

# Draft Trees and Development Supplementary Planning Document (SPD) Consultation

## Responses Received and Council Response

February 2023

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The tables below set out the responses received on the Draft Trees and Development SPD Consultation which was undertaken for eight-weeks between 14 November 2022 to 9 January 2023. The last column titled “Council’s Response” also sets out areas where the text will be changed in the final Greening SPD. The changed/intended to change text is shown in **blue and emboldened text**.

### Section 1: Introduction

Objectives of the Trees and Development SPD

**Q1: Do you think these are the correct objectives, or is there anything else which the SPD should consider?**

Name	Comment	Council’s response
<b>375 Portobello Road Residents' Compact (Ms Jones)</b>	<p>The London Environment Strategy aims to increase tree cover overall by 10%. The London Urban Forest Plan calls for a further increase in streets, parks, and public green spaces in areas of low canopy cover (e.g. North Kensington, Earl’s Court). These more ambitious targets should be mandated in the SPD, rather than maintaining the status quo.</p> <p>The SPD notes the positive impacts of increased canopy cover on air quality, CO2 reduction, biodiversity, physical health, mental health, employment, local economies, and property values. It should also be noted that increased canopy cover</p>	<p>This document is an SPD for trees within the planning process. Therefore, any new trees that are planted must be suitable for the location not just at the time of planting, but as much larger mature specimens. Sustainable tree planting is key! The increase in canopy cover is determined by the size of the land available, which is often limited in RBKC due to the modest size of many garden spaces.</p> <p>These points have been noted. However, it is more appropriate for this to be addressed within RBKC’s Tree Strategy, which is due to be revised in 2023-24.</p>

	<p>correlates with and is causative of lower rates of crime and anti-social behaviour. All these benefits need to be stressed more clearly and strongly throughout the document.</p> <p>The highlighting of root area protection is welcome.</p> <p>As always, the devil is in the detail. Key Performance Indicators need to be clearly and rigorously defined and enforced. For example: How are amenity benefits measured – using CAVAT or iTree? How are biodiversity benefits to be measured and assured? What constitutes "significant damage" to adjacent structures (a crack in a garden wall, or complete destruction of a sewer system)? How is "townscape value" assessed?</p> <p>Importantly, how is an "appropriate replacement" for a felled tree assessed? It is notable that the CAVAT replacement value of one 60-year-old London Plane tree is equivalent to 270 London Plane saplings. The point is we cannot replace mature trees with saplings on a one-for-one basis when the environmental, health, and amenity benefits may not be realised for decades.</p> <p>The SPD objectives seem to make no consideration of meaningful community consultation. This is an important aspect of urban planning generally and improvement of the environment and public realm particularly. The draft SPD speaks of a "partnership approach" between the Council and the development</p>	<p>Planning permissions contain planning conditions rather than Key Performance Indicators.</p> <p>CAVAT and i-Tree are both very useful and respected applications for assessing trees in somewhat different ways. However, neither are designed for assessing trees on, or adjacent to, development sites. BS 5837:2012 contains the nationally recognised method for assessing trees on development sites.</p> <p>RBKC has for some years used the Forestry Commission's 'Right place, right tree' approach, to ensure that any new tree planting is sustainable. Larger semi mature trees are often planted as a condition of planning permission.</p> <p>The SPD is specifically designed to guide applicants in terms of RBKC's requirements relating to trees and development. Consultation is key part of all aspects of the planning application process, not just trees. How RBKC publicises planning applications can be found on RBKC's website.</p>
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	<p>team. This needs to be a partnership between the community, Council, and developers, with the community (those for whose benefit all development must ultimately be and who, after all, pay Council Tax) having primacy.</p>	
<p><b>Canal &amp; River Trust London (Claire McLean)</b></p>	<p>For canalside developments, new trees should be provided well back from the canal edge to avoid any damage to the waterway wall from future root growth.</p> <p>Roots should be contained with appropriate root protection to protect the waterway wall and towpath from damage by future root growth.</p> <p>Tree species should be native, but not species that are known to damage waterway walls as their roots seek the water – such as Willow.</p> <p>I hope these comments are helpful. Please feel free to contact me if you have any other queries about the Grand Union Canal or waterside landscaping.</p>	<p>Noted.</p> <p>Native species are not always the most suitable particularly in their adaptability to climate change. It is important that newly planted trees survive, regardless of their provenance.</p>
<p><b>Gayle Verdi</b></p>	<p>Yes. They look very thorough. The tree root diagram was very enlightening, showing that roots run at shallow depth, just below the surface over a wide area.</p>	<p>Noted.</p>
<p><b>Hertfordshire and North London Environment Agency (Scott Hawkins)</b></p>	<p>We welcome the Local Planning Authority's objectives for the SPD as outlined in paragraph 1.6 of the document.</p> <p>We are pleased to see the inclusion of the relevant National Planning Policy Framework (NPPF) paragraphs and the relevant chapter (Natural Environment) of the Planning Practice Guidance</p>	<p>Noted.</p>

	<p>(PPG) in paragraphs 1.8 – 1.10 of the document.</p> <p>We welcome the reference made to the Kensington and Chelsea’s Air Quality Action Plan in relation to the above SPD in paragraph 1.13 of the document.</p>	
<b>Kensington Society (Sophia Lambert)</b>	Yes, but see comments at the end.	Noted.
<b>London Parks and Gardens (Hazel Morris)</b>	<p>Thank you for consulting The Gardens Trust in relation to the above document.</p> <p>I write as a member of the Planning &amp; Conservation Working Group of the London Historic Parks &amp; Gardens Trust (trading as London Parks and Gardens LPG). LPG is affiliated to The Gardens Trust (TGT, formerly the Garden History Society and the Association of Gardens Trusts), which is a statutory consultee in respect of planning proposals affecting sites included in the Historic England (English Heritage) Register of Parks and Gardens of Special Historic Interest.</p> <p>LPG is the gardens trust for Greater London and makes observations on behalf of TGT in respect of registered sites, and may also comment on planning matters affecting other parks, gardens and green open spaces, especially when included in the LPG’s Inventory of Historic Spaces (see <a href="https://londongardenstrust.org/conservation/inventory/">https://londongardenstrust.org/conservation/inventory/</a>) and/or when included in the Greater London Historic</p>	Noted.

	<p>Environment Register (GLHER).</p> <p>Our Response We welcome the commitment to the protection existing trees.</p>	
<b>Lucia Scalisi</b>	<p>Additional trees and expansion of the tree scape in the borough of RBKC &amp; beyond, for the benefit of the environment &amp; aesthetic.</p>	Noted.
<b>National Highways Limited (Janice Burgess)</b>	<p>Thank you for giving National Highways an opportunity to respond to the draft trees and development SPD.</p> <p>Royal Borough of Kensington &amp; Chelsea, sitting in the heart of London, is far removed from the National Strategic Road Network, for this reason we offer no comment on this current consultation.</p> <p>As there is no immediate, or close, connection to the National Strategic Road Network spatial planning and development planning issues within The royal Borough of Kensington and Chelsea have no impact on our network. For this reason I request that National Highways is removed from your consultation list for strategic and development consultation matters.</p>	Noted.
<b>Natural England (Dominic Rogers)</b>	<p>While we welcome this opportunity to give our views, the topic this Supplementary Planning Document covers is unlikely to have major effects on the natural environment, but may nonetheless have some effects. We therefore do not wish to provide specific comments, but advise you to consider the following issues:</p>	<p>The Trees and Development SPD is quite specific to trees and the planning process. RBKC's Greening SPD and Biodiversity Action Plan addresses many of your points in great detail.</p>

