely in page 9 of the NPPF Impact Assessment document. This notes that CLG guidance, issued in March 2010, states that where a planning application is accompanied by inadequate information, it should still be validated and the clock will start on the consideration period (i.e. 8 or 13 weeks). Furthermore, a request by the planning authority for additional information should not stop the clock. Detailed tree survey data, in accordance with BS5837, is a typical information requirement by planning authorities where trees may be affected by development proposals. But if this detailed data is not supplied or is inadequate, the presumption in favour of allowing development within the NPPF would appear to outweigh any concerns regarding trees, on which the NPPF is silent. It may be possible for the planning authority to carry out the necessary survey and inspection to enable proper consideration of impact on trees, but this would represent a considerable burden and the resources are unlikely to be available.

**TDAG would therefore wish to see an explicit policy reference within the NPPF, probably within the Natural Environment section, that any potential impact on trees, whether direct or indirect, must be addressed in any development proposals and that the local planning authority should require full details of such impact, together with any proposed mitigation measures, to be submitted, and that this information must be taken into account prior to issuing a decision.**

There is another issue, related to a provision within the Localism Bill, which expressly excludes the duty, under S. 197 of the T & C Planning Act 1990, for local authorities to consider the planting and protection of trees in respect of planning applications, from applying to Neighbourhood Development Orders (NDO). In an exchange of correspondence between CLG and a representative of TDAG in February 2011, assurances were given that this was anticipated to be addressed in the NPPF, so that existing trees, including those within a TPO or a Conservation Area, would not be threatened. Clearly, this has not been included in the NPPF. A NDO could propose and sanction development, thereby over-riding any provision in the Local Plan and / or any statutory or policy-based tree protection measures.

We do not understand why this duty is excluded from consideration in respect of NDOs. We are concerned that this may result in a failure to consider the implications relating to existing tree protection or new tree planting in respect of development enabled through an NDO.

**We therefore wish to ensure that the NPPF clarifies that the issues of tree protection, including, but not exclusively, those trees protected by TPOs or by their location within a Conservation Area, and new tree planting remain a fundamental and material consideration for all proposals requiring planning permission, including those dealt with under Neighbourhood Development Orders.**

We would make the following detailed comments in respect of the NPPF Section numbers as set out below.:

10. We would wish to see a clear definition of 'sustainable development', in line with the UK Government's current sustainable development strategy as adopted in 2005.

11. We support the requirement for economic, social and environmental roles of planning to be integrated.

13. We are concerned that the balance implied by integration is undermined by placing significant weight on economic growth (i.e. presumably placing less weight on social and environmental issues).

14. We support the requirement for objective assessment informing local plans but this should apply to all evidence – not just in meeting development needs. It is unclear as to who or what the beneficiary of the assessed need is – the whole or part of the

community, the wider national or regional interest, the long term public interest, the economic advantage to the developer, etc.? It is also unclear how or by whom 'objective' is to be defined. Public interest issues should be addressed as a fundamental objective of the planning system.

We have serious concerns that permission for development will, in the absence of adopted or current local policy, be assessed solely against the NPPF which is essentially open to wide interpretation due to its simpler, streamlined approach and lack of detail. The NPPF should refer (at least generically) to other more detailed sources of guidance, e.g. good practice as produced by government departments, national agencies, professional bodies or the BSI (which is especially relevant to trees and construction through BS5837) or government circulars (e.g. 11/95 which is relevant to tree and landscape issues) carrying weight in informing development decisions

P.14 states that compliance with the Framework, as a whole, is a sufficient test for adverse impacts – which must significantly and demonstrably outweigh the benefits. It is likely, under these tests, that most development that delivers, for example, shelter or employment would be favoured, with limited weight attached to design or adverse environmental impact or perhaps none to trees – which may well lead to a significant cumulative adverse impact as a result of multiple decisions made in this way. For example, the loss of a few trees without replacement might not be significant for each individual project – but would become so as a result of many such developments over a period of time or over a wide area. The NPPF fails to address such consequences.

