

Arboricultural Association response to the Planning White Paper

October 28th, 2020

This document contains the Arboricultural Association's answers to the consultation questions as laid out in the Planning White Paper *Planning for the Future*. It should be read in conjunction with the covering letter to Robert Jenrick MP, also dated October 28th, 2020.

1. What three words do you associate most with the planning system in England?

Necessary, protective, inclusive.

2(a). Do you get involved with planning decisions in your local area?

No

2(b). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

This response is being submitted on behalf of the Arboricultural Association, and organisation which does not itself get involved with planning applications. However, we represent more than 3000 members in the industry, many of whom – particularly tree officers and consultants – are involved in planning decisions. Many of our members will also likely get involved in planning decisions as members of their community or as Local Councillors etc.

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]

A combination of methods, but it is essential that digitisation does not entirely replace the existing system, which works well for a lot of people – including those with no access to the internet.

4. What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

The Arboricultural Association has members across the country and internationally and this question is too subjective to be answered collectively. However, all of the options provided here are obviously very important and from an arboricultural perspective we believe that the protection of green spaces and existing trees is one key consideration in development.

5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

No. This idea that simplification and speed = good, is not always correct. There are certainly elements that could be improved, however, including the process to create local plans which is currently slow and unwieldy.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. Local considerations should always be taken into account and by setting out general plans nationally a lot of local nuance could be overlooked. A revised NPPF that makes it clear that development management policies must include provision for all trees and woodlands within both urban areas and the countryside, as well as those which are veteran or ancient, should be sufficient for this purpose. Assuming general development management policies are of a high enough standard and developed with input from the right professionals, some policies might be transferable from one local plan to another to improve consistency and save duplication across Local Planning Authorities. Specifically, we would like to see any general development management policies which relate to trees to follow best arboricultural practice. Plan making should focus on local considerations such as land use and population densities which will allow for the creation of the right places for the right trees.

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. In principle this sounds like a good idea, but it is vital that any test of ‘sustainable development’ includes sufficient detail with regard to environmental impact – including green infrastructure, biodiversity, ecology, climate change mitigation and resilience. Perhaps it is time that ‘sustainability’ is replaced by ‘resilience’ – places that are ready for the future.

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

No comment.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]

No comment.

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

No comment.

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]

No. This would be a very dangerous step backwards from the existing protections and would lead to the automatic removal of many trees, regardless of quality, from brown and green field sites. The limited protections currently afforded by the Forestry Act and Town & Country Planning Act would not be sufficient to prevent the loss of trees, particularly from brown field sites. It is essential that the new planning system does not allow the erosion of existing duties or protections.

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / No / Not sure. Please provide supporting statement.]

No comment.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. We are open minded about this proposal as long as it is not used as a tool to override the protections for ancient and veteran trees and ancient woodland as currently afforded by the NPPF. A clearer definition of what constitutes Nationally Significant Infrastructure Projects would be helpful.

10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]

No. Decisions which have considerable impact on communities should not be taken quickly and at national level; they should take as long as they take to get right and involve the community itself. What is needed is sufficient resources for Local Planning Authorities to administer a robust system that includes community involvement. Community 'consultation' too often takes a top-down approach when what is really needed is real community engagement.

11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. A standardised approach to plan making is welcome as it would provide uniformity across the country and would allow plans to be more easily compared to one another. However, it is vital that local plans provide sufficient written detail to ensure the protection of the environment. The Arboricultural Association is concerned that the map-based approach suggested would amount to an erosion of existing protections.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. The reasons for delays in the production of local plans are complex and will vary from one situation to another. It is laudable to seek to speed this process up, but it is vital that sufficient resources be made available to Local Planning Authorities for this to be actioned in a responsible and resilient way.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

Yes – these are an important tool of local democracy and particularly vital in empowering local communities to identify green spaces which must be protected from development.

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Not sure.

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]

No comment.

15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn't been any / Other – please specify]

This is another very subjective question. However, we are aware that many of our members feel that the quality of new builds over the last ten years or so has been poor, with far too many seemingly low-quality units packed into small spaces. From an arboricultural point of view, the trees planted have been of the half dozen or so 'classic' unimaginative species, of low quality, planted not in accordance with best practice, and many have unsurprisingly already died. The focus on many new estates has been on planting small trees in front gardens with very few – if any – street trees. Development often involves the removal of many trees and hedgerows with little effort seemingly made to retain them.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

More green and open spaces but created in accordance with best practice and the principles of green equity, with adequate space for trees to mature as well as an appropriate mix of large and small (and native/non-native) trees with an adequate programme of aftercare built in to ensure establishment rather than just planting. There must be sufficient planning and resources to ensure proper management going forward. There is little value in planting millions of trees if the specialist knowledge and resources required to ensure they establish and thrive are not in place – new treescapes must be resilient. Community engagement is also very important.

17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]

Yes, as long as these codes are produced with the right specialist involvement – i.e. the arboricultural industry in anything relating to trees – and as long as the design guides contain enough flexibility to ensure that local character is protected and enhanced rather than a homogenisation of spaces, as has been seen in so many town centres across the UK in recent years.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]

Yes in principle, but the devil will of course be in the detail and resources must be made available to Local Planning Authorities for the employment of design and placemaking officers.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]

Yes, in principle.

20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]

Beauty is an abstract and extremely subjective concept. The consultation document describes pre-established principles of what good design looks like but it is important that those decisions are made on a local level, otherwise it is easy to imagine that design will become homogenous throughout the country, and lead to a lack local distinctiveness. Unfortunately, the current planning process is not design led in practice and homogenous estates are frequently seen. This problem certainly needs to be addressed, but on a local level. The January 2020 Living with Beauty Report was an important publication which will hopefully be considered in any plans for a 'fast-track for beauty'.

21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

Not sure. This is a very subjective question. For the arboricultural industry of course the green spaces and trees are a priority, however as citizens all of the items listed are very important and it is difficult to rank them.

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. This would depend entirely on the details..

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]

Not sure. Locally setting Infrastructure Levy rates would be preferable if this will allow local factors to be taken into consideration and adequately represented in the calculations.

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

No comment.

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]

No comment.

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]

Yes. Any change of use to residential development should include Infrastructure Levy provision.

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]

No comment.

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]

No comment.

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]

No comment.

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]

No comment.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. Tree planting and maintenance, and perhaps even the provision of additional resources such as funding tree officer and ecology posts, should be included within the Infrastructure Levy. However, it is understood that some Local Planning Authorities might not see trees and green space as a priority and without statutory provision for tree officer posts, this could leave green infrastructure vulnerable. It may be appropriate to develop a system in which there is more freedom and less restrictions for Local Planning Authorities, but within clearly defined parameters.

25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

No comment.

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

When making improvements locally it is important to consider the requirements and perspectives of all parts of the community and not force one view of 'beauty' on everyone. Doing so risks making people feel excluded from the process, powerless and with no ownership, potentially leading to a loss of community feeling and an increase in antisocial behaviour such as vandalism. It is important that steps are taken to ensure that existing communities are not forced out in the name of progress. Any reforms must empower Local Planning Authorities to positively enable S149 of the Equality Act; this will partly involve ensuring free and equal access to green space, as well as considering retaining existing trees – perhaps those with specific local cultural value – and planting new. Good urban design, tree planting and maintenance can foster good community relations and go some way to reducing inequality.

END