	<p><b>Green Infrastructure</b> This SPD could consider making provision for Green Infrastructure (GI) within development. This should be in line with any GI strategy covering your area.</p> <p>The National Planning Policy Framework states that local planning authorities should ‘take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure’. The Planning Practice Guidance on Green Infrastructure provides more detail on this.</p> <p>Urban green space provides multi-functional benefits. It contributes to coherent and resilient ecological networks, allowing species to move around within, and between, towns and the countryside with even small patches of habitat benefitting movement. Urban GI is also recognised as one of the most effective tools available to us in managing environmental risks such as flooding and heat waves. Greener neighbourhoods and improved access to nature can also improve public health and quality of life and reduce environmental inequalities.</p> <p>There may be significant opportunities to retrofit green infrastructure in urban environments. These can be realised through:</p> <ul style="list-style-type: none"><li>• green roof systems and roof gardens;</li><li>• green walls to provide insulation or shading and cooling;</li><li>• new tree planting or altering the management of</li></ul>	
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	<p>land (e.g. management of verges to You could also consider issues relating to the protection of natural resources, including air quality, ground and surface water and soils within urban design plans.</p> <p>Further information on GI is include within The Town and Country Planning Association's "Design Guide for Sustainable Communities" and their more recent "Good Practice Guidance for Green Infrastructure and Biodiversity".</p> <p><b>Biodiversity enhancement</b>  This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraph 118 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit.</p> <p><b>Landscape enhancement</b>  The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature.</p> <p><b>Landscape characterisation and townscape</b></p>	
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	<p>assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might make a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts.</p> <p>For example, it may be appropriate to seek that, where viable, trees should be of a species capable of growth to exceed building height and managed so to do, and where mature trees are retained on site, provision is made for succession planting so that new trees will be well established by the time mature trees die.</p> <p>Other design considerations The NPPF includes a number of design principles which could be considered, including the impacts of lighting on landscape and biodiversity (para 180).</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult</p>	<p>RBKC has for some years used the Forestry Commission's 'Right place, right tree' approach, to ensure that any new tree planting is sustainable. Larger semi mature trees are often planted as a condition of planning permission.</p> <p>This SPD does not require a Strategic Environmental Assessment or Habitats Regulation Assessment.</p>
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	<p>us at certain stages as set out in the Planning Practice Guidance.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p>	
<b>Port of London Authority (Michael Atkins)</b>	No comment	Noted.
<b>Serena Morton Gallery (Serena Morton)</b>	<p>The London Environment Strategy aims to increase tree cover overall by 10%. The London Urban Forest Plan calls for a further increase in streets, parks, and public green spaces in areas of low canopy cover (e.g. North Kensington, Earl's Court). These more ambitious targets should be mandated in the SPD, rather than maintaining the status quo.</p> <p>The SPD notes the positive impacts of increased canopy cover on air quality, CO2 reduction, biodiversity, physical health, mental health, employment, local economies, and property values. It should also be noted that increased canopy cover correlates with and is causative of lower rates of crime and anti-social behaviour. All these benefits need to be stressed more clearly and strongly throughout the document.</p> <p>The highlighting of root area protection is welcome.</p> <p>As always, the devil is in the detail. Key Performance Indicators need to be clearly and rigorously defined and enforced. For example: How are amenity benefits</p>	<p>This document is and SPD for trees within the planning process. Therefore, any new trees that are planted must be suitable for the location not just at the time of planting, but as much larger mature specimens. Sustainable tree planting is key! The increase in canopy cover is determined by the size of the land available, which is often limited in RBKC due to the modest size of many garden spaces.</p> <p>These points have been noted. However, it is more appropriate for this to be addressed within RBKC's Tree Strategy, which is due to be revised in 2023-24.</p> <p>Planning permissions contain planning conditions rather than Key Performance Indicators.</p>

	<p>measured – using CAVAT or iTree? How are biodiversity benefits to be measured and assured? What constitutes "significant damage" to adjacent structures (a crack in a garden wall, or complete destruction of a sewer system)? How is "townscape value" assessed?</p> <p>Importantly, how is an "appropriate replacement" for a felled tree assessed? It is notable that the CAVAT replacement value of one 60-year-old London Plane tree is equivalent to 270 London Plane saplings. The point is we cannot replace mature trees with saplings on a one-for-one basis when the environmental, health, and amenity benefits may not be realised for decades.</p> <p>The SPD objectives seem to make no consideration of meaningful community consultation. This is an important aspect of urban planning generally and improvement of the environment and public realm particularly. The draft SPD speaks of a "partnership approach" between the Council and the development team. This needs to be a partnership between the community, Council, and developers, with the community (those for whose benefit all development must ultimately be and who, after all, pay Council Tax) having primacy.</p>	<p>CAVAT and i-Tree are both very useful and respected applications for assessing trees in somewhat different ways. However, neither are designed for assessing trees on, or adjacent to, development sites. BS 5837:2012 contains the nationally recognised method for assessing trees on development sites.</p> <p>RBKC has for some years used the Forestry Commission's 'Right place, right tree' approach, to ensure that any new tree planting is sustainable. Larger semi mature trees are often planted as a condition of planning permission. The SPD is specifically designed to guide applicants in terms of RBKC's requirements relating to trees and development. Consultation is key part of all aspects of the planning application process, not just trees. How RBKC publicises planning applications can be found on RBKC's website.</p>
<p><b>Surrey County Council (Amanda Scott)</b></p>	<p>Thank you for consulting Surrey County Council, please note that we do not have any comments to raise.</p>	<p>Noted.</p>
<p><b>Susan Bicknell</b></p>	<p>Yes</p>	<p>Noted.</p>

<b>Sydney St. &amp; District R.A. (R. Alexander)</b>	Yes	Noted.
<b>Sylvia Jay</b>	yes	Noted.
<b>Transport for London (Luke Burroughs)</b>	<p>Transport Trading Limited Properties Limited (TTLP) is pleased to provide its views on the Draft Trees and Development Supplementary Planning Document consultation. Please note that the views expressed in this letter and attachments are those of TTLP in its capacity as a significant landowner and developer only, and do not form part of the Transport for London (TfL) corporate / statutory response. Our colleagues in TfL Spatial Planning may provide a separate response to this consultation in respect of TfL-wide operational and land-use planning / transport policy matters.</p> <p>We support the broad aims of the document and agree that high quality trees should be preserved where possible as part of development. However, this document is in line with adopted Local Plan policy CR6 (Trees and Landscape) (2019) and emerging Local Plan policy GB18 (Trees and Landscape) the draft regulation 19 Local Plan Review (2022) which require the protection of all existing trees in the borough. TTLP do not support the protection of all trees in the borough for the reasons set out below.</p> <p>Historically, a number of trees have self-seeded adjacent to TfL operational land including railway sidings. To protect the safe operation of the railways and wider transport system, it is very important that TfL has control over vegetation and other biodiversity</p>	<p>Noted.</p> <p>This is a private tree management issue and not relevant to trees and the planning application process.</p>

	<p>on its own land. London Underground and other parts of TfL often need to manage trees on operational and adjoining land to ensure the safe running of transportation and to ensure safe access for operational staff to carry out works. This document and Local Plan policies should contain text that recognises that the management of trees may be essential to ensure the safe running of transport infrastructure.</p> <p>It would also be helpful if the document noted that trees on the Transport for London Road Network (TLRN) have been deliberately planted and are owned and managed by TfL. TfL will need to be consulted when any developments affect trees or any other TfL assets.</p> <p>Section 1 of this document should also include an additional paragraph that recognises that applicants can justify the removal of lower quality trees which have low amenity value (and which are not subject to a Tree Preservation Order or within a conservation area) where it would be beneficial for tree/s to be removed in order to achieve the highest levels of sustainability on a site. Just one example might be the removal of lower quality trees with low amenity value to enable optimal brownfield housing development which takes pressure off delivering housing on greenfield sites. In line with paragraph 1.14 of the document, a partnership approach between council officers and developers would be required to ensure the flexibility to enable the highest</p>	<p>Agreed. Section 5 of the SPD provides in depth guidance relating to sustainable tree planting.</p>
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	<p>quality and most sustainable development to come forward on sites in the borough, even if this involved the loss of existing lower quality trees with low amenity value. Where trees were removed, it would be expected that developments provide replacement trees of higher value in more suitable locations.</p> <p>In TTLPs recent representations to the regulation 19 version Draft New Local Plan Review (2022), TTLP suggested that Policy GB18 Trees and Landscape should be amended to include the following:</p> <p>A. The Council will resist the loss of trees of value, based on amenity, historic and ecological value.  “B. Exception to criterion A above will be where:  “1. The tree is dead, dying or dangerous.  “2. The tree is demonstrated as causing significant damage to adjacent structures.  “3. The tree has little or no amenity value.  “4. Felling is for reasons of good arboricultural practice.  “5. The loss of the tree or trees is necessary to achieve other important sustainable development or planning benefit/s.”</p> <p>These suggestions, taken together with the paragraph F requirement for replacement trees and other policies including GB15 which promote urban greening, would provide flexibility to enable sustainable growth in the borough with a green future.</p> <p>The draft SPD should be updated to reflect the points above and enable developers suitable flexibility to</p>	<p>Noted. However, this consultation is specifically for the draft revision of RBKC’s Trees and Development SPD rather than RBKC Local Plan policy. Policy is dealt with through the Local Plan examination.</p> <p>Tree assessment for trees on development sites is addressed within BS 5837: 2012, which is the nationally recognised guidance document for trees on development sites.</p>
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	<p>remove low quality / amenity trees and bring forward high quality sustainable developments which improve the overall biodiversity of a site.</p>	
<p><b>Transport for London (Spatial Planning)</b> <b>(Richard Carr)</b></p>	<p>Thank you for consulting Transport for London (TfL). Below I provide some observations from TfL as the strategic transport provider and the owner and manager of operational transport infrastructure. A separate response has been prepared by Transport Trading Limited Properties (TTLP) (formerly TfL Commercial Development) in their capacity as a potential developer.</p> <p>Historically, trees have been planted adjacent to TfL operational land including railway sidings. To protect the safe operation of the railways and wider transport system, it is very important that TfL has control over vegetation and other biodiversity on its operational land. London Underground and other parts of TfL often need to manage trees on operational and adjoining land to ensure the safe running of services and to ensure safe access for operational staff to carry out works. This document and policy should contain text that recognises that some management of trees may be essential to ensure the safety and integrity of transport infrastructure.</p> <p>It would be helpful if the document noted that trees on the Transport for London Road Network (TLRN) are owned and managed by TfL, and we will need to be consulted when any developments affect trees or any other TfL assets. We can provide more information about how we manage our green estate if required.</p>	<p>Agreed. However, this is a private tree management issue and not relevant to trees and the planning process.</p> <p>Add the following footnote: <i>Transport for London will be consulted by Planning officers where a potential development may affect trees on the Transport for London Road Network.</i></p>