21. We disagree strongly with the statement that Supplementary Planning Documents should only be used to accelerate development and must not be used to add to the financial burdens on development. On this basis, it could be argued that any locally produced policies or standards relating to design, character, landscape provision, tree retention and planting and landscape aftercare add to financial burdens and are not directly relevant or necessary to achieving the primary objectives of the development (e.g. in housing provision). The setting of such standards through local policies is a key function of SPDs and provides an important opportunity for local communities to influence the quality of new development. SPDs also assist both developers and local authorities by providing references to information, standards and policies that are relevant and will be applied locally, thereby increasing certainty and speeding the application and decision making process. **Reference to the positive aspects of SPD publication should be provided in the NPPF, whilst inserting 'disproportionate' prior to 'financial burdens'.**

24. We strongly support the requirement to identify land which needs to be protected because of its environmental or historic value, but suggest that this be reworded to identifying assets or features in addition to land, thus flagging the need for special care to be taken in respect of types of feature e.g. established / significant trees when planning or designing for new development, a concept that goes back to the 1932 Planning Act.

We also strongly support the requirement for local plans to contain a clear strategy for the environmental enhancement of an area. This would benefit from further clarification and prescription, requiring tree and landscape (and other relevant topic) strategies to be

prepared, based upon evidence arising from comprehensive audits and / or surveys. The wording in the draft NPPF is somewhat vague and open to interpretation, which could result in a low common denominator being applied in some cases.

**24 and 34. Tree strategies inform the good and sustainable management of local tree populations, recognizing and, ideally, quantifying in economic terms, the many benefits that trees provide and allowing for the constraints and costs that they may pose. Current initiatives, based upon established precedents in the USA and Europe, demonstrate the net value that trees in urban areas provide and provide an objective evidence base to justify their wider retention, protection and planting. The use of i-trees in Torbay and London provide useful case studies, as is the significant precedent set by New York in recent years.**

**TDAG would be happy to provide references to tree valuation methodologies and research and would wish to see the NPPF explicitly require local authorities to prepare tree strategies for their areas, whether as standalone SPD or as part of broader green infrastructure or landscape strategies. References to the economic contributions made by trees are incorporated in the National Ecosystem Assessment and the Natural Environment White Paper.**

49 & 51 & 65. TDAG is very concerned that, according to the Localism Bill, no part of S.197 of the 1990 Planning Act shall be applied to Neighbourhood Development Orders and that these will, following adoption, over-ride local plans. This poses a direct threat to tree retention, protection and planting.

**TDAG would therefore seek a policy to be added to the NPPF setting out a requirement for any development to provide evidence demonstrating the consideration of impact on existing trees and the opportunity for new tree planting. Where no trees are present and there is no opportunity for new planting, this would carry no resource implications. In other cases, it would draw attention to existing trees or opportunities for planting – if retention or new planting was not viable, the principle would at least have been properly considered rather than overlooked.**

56-61. TDAG supports the emphasis on front-loading of consultation, setting out of information requirements and early decisions on the principle of development.

59 TDAG would wish to see the Framework incorporate more guidance on trees and development (possibly in the natural environment section). The need to provide information on trees on or affected by development sites, based on a survey in accordance with BS5837, is commonly requested by local planning authorities prior to consideration of proposals. Specific reference in the NPPF to the need for this, where appropriate, would assist developers, local authorities and community interests by setting out the general principle of taking trees into consideration when preparing development proposals.

**67. Contributions from planning obligations should allow for the maintenance of trees for an appropriate period of time after completion of the development. Plants and trees are live, organic elements that are dependent on aftercare and**

**maintenance for their growth and establishment. As such, they represent a special case in the planning system**

**69 Planning conditions have a similar special role to play in respect of landscape and trees. Circular 11/95 remains a highly relevant source of good practice advice in these respects and TDAG would wish to see the relevant guidance and model conditions therein retained and a continuity of their use and application by local authorities.**

Provision of separate guidance

Developers, local authorities and communities will need guidance on a number of specialized topics, particularly if existing central government guidance is to be withdrawn. There are clear advantages in establishing national standards for reference and guidance on matters such as trees, landscape, green infrastructure, renewable energy, climate change adaptation and mitigation amongst others and for these to be objective, comprehensive, current and authoritative. Such guidance provides for consistency of application, providing greater certainty for developers and reducing costs for decision-makers. The alternative approach of different local authorities producing their own individual guidance is costly, inefficient and potentially less well-informed or, at worst, misleading or out of date. Some local authorities may find it impracticable to produce guidance on some topics at all, leading to gaps in knowledge or reliance on ad-hoc sources.

