

Response ID ANON-B3JU-DSC3-1

Submitted to **Local Development Plan Main Issues Report 2019 Consultation**
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Additional Documents

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LOCAL DEVELOPMENT PLAN MAIN ISSUES REPORT 2019 CONSULTATION
Response to Local Plan seeking change to Policy NE5

Policy NE5

I wish to request that a review is undertaken of this policy. It is unduly restrictive and should be removed.

Q. 2.11 Protecting and Enhancing the Natural Environment

Supplementary Guidance with regard to the proximity of structures and infrastructure close to trees needs significant amendment. Currently it is unduly restrictive on development, and does not take into account all the different parameters in BS:5837 2012.

Policy NE5 – Trees and Woodlands and its associated supplementary guidance needs to be substantially reviewed as it is not fit for purpose, placing overly restrictive policy and guidance which serves to significantly restrict development across the city, rather than promoting a more flexible approach to tree management. The reading of the policy asserts that no development will take place if there is an impact on trees, but does not define impact. The extent of the impact will depend upon how trees will respond to the impact. Such an approach applied within the built up confines of a city, with established trees is entirely unworkable. There will undoubtedly be a requirement for tree management on both brownfield and greenfield sites, however it should be guided by appropriate mitigation strategies. British Standards (BS:5837 2012) on this subject does not include the concept of the zone of influence.

I am acutely aware that many local builders and developers have had or are facing severe difficulties engaging with this policy and in particular the details within the Supplementary Guidance. A main area of concern is in relation to 8.4.2 "Proximity of Structures and Infrastructure to Trees", which relates to their zone of influence. Strict application of this guidance would have serious implications for the wider delivery aspirations in relation to existing sites and allocations contained within the LDP. The zone of influence concept means that the height of a tree becomes the overriding important criteria and not the root protection area, or other important factors.

The current zone of influence guidance means that developers are even unable to allocate garden ground to land that sits within the circumference equal to the height of a tree even if that tree is not within the developer's own ground and thereby outwith his control. I am aware of an instance whereby replacement of an existing building with a proposed new building was resisted due to the proposed building being located within the zone of influence, despite the existing building already being within the zone.

Development proposals offer the opportunity to work with existing trees to promote sustainable tree management and supplementary landscaping and planting arrangements to ensure any potential loss is appropriately mitigated. I therefore reiterate that this policy needs to be reviewed and it would be beneficial to have input and advice from a third party arboriculturalist. Unless some degree of flexibility is provided, there is a danger it will lead to more measures being adopted by individuals, such as felling unprotected trees on sites prior to lodging planning applications. This is a situation that needs to be avoided, therefore a serious review of this policy and guidance needs to happen.

The current policy has significant potential to negatively affect economic development in the city in and accordingly it should be removed from the Supplementary Guidance.

The concept of zone of influence and its application is completely contrary to the Government Policy to reduce and ease the barriers in the planning process.

Additional Files

If you have further information you would like to provide you may upload it here.:

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