	<p>We currently face a number of issues with development adjacent to the TLRN and so it would be useful if the document could support TfL's work in this area.</p> <ul style="list-style-type: none"> <li>• It's often the case that a realistic assessment of the long-term impacts to street trees on the TLRN isn't carried out properly by developers' consultants. When new buildings are permitted right on the boundary line of the highway it may state in the arboricultural report that retaining adjacent trees is a viable option. However, in reality this doesn't always work when buildings are close to street trees and ultimately it causes a negative impact to the tree and the occupants of the building. This often leads to subsequent requests during the construction phase for pruning works, or even future pressures from occupants of the building for tree removal.</li> <li>• We prioritise the retention of our mature trees on the TLRN wherever possible and don't consider young trees to be a suitable mitigation for the removal of a mature tree.</li> <li>• When proposing new trees within the highway we require a diverse and varied species mix (appropriate to the site) to promote biodiversity and climate change resilience.</li> </ul> <p>Below we provide some detailed comments and queries on sections of text in the draft document</p> <p>1.14-1.17 These are more general considerations</p>	<p>All street trees are considered as part of the planning application process, including TFL trees. We are aware that many street trees are close to new buildings. Proximity of new buildings to tree canopy's is considered as part of any planning application using the recommendations within BS 5837: 2012. It can be the case that trees need to be pruned back from buildings to facilitate temporary scaffolding.</p> <p>Agreed. RBKC adopts the exact same approach and is guided by the recommendations within BS 5837: 2012.</p> <p>Agreed.</p>
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	rather than legal and policy context and could be given a different header.	
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## Section 2: The Pre-Application Stage

**Q2: Is it clear what sort of actions are expected from the applicant to ensure that trees are incorporated into development in the best possible way?**

Respondent Name	Response	Comment
<b>375 Portobello Road Residents' Compact (Ms Jones)</b>	<p>No</p> <p>"Only trees of suitable species are incorporated in the landscape scheme." Need to emphasise that large, broad-leaved trees must be prioritised and their numbers increased. Again, the overall mix of trees in the local Urban Forest must be considered to ensure a rich and diverse habitat for wildlife as well as a pleasing cityscape. Also, who decides which tree species are suitable? The local community should have a voice in tree selection and, if agreement cannot be reached, have the opportunity to appoint their own arboricultural consultant at the developers' expense.</p> <p>As an overarching point, the categorisation of trees as 'A', 'B', or 'C' used in BS 5827:2012 is too broad and ill-defined. The amenity value of every tree should be assessed using CAVAT or iTree. Further, the environmental, social, health, and economic impacts of removing or lessening any area of green space should be assessed. It is</p>	<p>RBKC has for some years used the Forestry Commission's 'Right place, right tree' approach, to ensure that any new tree planting is sustainable. Larger semi mature trees are often planted as a condition of planning permission.</p> <p>The choice of species rests with the owner of the property. RBKC's arboriculturists will insist on revisions if, in their opinion, the chosen species or size of nursery stock is inappropriate for a particular location. We do not consider it would be appropriate for neighbouring residents to decide what species of trees should be planted in a private residence belonging to their neighbour.</p> <p>BS 5837: 2012 is the only nationally recognised document for categorising trees on development sites. CAVAT and iTree are not designed to be used for this purpose.</p>

	<p>important to stress that large and contiguous areas of green space have greater value than small, discrete areas (e.g. green walls, pocket parks, etc.). As an example: 73 mature trees were felled in Athlone Gardens, an RBKC public park. Some (not enough) planting of street trees has taken place in the immediate area but this in no way compensates for the loss of a large number of mature trees in a contiguous green space. Trees planted in hard standings (such as pavements) do less to create a beneficial environment for insect and fungus life than those planted in large and contiguous green spaces).</p>	
<b>Gayle Verdi</b>	Yes	Noted.
<b>Hertfordshire and North London Environment Agency (Scott Hawkins)</b>	N/A	Noted.
<b>Kensington Society (Sophia Lambert)</b>	<p>No We know that some of the following items are dealt with in detail further on, but we think they should be signalled in the Introduction.</p> <p>Para 1.5. This should be stronger – “At the design stage of any new development applicants will be expected to retain existing trees if at all possible and to incorporate them into the new development proposals. Where existing trees are removed, they should be replaced as part of the development.”</p> <p>Para. 1.18: Add “the storage of building materials</p>	<p>Paragraph 1.5 will be amended as follows: <i>“This Council strongly favours tree retention over tree removal and replacement. At the design stage of any new development applicants will be expected to consider retaining existing trees and incorporating them into new development proposals. <b>Where existing trees are removed, they should be</b></i></p>

	<p>and equipment over their root area”.</p> <p>Para. 1.20: it should also be mentioned that the damage to roots also depends on the species of tree. Magnolia soulangeana (very common in RBKC and a major spring amenity) is, for instance, highly sensitive to disturbance of its roots and there are examples of their being weakened by nearby excavation.</p> <p>Para 2.20: “the potential for the restriction of daylight and sunlight into the proposed development (thought in particular needs to be given to the height and width of tree species when fully grown)”</p> <p>Also add new indent: “the potential for the roots of the tree when fully grown to cause damage to buildings or services”.</p> <p>Para 2.23: Add indent: “scaffolding and hoarding”.</p> <p>We think there needs to be more guidance on hard surfacing within RPAs, which in our view should almost always be resisted, not just for the tree’s sake but also to reduce run-off.</p>	<p><i>replaced as part of the development.”</i></p> <p>An extra bullet point to be added to para 1.18: <b>“The storage of building materials and equipment over the root area.”</b></p> <p>BS 5837: 2012 is primarily designed to be used by arboriculturists who will take a tree species tolerance to root disturbance into account when looking at a development proposal.</p> <p>RBKC has for some years used the Forestry Commission’s ‘Right place, right tree’ approach, to ensure that any new tree planting is sustainable. Larger semi mature trees are often planted as a condition of planning permission. Soil type and tree species are considered by RBKC arboriculturists when tree planting schemes are submitted for approval.</p> <p>This has been covered in 2.23: <i>‘Working and access space needed for construction’</i></p> <p>Noted. Due to the general nature of development in RBKC, there is very little new hard surfacing within RPA’s. However, in such instances RBKC will generally stipulate that a no dig cellular confinement system, or similar, is installed.</p>
<p><b>Lucia Scalisi</b></p>	<p>You need to make these intense documents shorter &amp; more amenable for public consumption. More people need to be encouraged to be involved.</p>	<p>Noted. However, this document is specifically designed to be used by arboriculturists, architects, planning consultants etc.</p>

<b>Port of London Authority (Michael Atkins)</b>	Yes	Noted.
<b>Serena Morton Gallery (Serena Morton)</b>	<p>No</p> <p>2.6: "Only trees of suitable species are incorporated in the landscape scheme." Need to emphasise that large, broad-leaved trees must be prioritised, and their numbers increased. Again, the overall mix of trees in the local Urban Forest must be considered to ensure a rich and diverse habitat for wildlife as well as a pleasing cityscape. Also, who decides which tree species are suitable? The local community should have a voice in tree selection and, if agreement cannot be reached, have the opportunity to appoint their own arboricultural consultant at the developers' expense.</p> <p>As an overarching point, the categorisation of trees as 'A', 'B', or 'C' used in BS 5827:2012 is too broad and ill-defined. The amenity value of every tree should be assessed using CAVAT or iTree. Further, the environmental, social, health, and economic impacts of removing or lessening any area of green space should be assessed. It is important to stress that large and contiguous areas of green space have greater value than small, discrete areas (such as green walls, pocket parks, etc.). As an example: 73 mature trees were felled in Athlone Gardens, an RBKC public park. Some (not enough) planting of street trees has taken place in the immediate area but this in no way compensates</p>	<p>RBKC has for some years used the Forestry Commission's 'Right place, right tree' approach, to ensure that any new tree planting is sustainable. Larger semi mature trees are often planted as a condition of planning permission.</p> <p>The choice of species rests with the owner of the property. RBKC's arboriculturists will insist on revisions if, in their opinion, the chosen species or size of nursery stock is inappropriate for a particular location. We do not consider it would be appropriate for neighbouring residents to decide what species of trees should be planted in a private residence belonging to their neighbour.</p> <p>BS 5837: 2012 is the only nationally recognised document for categorising trees on development sites. CAVAT and iTree are not designed to be used for this purpose.</p>