**TDAG is currently preparing guidance on trees aimed at decision-makers connected with development, based upon its extensive network of connections. These include representatives from the major professional bodies, developers, arboriculture, utilities, national agencies, local authorities, insurance companies and nurseries.**

**TDAG would welcome the opportunity to co-ordinate the preparation of good practice guidance on trees and planning, written accessibly in plain English and incorporating references to other more technical sources of information such as British Standards.**

**114. Reference should be made to the design of spaces and the natural environment being as important as the built environment.**

Design section

We would wish to see a policy emphasising the importance of incorporating natural systems and ecosystem services, exemplified by green infrastructure, tree planting and good tree management, as a fundamental principle of sustainable development

147. We welcome the mention of community forests but would wish to see this concept extended and reinforced by explicitly promoting the preparation and implementation of

urban tree population strategies – the urban forest – with a view to encouraging and maintaining long term continuity of tree canopy cover in urban areas.

**164. We are concerned that the planning system should seek to protect or enhance the landscape generally in urban and rural areas, not just ‘valued landscapes’. This implies a museum approach to the landscape, which pervades the NPPF, whereas we echo Natural England’s policy statement that ‘all landscapes matter’.**

164. We have some concerns regarding the possible interpretation of the third bullet point:

*“preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by acceptable levels of land, air, water or noise pollution or land instability.”*

It is a matter of fact that tree root activity on shrinkable clay soils may cause land instability resulting in structural failure in buildings where the foundations are inadequate. This would normally be a technical issue to be addressed through Building Regulations and engineering specification and it is not entirely clear as to why this should be an issue for planning policy. However, the risk of subsidence is commonly used as a reason for not planting trees in the vicinity of buildings, typically houses, which would otherwise normally be required as a planning requirement for landscape provision. Given the increasing risk of structural movement that may arise as a result of climate change, and the benefits of trees within sustainable residential environments and Green Infrastructure, the following additional words are proposed:

***“whilst ensuring that structural design is compatible with the potential effects of any landscape design or planting that may be appropriately required for the development.”***

**The principle here is to ensure that sustainable new housing should be ‘fit for purpose’ given the likelihood of future summer droughts due to climate change, and should be able to be resilient against the effects of future tree growth, thus substantially reducing the risk, cost and disruption of future remedial work and enabling buildings and trees to co-exist in harmony, particularly in densely developed urban situations.**

## The Natural Environment

TDAG would wish to see an explicit policy requirement for local authorities to prepare multifunctional green infrastructure network strategies, in conjunction with neighbouring authorities and other organisations as might be relevant at a



landscape scale. The areas identified in such a strategy should be clearly designated, indicated on plan wherever feasible and given a level of protection appropriate to their contribution to the network. In the case of urban tree planting that may contribute to a green infrastructure network, this should be identified and recognised in a local tree strategy, and reflected in local plan policy.

TDAG wishes to propose the following additional policies:

**Policy 1:** In development plans and decisions, local planning authorities should include provision for the protection and enhancement of tree cover, taking into account areas of deficiency and the cumulative effects of development on the maintenance of tree population.

**Justification:** NPPF policy 19 and The Natural Environment White Paper (NEWP<sup>1</sup>) and a number of relevant studies<sup>2</sup> both in the UK and internationally, sets out clearly the benefits that large tree species make to our urban areas.

**Policy 2:** Local planning authorities should prepare Tree Strategies as Supplementary Planning Documents or otherwise as guidance in support of local plan policies, taking account of the contribution trees, especially large growing species, can make to green infrastructure networks and to the provision of ecosystem services<sup>3</sup>, in addition to their general or specific amenity value. These strategies should be based on quantitative audits<sup>4</sup> and be able to be integrated on a regional basis<sup>5</sup>, incorporate existing tree coverage, age structure and species, areas of deficiency, indications of or references to statutory protection measures (i.e. TPO and Conservation Area coverage) and policies for the management of trees within public spaces, including streets.