	for the loss of a large number of mature trees in a contiguous green space. Trees planted in hard standings (such as pavements) do less to create a beneficial environment for insect and fungus life than those planted in large and contiguous green spaces).	
<b>Susan Bicknell</b>	Yes	Noted.
<b>Sydney St. &amp; District R.A. (R. Alexander)</b>	Yes	Noted.
<b>Sylvia Jay</b>	Don't know	Noted.
<b>Transport for London (Spatial Planning) (Richard Carr)</b>	<p>2.22 Reads (see 2.5), but should be 2.18. "The TCP should also clearly indicate what trees are proposed for retention/removal"- could add "for reasons unrelated to the development" as development impacts will be covered at a later stage.</p> <p>2.23 "The TCP should also address and provide solutions/justification for...." This reads as the items following the statement should be included within the TCP. As this isn't what's included within a normal TCP rewording it could help avoid confusion.</p>	<p>Sentence in brackets at the end of 2.22 needs to be replaced with the following: <b>(See 2.18 for further guidance on RPA's.)</b></p> <p>Noted. <b>Paragraph 2.23 to be deleted. New paragraph, 2.30, to follow 2.29.</b> (Some re-numbering will be necessary after 2.22)</p> <p><b>The AIA should also consider any potentially damaging activities that may have a detrimental effect on nearby trees and where necessary provide mitigation/solutions. Such as:</b></p> <ul style="list-style-type: none"> <li>• <b>Piling within or close to RPA's</b></li> <li>• <b>Location of service/drainage runs</b></li> <li>• <b>SuDS</b></li> <li>• <b>Ground level changes for hard landscaping within RPA's</b></li> </ul>

		<ul style="list-style-type: none"> <li>• <b>New permanent hard surfaces within RPA's</b></li> <li>• <b>Working and access space needed for construction</b></li> <li>• <b>Tree pruning/removal</b></li> <li>• <b>Building material storage areas (including bunded areas for storing toxic materials that may leach into the soil within RPA's)</b></li> <li>• <b>Location of site huts and worker access</b></li> </ul>
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**Q3: Do you have any other comments about section 2 of the SPD?**

<b>Name</b>	<b>Response</b>	<b>Comments</b>
<b>375 Portobello Road Residents' Compact (Ms Jones)</b>	At every stage the development team should also consider the macro-impacts of their plans on the local area: Is canopy cover and green space being adequately increased overall? Is public amenity value being increased? Are air pollution 'hot-spots' being reduced? Will the design promote mental health for all? Will it enhance local economies and increase property values for all? Will tree retention and planting serve to reduce traffic and on-street parking? Will it help to mitigate flooding in the	Noted. The implementation of sustainable tree planting will help to achieve these aims.

	<p>wider local area? Will it promote and enhance insect and fungus diversity and contribute to the bee super-highway?</p> <p>Provision of 'blue space' and the overall 'blue-green' balance should also be assessed in conjunction with the assessment of canopy cover and green space. It's all about enhancing total impact.</p>	
<p><b>Hertfordshire and North London Environment Agency (Scott Hawkins)</b></p>	<p>We support the Local Planning Authority's guidance for pre-application matters in terms of the scope of this SPD and endorse the importance of considering natural aspects (including tree preservation) at the earliest design stage.</p> <p>We recommend the inclusion of some text around the use of trees and tree-planted areas as a 'natural flood risk management' mechanism. This should be incorporated in the 'pre-application' and 'incorporating trees into development' sections of the document. Further guidance on natural flood risk management can be found in the link below: <a href="https://www.gov.uk/flood-and-coastal-erosion-risk-management-research-reports/working-with-natural-processes-to-reduce-flood-risk#case-studies">https://www.gov.uk/flood-and-coastal-erosion-risk-management-research-reports/working-with-natural-processes-to-reduce-flood-risk#case-studies</a></p> <p>We are pleased to see the inclusion of SuDS guidance in paragraphs 2.27 - 2.29 of the document. We recommend the inclusion of additional text to incorporate appropriate consideration of groundwater quality while</p>	<p>Noted.</p> <p>RBKC has for some years used the Forestry Commission's 'Right place, right tree' approach, to ensure that any new tree planting is sustainable. Larger semi mature trees are often planted as a condition of planning permission.</p>

	preparing a SuDS scheme to ensure that controlled waters are protected in vulnerable areas such as Source Protection Zones (SPZs).	
<b>Port of London Authority (Michael Atkins)</b>	No comment	Noted.
<b>Serena Morton Gallery (Serena Morton)</b>	<p>At every stage the development team should also consider the macro-impacts of their plans on the local area: Is canopy cover and green space being adequately increased overall? Is public amenity value being increased? Are air pollution 'hot-spots' being reduced? Will the design promote mental health for all? Will it enhance local economies and increase property values for all? Will tree retention and planting serve to reduce traffic and on-street parking? Will it help to mitigate flooding in the wider local area? Will it promote and enhance insect and fungus diversity and contribute to the bee super-highway?</p> <p>Provision of 'blue space' and the overall 'blue-green' balance should also be assessed in conjunction with the assessment of canopy cover and green space. It's all about enhancing total impact.</p>	Noted. The implementation of sustainable tree planting will help to achieve these aims.
<b>Susan Bicknell</b>	There should be ongoing inspections but if necessary the true unforeseen circumstances should be taken into account	Noted.
<b>Sydney St. &amp; District R.A. (R. Alexander)</b>	No	Noted.

**Section 3: Incorporating Trees into development - the design stage.**

**Q4: Are the submission requirements for planning applications that relate to trees protection and planting robust and clear?**

Name	Response	Comments
<p><b>375 Portobello Road Residents' Compact (Ms Jones)</b></p>	<p>No</p> <p>3.2: "Applicants must consider tree retention as a high priority at the start of the design process." This wording is weak. I suggest: "Applicants must take a 'trees-first' approach, prioritising tree retention, increased canopy cover (by 10% as a minimum, more in areas of low canopy cover), and enhanced blue-green environment at all stages of the design process".</p> <p>"The benefits provided by a tree is usually proportionate to the size of its canopy." This is true, up to a point. However, social, historical, and cultural value of each tree also needs to be assessed, along with its contributions to pollution and CO2 reduction and biodiversity enhancement (e.g.: many smaller fruiting trees are very important to bird and insect life).</p> <p>"For this reason, it is important to retain and incorporate existing trees within a development." Please strengthen this wording e.g.: "For this reason, it is essential to retain and incorporate existing trees within a development."</p> <p>3.4: "Applicants should submit an Arboricultural</p>	<p>Noted. Stating a minimum 10% of canopy cover is not always feasible. Some residential gardens/courtyards in the borough are too small for any trees. RBKC arboriculturists ensure that revisions are made to tree planting schemes ensuring that sustainable tree planting schemes are implemented.</p> <p>BS 5837:2012 is the only nationally recognised method for assessing trees on development sites as part of the planning process. It is used countrywide by local authorities.</p>

	<p>Impact Assessment (AIA) that should include the following:</p> <ul style="list-style-type: none"> <li>• Topographical Survey (See paragraph 2.10)</li> <li>• Tree Survey (See paragraph 2.13)</li> <li>• Tree Constraints Plan/statement (See paragraph 2.22)</li> <li>• Tree Protection Plan (See paragraph 3.5)</li> <li>• Tree planting and landscape proposals (See paragraph 5.0)"</li> </ul> <p>PLUS</p> <ul style="list-style-type: none"> <li>• Plan to increase overall canopy cover by minimum 10% or greater in areas of low canopy cover.</li> <li>• Proposals to increase public green space.</li> <li>• Comprehensive whole-area environmental assessment considering air quality improvement, CO2 reduction, traffic reduction, biodiversity enhancement, blue-green environment, public amenity, physical and mental health enhancements, economic benefits, social benefits, historical context, future sustainability.</li> </ul>	<p>Paragraph 3.4 refers to the AIA requirements within BS 5837: 2012. These cannot be revised by RBKC.</p>
<p><b>Canal &amp; River Trust London (Claire McLean)</b></p>	<p>For canalside developments, new trees should be provided well back from the canal edge to avoid any damage to the waterway wall from future root growth.</p> <p>Roots should be contained with appropriate root protection to protect the waterway wall and towpath from damage by future root growth.</p> <p>Tree species should be native, but not species</p>	<p>Noted.</p>

	<p>that are known to damage waterway walls as their roots seek the water – such as Willow.</p> <p>I hope these comments are helpful. Please feel free to contact me if you have any other queries about the Grand Union Canal or waterside landscaping.</p>	<p>Native species are not always the most suitable particularly in their adaptability to climate change. It is important that newly planted trees survive, regardless of their provenance.</p>
<b>Gayle Verdi</b>	Yes	Noted.
<b>H Wagon</b>	Yes	Noted.
<b>Kensington Society (Sophia Lambert)</b>	Yes	Noted.
<b>Lucia Scalisi</b>	<p>No</p> <p>Not robust enough.</p> <p>Developers get away with far too much. RBKC is a push over when it comes to making developers improve the environment.</p> <p>Trees should be an inclusion in Every developers proposal - not something overlooked &amp; ignored.</p> <p>Trees and space should be requirements in the space new buildings take up.</p>	Noted.
<b>Port of London Authority (Michael Atkins)</b>	Yes	Noted.
<b>Serena Morton Gallery (Serena Morton)</b>	<p>No</p> <p>3.2: "Applicants must consider tree retention as a high priority at the start of the design process." This wording is weak. I suggest: "Applicants must take a 'trees-first' approach, prioritising tree retention, increased canopy cover (by 10% as a minimum, more in areas of low canopy cover), and enhanced blue-green environment at all stages of the design process".</p>	<p>Noted.</p> <p>Noted. Stating a minimum 10% of canopy cover is not always feasible. Some residential gardens/courtyards in the borough are too small for any trees. RBKC arboriculturists ensure that revisions are made to tree planting schemes ensuring that sustainable tree planting schemes are implemented.</p>

	<p>"The benefits provided by a tree is usually proportionate to the size of its canopy." This is true, up to a point. However, social, historical, and cultural value of each tree also needs to be assessed, along with its contributions to pollution and CO2 reduction and biodiversity enhancement (e.g.: many smaller fruiting trees are very important to bird and insect life).</p> <p>"For this reason, it is important to retain and incorporate existing trees within a development." Please strengthen this wording e.g.: "For this reason, it is essential to retain and incorporate existing trees within a development."</p> <p>3.4: "Applicants should submit an Arboricultural Impact Assessment (AIA) that should include the following:</p> <ul style="list-style-type: none"> <li>• Topographical Survey (See paragraph 2.10)</li> <li>• Tree Survey (See paragraph 2.13)</li> <li>• Tree Constraints Plan/statement (See paragraph 2.22)</li> <li>• Tree Protection Plan (See paragraph 3.5)</li> <li>• Tree planting and landscape proposals (See paragraph 5.0)"</li> </ul> <p>PLUS</p> <ul style="list-style-type: none"> <li>• Plan to increase overall canopy cover by minimum 10% or greater in areas of low canopy cover.</li> <li>• Proposals to increase public green space.</li> </ul>	<p>BS 5837:2012 is the only nationally recognised method for assessing trees on development sites as part of the planning process. It is used countrywide by local authorities.</p> <p>Paragraph 3.4 refers to the AIA requirements within BS 5837: 2012. These cannot be revised by RBKC.</p>
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	<ul style="list-style-type: none"> <li>• Comprehensive whole-area environmental assessment considering air quality improvement, CO2 reduction, traffic reduction, biodiversity enhancement, blue-green environment, public amenity, physical and mental health enhancements, economic benefits, social benefits, historical context, future sustainability.</li> </ul>	
<b>Susan Bicknell</b>	Don't know	Noted.
<b>Sydney St. &amp; District R.A. (R. Alexander)</b>	Yes	Noted.
<b>Sylvia Jay</b>	Yes	Noted.
<b>Transport for London (Spatial Planning) (Richard Carr)</b>	<p>3 Due to the nature of London clay soil it may be prudent to include a note about considering this factor into the foundation design, especially when existing trees are in proximity to the development.</p> <p>3.4 No mention of trees for removal/retention and pruning due to impacts from development</p> <p>3.7 Suggest adding additional info such as temporary access within CEZ</p> <p>3.8 Could include TfL highway trees, as we will need to see a TPP during the consultation</p>	Noted. However, this is a building control matter.

**Q5: Do you have any further comments on section 3?**

<b>Name</b>	<b>Response</b>	<b>Comments</b>
<b>375 Portobello Road Residents' Compact (Ms Jones)</b>	Trees do not live in isolation. Nor do people. A whole-system assessment is necessary.	Noted.
<b>Hertfordshire and North London</b>	N/A	Noted.

<b>Environment Agency (Scott Hawkins)</b>		
<b>Kensington Society (Sophia Lambert)</b>	No	Noted.
<b>Lucia Scalisi</b>	<p>A Buildings borders should express space &amp; aesthetics, not every square centimetre taken up by a buildings perimeter.</p> <p>New ideas need to be thought of.</p> <p>The world has changed but RBKC planning is still enabling developers and their investors to dictate outdated planning regimes - more offices anybody?</p> <p>We do not need more office space.</p> <p>We need broader covered sidewalks - weather is changing, more rain more sun. Loggia's can be attractive and amenities to our streets.</p> <p>Please Stop enabling developers taking over pavements &amp; roads to expanded floor plans that are of benefit to no one but themselves.</p> <p>A loggia development means building development can take place WITHIN the perimeter of development not in public streets &amp; pavements.</p> <p>A loggia is then an amenity, a place to walk, to shelter &amp; to plant.</p> <p>Please tell me someone has new ideas!? recent developments are turning our borough into an ugly horror story from the past - rbkc is looking like ....Croydon.</p>	Noted.
<b>Port of London Authority (Michael Atkins)</b>	No comment	Noted.

<b>Serena Morton Gallery (Serena Morton)</b>	<ul style="list-style-type: none"> <li>• Comprehensive whole-area environmental assessment considering air quality improvement, CO2 reduction, traffic reduction, biodiversity enhancement, blue-green environment, public amenity, physical and mental health enhancements, economic benefits, social benefits, historical context, future sustainability.</li> </ul> <p>Trees do not live in isolation. Nor do people. A whole-system assessment is necessary.</p>	Noted.
<b>Sydney St. &amp; District R.A. (R. Alexander)</b>	No	Noted.

#### Section 4: Implementation of Planning Controls

#### Q6: Do you have any comments on section 4?

Name	Response	Comment
<b>375 Portobello Road Residents' Compact (Ms Jones)</b>	<p>I have concerns in several areas.</p> <p>4.1: It seems that once planning permission has been granted, the Council may be unwilling or reticent to attach further conditions. Whilst the ability to attach conditions is a useful tool that should be retained by the Council, it is preferable is strenuous efforts are made to put forward a plan that is beneficial to all at the outset.</p> <p>4.6: "Where a breach of any tree protection related planning condition is identified, the Council will take appropriate enforcement action. This may include serving a 'Stop Work Notice' on</p>	<p>In the context of this SPD, planning conditions are attached for the purpose of protecting existing trees and ensuring that new sustainable tree planting schemes are implemented.</p> <p>Temporary Stop Notices are already used to effectively deal with any breach of tree protection planning condition.</p>

	<p>a construction site where a contravention has occurred, or the instigation of legal proceedings under Section 210 of The Town &amp; Country Planning Act 1990." Tree retention, protection, and planting has for too long been treated as an optional extra by developers. The Council need to think about how to permanently change this mindset. We need a range of meaningful sanctions. Some examples: Many developers have been known to remove trees prior to applying for planning permission or upon receiving only outline permission. Should this happen, to any extent, it should be made clear that planning permission will be denied and may not be reapplied for until environmental restitution is made. Developers have also been known to clear trees "to facilitate site access and machinery storage" when alternative arrangements are possible but more costly or complicated. This should result in a stop work notice to be kept in place until environmental restitution is made. It has been know for mature trees to suddenly and 'mysteriously' die during development projects. Such tree deaths are often caused by poisoning, root damage, or inserting copper nails into trees. In Sydney many local councils require such dead trees to be left permanently in place, with "environmental crime scene" notices and orange tape attached, so as to negate any benefit to developers resulting from inexplicable tree deaths.</p>	<p>In reality it is extremely unusual, in RBKC, for trees to be illegally poisoned, damaged or removed before a planning application is made, or during the construction phase. Most trees in the borough have statutory protection due to being in a conservation area or being under a TPO.</p>
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	The Council must take an imaginative and robust approach to sanctions for environmental harms, which have been the norm for too long. Also, local residents must have the option to appoint their own independent arboriculturist to supervise work, at the developers' expense.	
<b>Hertfordshire and North London Environment Agency (Scott Hawkins)</b>	N/A	Noted.
<b>Kensington Society (Sophia Lambert)</b>	No	Noted.
<b>Lucia Scalisi</b>	See above - RBKC planning regimes are outdated. We need weather protection, better aesthetics & an office building MORATORIUM whilst planners review their training and ideas for a brighter future in our Cities. As buildings are land banks for people who never even come here then turn them into small park spaces whilst someone (!) comes up with something better relating to the world we now find ourselves in.	Noted.
<b>Port of London Authority (Michael Atkins)</b>	Support section 4	Noted.
<b>Serena Morton Gallery (Serena Morton)</b>	4.1: It seems that once planning permission has been granted, the Council may be unwilling or reticent to attach further conditions. Whilst the ability to attach conditions is a useful tool that should be retained by the Council, it is preferable that strenuous efforts are made to put forward a	In the context of this SPD, planning conditions are attached for the purpose of protecting existing trees and ensuring that new sustainable tree planting schemes are implemented.