**Justification:** NPPF policies 23, 24, 27 and 35; policy 27 in particular sets out the need for 'proportionate evidence base' and policy 35 states that assessments to 'share the same evidence base and be conducted over the same timescales, but local

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<sup>1</sup> NEWP 'The Natural Choice

<sup>2</sup> Economics of Ecosystems and Biodiversity (TEEB)

<sup>3</sup> NEWP page 26

<sup>4</sup> Forestry Commission; Combating Climate Change November 2009 Section 4

<sup>5</sup> UK National Ecosystem Assessment page 57

authorities should take care to ensure that the purpose and statutory requirements of different assessment processes are respected’.

Policy 3: Local planning authorities should ensure that local design guidance, as Supplementary Planning Documents or as otherwise adopted, should include reference to the importance of appropriate tree protection and good management and should encourage new tree planting as a contribution to sustainable development. Particular attention should be given to the benefits of well-designed streets with provision for trees and to the promotion of new tree planting in conjunction with new development and in areas of deficiency.

Justification: NPPF policies 23 and 24; and the NEWP in regard to importance of Natural Networks in our urban areas ‘We should be thinking not of isolated spots of green on a map of England but of a thriving green network linking wildlife sites with farmland, forestry and urban parks and gardens across the country<sup>6</sup>.

Policy 4: Local authorities should make reference to authoritative sources of good practice guidance on the planning, design and management of trees, including reference to trees and construction and tree maintenance

Justification: NPPF Policy 39; such reference guidance will assist both developers and local authorities and therefore contribute to informing and enabling the decision-making process and, the NEWP at pages 7 and 8, sets out the importance of integration of green spaces within the built environment.

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<sup>6</sup> NEWP page 17

## APPENDIX A

### TDAG Response to NPPF Consultation

The Trees and Design Action Group includes representatives from the following organisations:

4D Landscape Design	Gardiner & Theobald
Arboricultural and Utilities Consultant	Geosynthetics Ltd
Arboricultural Association	Glendale Managed Services
ARUP	Greater London Authority
ARUP	Green Roof Consultancy
Barcham Trees	Greening the Gateway Kent & Medway
Bartlett Tree Experts	Grosvenor plc
Bennetts Associates	GVA Grimley
Better Bankside	Hi-Line Contractors
Birmingham CC	HOK
Birmingham Trees for Life	Institute of Chartered Foresters
Brady Mallalieu	Institute of Civil Engineers
Bristol Street Trees	ISA UK
Burrold Happold Berlin	J & L Gibbons LLP
Canary Wharf Group	Kew Arboretum
Capita Symonds	Land Securities
Charisma Spatial Planning	Landscape Institute
CIRIA	Landscape Planning Group, OCA-UK Ltd
City of London	LB Hackney, Streetscene
City of Westminster	Leeds Metropolitan University, Department of Landcape
Civic Trees	Lichfield District Council
Coventry City Council	Lloyds/Halifax
David Lock Associates	London Parks & Green Spaces Forum
Design for London (GLA)	London Parks & Green Spaces Forum, Director
English Heritage	LTOA
Environment Agency	MADE
Farrells	Marshalls
Forestry Commission London	Midlands Tree Officer Association (MTOA)
Forestry Commission Wales	Mouchel
Forestry Commission West Midlands	MTOA
Forestry Commission, Forest Research	Myerscough College

## APPENDIX A

### TDAG Response to NPPF Consultation

N.A.T.O	Town & Country Planning Association
Natural England	Transport for London,
NUAG	Tree & Landscape Evaluation Systems
Oxford City Council	Tree Advice Trust (TAT)
Places for People	Tree Check Ltd
Platform 5 Architects	Trees for Cities
RBKC	Treework Environmental Practice
RBS	Turley Associates
RHS	University of Birmingham
Royal & Sun Alliance,	University of Essex,
Royal Parks,	University of Leicester,
Ruskin Group Consultancy	University of Manchester, Faculty of Life Sciences
Shropshire County Council	Urban Design London
TCPA	Victoria BID
Thames Water	Woodland Trust
The Tree Council,	Wrexham District Council
Torbay City Council	Zurich Municipal