	<p>plan that is beneficial to all at the outset.</p> <p>4.6: "Where a breach of any tree protection related planning condition is identified, the Council will take appropriate enforcement action. This may include serving a 'Stop Work Notice' on a construction site where a contravention has occurred, or the instigation of legal proceedings under Section 210 of The Town &amp; Country Planning Act 1990." Tree retention, protection, and planting has for too long been treated as an optional extra by developers. The Council need to think about how to permanently change this mindset. We need a range of meaningful sanctions. Some examples: Many developers have been known to remove trees prior to applying for planning permission or upon receiving only outline permission. Should this happen, to any extent, it should be made clear that planning permission will be denied and may not be reapplied for until environmental restitution is made. Developers have also been known to clear trees "to facilitate site access and machinery storage" when alternative arrangements are possible but may be more costly or complicated. This should result in a stop-work notice to be kept in place until environmental restitution is made. It has been known for mature trees to suddenly and 'mysteriously' die during development projects. Such tree deaths are often caused by poisoning, root damage, or inserting copper nails into trees. In Sydney many local</p>	<p>Temporary Stop Notices are already used to effectively deal with any breach of tree protection planning condition.</p> <p>In RBKC it is actually extremely unusual for trees to be illegally poisoned, damaged or removed before a planning application is made or during the construction phase. Most trees in the borough have statutory protection due to being in a conservation area or being under a TPO.</p>
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	<p>councils require such dead trees to be left permanently in place, with "environmental crime scene" notices and orange tape attached, so as to negate any benefit to developers resulting from inexplicable tree deaths.</p> <p>The Council must take an imaginative and robust approach to sanctions for environmental harms, which have been the norm for too long. Also, local residents must have the option to appoint their own independent arboriculturist to supervise work, at the developers' expense.</p>	
<b>Susan Bicknell</b>	Firm action should always be taken	Noted.
<b>Sydney St. &amp; District R.A. (R. Alexander)</b>	No	Noted.
<b>Sylvia Jay</b>	Quite right!	Noted.
<b>Transport for London (Spatial Planning) (Richard Carr)</b>	<p>4.2 This section could be strengthened to highlight the importance of producing and most importantly adhering to an AMS. It should also make it clear that the applicant can demonstrate that the work can be undertaken with minimal impact to the trees. Consider adding- should include: List of contact details for relevant parties. Auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision. Removal of existing structures and hard surfacing.</p>	Noted. Site monitoring is already included in Tree Protection Plans where it deemed necessary.

## Section 5: New Tree Planting

### Q7: Do you have any comments on section 5?

Name	Response	Comment
<p><b>375 Portobello Road Residents' Compact (Ms Jones)</b></p>	<p>5.1: "Wherever possible the Council will seek the retention of existing trees. However, where tree removal has been justified and agreed, appropriate replacement tree planting must be provided in order to maintain and expand canopy cover within the borough." Again, this wording is weak. Try this: "The Council will take a 'trees first' approach in all planning decisions that prioritises the retention of existing trees. Any tree removal must be fully justified and agreed with the Council and local community. If any tree removal is agreed, appropriate and agreed replacement tree planting must be provided in order to maintain and expand canopy cover within the immediate local area and the wider borough as a whole. If the removal of a large tree is agreed to be essential, then consideration must be given to replanting that tree, and adequate lead-time, planning, and preparation allowed for this work to be undertaken, under the supervision of an expert arboriculturist. Where a large tree is felled, it must be replaced with a number of semi-mature trees (min trunk diameter 20cm) of a total equivalent</p>	<p>Any tree removal to facilitate development will have to be agreed by RBKC and in accordance with the assessment parameters within BS 5837: 2012.</p> <p>RBKC has for some years used the Forestry Commission's 'Right place, right tree' approach, to ensure that any new tree planting is sustainable. Larger semi mature trees are often planted as a condition of planning permission.</p>

	<p>amenity value (calculated using CAVAT to iTree)."</p> <p>5.10: This paragraph, taken as a whole, provides a great deal of leeway for developers to avoid planting large woodland varieties of trees. The Council must insist that provision be made for the plating and retention of such trees as they are of the highest value. If necessary, plans must be altered to allow for large trees. The Council might adopt a formula that mandates, e.g., X large trees per square 100m. Developers should not be able to duck the requirement to plant and maintain large trees.</p> <p>To reduce the heat island effect: If a development includes the planting of trees in streets, piazzas, or other public realm spaces, large trees should be spaced &lt;10 metres apart, or &lt;5 metres in the case of smaller trees. Consideration should also be given to tree grouping and the use of espaliered trees, pergolas, and large climbing vines in narrow spaces.</p> <p>Species selection and tree placement should be agreed with residents and local stakeholders. If agreement cannot be reached, residents should have the ability to appoint their own arboriculturist, at the developers' expense.</p> <p>There should be an assumption that the Council will always use planning conditions to ensure that</p>	<p>This paragraph simply informs applicants that new trees must be planted if trees are removed. The tree planting is guaranteed by use of a planning condition.</p> <p>Tree planting in the public highway within RBKC is organised and implemented by RBKC arboriculturists rather than developers. Spacing of trees can be affected by many factors, such as the presence of underground services, driveway crossovers, existing street furniture etc.</p> <p>RBKC has for some years used the Forestry Commission's 'Right place, right tree' approach, to ensure that any new tree planting is sustainable. Larger semi mature trees are often planted as a condition of planning permission.</p> <p>The choice of species rests with the owner of the property. RBKC's arboriculturists will insist on revisions if, in their opinion, the chosen species or size of nursery stock is inappropriate for a particular location. RBKC does not believe it would be appropriate for neighbouring residents to decide what species of trees should be planted in a private residence belonging to their neighbour.</p>
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	<p>new trees are planted to increase canopy cover, unless in wholly exceptional circumstances.</p> <p>Trees that die within the first 5 years will need to be replaced and then maintained for a further 7 years from the date of planting, then 10 years, then 15 years, and so on. This escalating sanction will provide a positive incentive for developers to care for trees.</p>	<p>RBKC's existing tree planting condition states the following: <i>"Any trees or shrubs which, within a period of five years from the first planting and seeding season referred to above, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species."</i></p>
<p><b>Canal &amp; River Trust London (Claire McLean)</b></p>	<p>For canalside developments, new trees should be provided well back from the canal edge to avoid any damage to the waterway wall from future root growth.</p> <p>Roots should be contained with appropriate root protection to protect the waterway wall and towpath from damage by future root growth.</p> <p>Tree species should be native, but not species that are known to damage waterway walls as their roots seek the water – such as Willow.</p> <p>I hope these comments are helpful. Please feel free to contact me if you have any other queries about the Grand Union Canal or waterside landscaping.</p>	<p>Noted.</p> <p>Native species are not always the most suitable particularly in their adaptability to climate change. It is important that newly planted trees survive, regardless of their provenance.</p>
<p><b>Hertfordshire and North London Environment Agency (Scott Hawkins)</b></p>	<p>We welcome the reference made to the RBKC's Local Biodiversity Action Plan in paragraphs 5.7 – 5.9 of the document. We are also pleased to see the inclusion of the text around species selection in terms of climate change and biodiversity net gain in paragraphs 5.8 and 5.10.</p>	<p>Noted. <a href="#">A link to RBKC's Local Biodiversity Action Plan will be added for reference.</a></p>

	We recommend that a link to the RBKC's Local Biodiversity Action Plan is provided in Appendix 4 or any other relevant section of the SPD to ensure ease of access.	
<b>H Wagon</b>	I am happy that the council is implementing right tree right place policy and would ask that you consider planting more flowering cherry trees where conditions allow.	Noted.
<b>Kensington Society (Sophia Lambert)</b>	Para 5.1: "However, where tree removal has been justified and agreed, appropriate replacement tree planting will be required in order to maintain and expand canopy cover within the borough."	Noted.
<b>London Parks and Gardens (Hazel Morris)</b>	We make the following comments about new tree planting: 5 – New Tree Planting In addition to the factors to be considered when planning a tree planting scheme should be added a statement that development proposals should ensure that sufficient provisions have been made to ensure long-term maintenance. We also highlight that we consider there should be consideration of the views into and out of the development site.	Noted. This is something that RBKC's arboriculturists already consider when assessing submitted tree planting schemes.
<b>Lucia Scalisi</b>	Its easy to know what trees need, we need more people who want to SEE more trees planted in our borough. It seems easy to continually dig up roads to replace utilities - make the same requisition for trees.	Noted.

<b>Port of London Authority (Michael Atkins)</b>	Support section 5	Noted.
<b>Serena Morton Gallery (Serena Morton)</b>	<p>5.1: "Wherever possible the Council will seek the retention of existing trees. However, where tree removal has been justified and agreed, appropriate replacement tree planting must be provided in order to maintain and expand canopy cover within the borough." Again, this wording is weak. Try this: "The Council will take a 'trees first' approach in all planning decisions that prioritises the retention of existing trees. Any tree removal must be fully justified and agreed with the Council and local community. If any tree removal is agreed, appropriate and agreed replacement tree planting must be provided in order to maintain and expand canopy cover within the immediate local area and the wider borough as a whole. If the removal of a large tree is agreed to be essential, then consideration must be given to replanting that tree, and adequate lead-time, planning, and preparation allowed for this work to be undertaken, under the supervision of an expert arboriculturist. Where a large tree is felled, it must be replaced with a number of semi-mature trees (min trunk diameter 20cm) of a total equivalent amenity value (calculated using CAVAT to iTree)."</p> <p>5.10: This paragraph, taken as a whole, provides a great deal of leeway for developers to avoid planting large woodland varieties of trees. The</p>	<p>Any tree removal to facilitate development will have to be agreed by RBKC and in accordance with the assessment parameters within BS 5837: 2012.</p> <p>RBKC has for some years used the Forestry Commission's 'Right place, right tree' approach, to ensure that any new tree planting is sustainable. Larger semi mature trees are often planted as a condition of planning permission.</p> <p>This paragraph simply informs applicants that new trees must be planted if trees are removed. The tree planting is guaranteed by use of a planning condition.</p>

	<p>Council must insist that provision be made for the planting and retention of such trees as they are of the highest value. If necessary, plans must be altered to allow for large trees. The Council might adopt a formula that mandates, e.g., X large trees per square 100m. Developers should not be able to duck the requirement to plant and maintain large trees.</p> <p>To reduce the heat island effect: If a development includes the planting of trees in streets, piazzas, or other public realm spaces, large trees should be spaced &lt;10 metres apart, or &lt;5 metres in the case of smaller trees. Consideration should also be given to tree grouping and the use of espaliered trees, pergolas, and large climbing vines in narrow spaces.</p> <p>Species selection and tree placement should be agreed with residents and local stakeholders. If agreement cannot be reached, residents should have the ability to appoint their own arboriculturist, at the developers' expense.</p> <p>There should be an assumption that the Council will always use planning conditions to ensure that new trees are planted to increase canopy cover, unless in wholly exceptional circumstances.</p> <p>Trees that die within the first 5 years will need to be replaced and then maintained for a further 7 years from the date of planting, then 10 years,</p>	<p>Tree planting in the public highway within RBKC is organised and implemented by RBKC arboriculturists rather than developers. Spacing of trees can be affected by many factors, such as the presence of underground services, driveway crossovers, existing street furniture etc.</p> <p>RBKC has for some years used the Forestry Commission's 'Right place, right tree' approach, to ensure that any new tree planting is sustainable. Larger semi mature trees are often planted as a condition of planning permission.</p> <p>The choice of species rests with the owner of the property. RBKC's arboriculturists will insist on revisions if, in their opinion, the chosen species or size of nursery stock is inappropriate for a particular location. RBKC does not believe it would be appropriate for neighbouring residents to decide what species of trees should be planted in a private residence belonging to their neighbour.</p> <p>RBKC's existing tree planting condition states the following: "<i>Any trees or shrubs which, within a period of five years from the first planting and seeding season referred to above, die, are removed,</i></p>
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	then 15 years, and so on. This escalating sanction will provide a positive incentive for developers to care for trees.	<i>or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species."</i>
<b>Susan Bicknell</b>	If new trees are planted their care and upkeep must be made mandatory	RBKC's existing tree planting condition states the following: " <i>Any trees or shrubs which, within a period of five years from the first planting and seeding season referred to above, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species."</i>
<b>Sydney St. &amp; District R.A. (R. Alexander)</b>	No	Noted.
<b>Transport for London (Spatial Planning) (Richard Carr)</b>	5.8 "the effects of climate change and biodiversity net gain" should BNG be biodiversity? Or is the BNG assessment a factor? 5.10 "Species selection should also consider the effects of climate change and biodiversity net gain". Again, should BNG just be biodiversity?	This relates to the Biodiversity Action Plan rather than the Trees and Development SPD.

## Overall SPD

### Q8: Is there anything else you would like to be added to the SPD?

Name	Response	Comment
<b>375 Portobello Road Residents' Compact (Ms Jones)</b>	<p>Yes All the points made above, and below.</p> <p>Also, underground services should be designed to take account of future tree planting and growth (e.g.: clearly delineated and well thought through schemes for cabling rather than just laying it down the centre of footpaths, which then precludes future tree planting.</p>	<p>Statutory undertakers have a legal right to install services in the public highway without requiring permission from the local authority.</p>
<b>Gayle Verdi</b>	<p>Yes Maintenance of street trees, especially installation of open pipes beside newly planted trees to facilitate watering in times of drought. And a watering regime for such low rainfall times.</p>	<p>All newly planted street trees are planted with a leaky pipe installed around the root ball. RBKC already has a watering programme in place for young trees. Establishment rates for new street trees is above 90% in RBKC.</p>
<b>Hertfordshire and North London Environment Agency (Scott Hawkins)</b>	<p>No</p>	<p>Noted.</p>
<b>H Wagon</b>	<p>No</p>	<p>Noted.</p>
<b>Kensington Society (Sophia Lambert)</b>	<p>Yes Palm trees There are quite a few large palm trees in gardens in the borough which we consider are an amenity. Many people are not aware that palms are not regarded as trees and are therefore not subject to protection. We think this document should have an explanatory paragraph on palms and should</p>	<p>Noted. Palms are not botanically considered to be trees. Therefore, they cannot be considered a constraint on development within the parameters of BS 5837: 2012.</p>

	<p>make clear that, even though there are no requirements covering them, the Council nevertheless favours the retention of large specimens of amenity value.</p> <p>Rules on private trees when not part of a development.</p> <p>This document replaces Chapter 4 of the 2005 Tree Strategy. That document also has a chapter on privately owned trees which explains the rules on pruning and felling. This is generally still valid. But we think it would be useful for the current draft document to be expanded to include it (with any appropriate amendments – we may have some to suggest). Like that, there would be one to-go-to document on all matters concerning private trees. (if it would be improper to include matters dealt with under trees legislation in an SPD, then this part could be in an annex with an explanation.)</p>	<p>The Trees and development SPD is supplementary to The Tree Strategy, which will be reviewed at some time in the future.</p>
<b>Lucia Scalisi</b>	<p>Reduced new building perimeters &amp; add trees &amp; broader covered sidewalks.</p> <p>A moratorium on new builds to enable a proper review of developers plans.</p> <p>Make trees an absolute essential requirement within any &amp; every new build &amp; refurbishment.</p>	Noted.
<b>Lucia Scalisi</b>	Yes	Noted.
<b>Port of London Authority (Michael Atkins)</b>	No	Noted.

<b>Serena Morton Gallery (Serena Morton)</b>	Yes All the points made above, and below.  Also, underground services should be designed to take account of future tree planting and growth (e.g.: clearly delineated and well thought through schemes for cabling rather than just laying it down the centre of footpaths, which then precludes future tree planting).	Noted, although it is the utility providers that deal with underground services, and they have a statutory duty to maintain services. The Council has no control as to where cabling is laid.
<b>Susan Bicknell</b>	No A list of appropriate trees should be available.	To be agreed between the applicant and RBKC.
<b>Sydney St. &amp; District R.A. (R. Alexander)</b>	No	Noted.
<b>Sylvia Jay</b>	No	Noted.

**Q9: Do you have any other comments on the SPD?**

<b>Name</b>	<b>Response</b>	<b>Comment</b>
<b>375 Portobello Road Residents' Compact (Ms Jones)</b>	It's a good start but this SPD has significant weaknesses. The wording needs to be strengthened and tightened throughout to make	The SPD is designed to ensure that developers are aware of RBKC policy and requirements for submitting planning

	<p>the intention clear and remove any potential loopholes.</p> <p>RBKC should make an up-front statement that it takes a 'trees first' approach. That trees are not decorative items, an inconvenience, or an afterthought, but that they are valuable and essential urban infrastructure, hence must take priority over all other considerations. Developments must be designed around existing trees and not the other way around. Developers should no more be allowed to destroy important trees that they would be allowed to destroy, say, a gas main.</p> <p>Trees in the future do not equal trees now, and mature trees cannot be replaced on a one-for-one basis. Developers need to understand the true value of mature trees, and this can most simply be done by calculating their amenity value in monetary terms. The SPD should mandate a method for doing this using either CAVAT or iTree.</p> <p>Given the enormous environmental, health, social, economic, historic, and cultural value of trees, justification for removing every single tree must meet a very high bar indeed. All development must ultimately be for the benefit of the wider community (who, after all, pay the Council Tax), hence the community must be meaningfully involved in decisions about trees,</p>	<p>applications in relation to trees. In addition to the SPD, the use of planning conditions and planning enforcement, when necessary, ensures that there are no loopholes in the system.</p> <p>Agreed. BS 5837: 2012 ensures that this is the case.</p> <p>CAVAT and i-Tree are both very useful and respected applications for assessing trees in somewhat different ways. However, neither are designed for assessing trees on, or adjacent to, development sites. BS 5837:2012 contains the nationally recognised method for assessing trees on development sites.</p>
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	<p>green space, and the built environment.</p> <p>Individual tree retention and planting needs to be planned in the wider context of the local environment, blue-green provision, increasing population, overall enhancement of biodiversity, air quality, traffic reduction, shared street use, CO2 reduction, green and blue ribbons, local economy enhancements, crime reduction and the London Urban Forest. Every development should contribute at minimum a 10% increase in local canopy cover. In areas where canopy cover is low and the Index of Multiple Deprivation high (these tend to go hand-in-hand), the canopy cover should be increased by significantly more than 10%.</p> <p>Planting of large, broad-leaved varieties must be a priority. There can be no horse-trading on this or let-offs via loopholes.</p>	<p>RBKC has for some years used the Forestry Commission's 'Right place, right tree' approach, to ensure that any new tree planting is sustainable. Larger semi mature trees are often planted as a condition of planning permission.</p>
<b>Gayle Verdi</b>	<p>Thank you for this excellent plan and for all the thoughtful work that has gone into it.</p>	<p>Noted. Thank you.</p>
<b>Lucia Scalisi</b>	<p>As above &amp; that you listen &amp; consider instead of brushing under the concrete.</p>	<p>Noted.</p>
<b>National Highways Limited (Janice Burgess)</b>	<p>Thank you for giving National Highways an opportunity to respond to the draft trees and development SPD.</p> <p>Royal Borough of Kensington &amp; Chelsea, sitting in the heart of London, is far removed from the National Strategic Road Network, for this reason we offer no comment on this current</p>	<p>Noted.</p>

	<p>consultation.</p> <p>As there is no immediate, or close, connection to the National Strategic Road Network spatial planning and development planning issues within The royal Borough of Kensington and Chelsea have no impact on our network. For this reason I request that National Highways is removed from your consultation list for strategic and development consultation matters.</p>	
<p><b>Natural England (Dominic Rogers)</b></p>	<p>Thank you for your consultation on the above dated 14 November 2022, which was received by Natural England on 14 November 2022. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.</p> <p>While we welcome this opportunity to give our views, the topic this Supplementary Planning Document covers is unlikely to have major effects on the natural environment, but may nonetheless have some effects. We therefore do not wish to provide specific comments, but advise you to consider the following issues: Green Infrastructure</p>	<p>The Trees and Development SPD is quite specific to trees and the planning process. RBKC's Greening SPD and Biodiversity Action Plan addresses many of your points in great detail. These are the appropriate documents that address your points.</p>

	<p>This SPD could consider making provision for Green Infrastructure (GI) within development. This should be in line with any GI strategy covering your area.</p> <p>The National Planning Policy Framework states that local planning authorities should ‘take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure’. The Planning Practice Guidance on Green Infrastructure provides more detail on this.</p> <p>Urban green space provides multi-functional benefits. It contributes to coherent and resilient ecological networks, allowing species to move around within, and between, towns and the countryside with even small patches of habitat benefitting movement. Urban GI is also recognised as one of the most effective tools available to us in managing environmental risks such as flooding and heat waves. Greener neighbourhoods and improved access to nature can also improve public health and quality of life and reduce environmental inequalities.</p> <p>There may be significant opportunities to retrofit green infrastructure in urban environments. These can be realised through:</p> <ul style="list-style-type: none"> <li>• green roof systems and roof gardens;</li> <li>• green walls to provide insulation or shading and cooling;</li> <li>• new tree planting or altering the management of land (e.g. management of verges to enhance biodiversity). You could also consider issues</li> </ul>	
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	<p>relating to the protection of natural resources, including air quality, ground and surface water and soils within urban design plans.</p> <p>Further information on GI is include within The Town and Country Planning Association's "Design Guide for Sustainable Communities" and their more recent "Good Practice Guidance for Green Infrastructure and Biodiversity".</p> <p><b>Biodiversity enhancement</b></p> <p>This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraph 118 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit.</p> <p><b>Landscape enhancement</b></p> <p>The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and</p>	
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	<p>developers to consider how new development might make a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts.</p> <p>For example, it may be appropriate to seek that, where viable, trees should be of a species capable of growth to exceed building height and managed so to do, and where mature trees are retained on site, provision is made for succession planting so that new trees will be well established by the time mature trees die.</p> <p>Other design considerations</p> <p>The NPPF includes a number of design principles which could be considered, including the impacts of lighting on landscape and biodiversity (para 180).</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p> <p>Should the plan be amended in a way which</p>	
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	significantly affects its impact on the natural environment, then, please consult Natural England again.	
<b>Port of London Authority (Michael Atkins)</b>	No comment - thank you for consulting the Port of London Authority on this consultation.	Noted.
<b>Serena Morton Gallery (Serena Morton)</b>	<p>It's a good start but this SPD has significant weaknesses. The wording needs to be strengthened and tightened throughout to make the intention clear and remove any potential loopholes.</p> <p>RBKC should make an up-front statement that it takes a 'trees first' approach. That trees are not decorative items, an inconvenience, or an afterthought, but that they are valuable and essential urban infrastructure, hence must take priority over all other considerations.</p> <p>Developments must be designed around existing trees and not the other way around. Developers should no more be allowed to destroy important trees than they would be allowed to destroy, say, a gas main.</p> <p>Trees in the future do not equal trees now, and mature trees cannot be replaced on a one-for-one basis. Developers need to understand the true value of mature trees, and this can most simply be done by calculating their amenity value in monetary terms. The SPD should mandate a method for doing this using either CAVAT or iTree.</p>	<p>The SPD is designed to ensure that developers are aware of RBKC policy and requirements for submitting planning applications in relation to trees. In addition to the SPD, the use of planning conditions and planning enforcement, when necessary, ensures that there are no loopholes in the system.</p> <p>Agreed. BS 5837: 2012 ensures that this is the case.</p> <p>CAVAT and i-Tree are both very useful and respected applications for assessing trees in somewhat different ways. However, neither are designed for assessing trees on, or adjacent to, development sites. BS 5837:2012 contains the nationally recognised method for assessing trees on development sites.</p>

	<p>Given the enormous environmental, health, social, economic, historic, and cultural value of trees, justification for removing every single tree must meet a very high bar indeed. All development must ultimately be for the benefit of the wider community (who, after all, pay the Council Tax), hence the community must be meaningfully involved in decisions about trees, green space, and the built environment. Individual tree retention and planting needs to be planned in the wider context of the local environment, blue-green provision, increasing population, overall enhancement of biodiversity, air quality, traffic reduction, shared street use, CO2 reduction, green and blue ribbons, local economy enhancements, crime reduction and the London Urban Forest. Every development should contribute at minimum a 10% increase in local canopy cover. In areas where canopy cover is low and the Index of Multiple Deprivation high (these tend to go hand-in-hand), the canopy cover should be increased by significantly more than 10%.</p> <p>Retention and planting of large, broad-leaved varieties must be a priority. There can be no horse-trading on this or let-offs via loopholes or sloppy wording.</p>	<p>RBKC has for some years used the Forestry Commission's 'Right place, right tree' approach, to ensure that any new tree planting is sustainable. Larger semi mature trees are often planted as a condition of planning permission.</p>
<p><b>Sydney St. &amp; District R.A. (R. Alexander)</b></p>	<p>It is an excellent and well-considered document and will be important in the on-going work of the Royal Borough to improve and protect our trees.</p>	<p>Noted. Thank you.</p>

<p><b>Transport for London (Luke Burroughs)</b></p>	<p>Concluding Remarks  We hope that these submissions are helpful and look forward to continuing our dialogue with the Council. If you need any further information or would like to discuss any of the issues raised in this letter and the attached table, please do not hesitate to contact me or my colleague Brendan Hodges.  We would be grateful to receive confirmation that you have received our representations.</p>	<p>Noted.</p>
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