

Policy & Resources Committee Meeting	
Meeting Date	20 February 2023
Report Title	Petition: Replace trees felled by developers
EMT Lead	Emma Wiggins, Director of Regeneration & Neighbourhoods
Head of Service	Flo Churchill, Interim Head of Planning
Lead Officer	Stuart Watson, Principal Planning Officer
Classification	Open
Recommendations	1. Members are asked to note the petition, and that a Tree Strategy should be prepared.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to bring before the Working Group an e-petition to: *“require the council to ensure that conditions are imposed by Swale Borough Council so that if members are minded to grant consent for planning applications that an equal number of mature trees as those that have to be felled/uprooted for each building development and/or an equal length of hedging as that which has to be removed for each building development are replanted within the footprint of the development i.e. No offsite biodiversity net gain. Ensure that the number of mature trees/length of hedging to be removed is confirmed by the council officers before any planning permissions are granted and that this condition, to replant the same or greater amount of trees/hedges is monitored by Swale Borough Council on an agreed timetable with each developer/builder and published for public scrutiny on the council website. Also to ensure the Planning Dept do not discharge the landscape conditions until the full number of replacement trees/hedging are planted and established.”*
- 1.2 The ePetition ran from 11/03/2022 to 22/04/2022 and has now finished. 279 people signed the ePetition.
- 1.3 Although the blanket approach proposed by the ePetition is understandable, it is not achievable in practice where trees are not covered by Tree Preservation Orders. An alternative approach is suggested whereby the Council will prepare and consult on a Tree Strategy.
- 1.4 A Tree Strategy will enable greater flexibility when considering planning proposals and would provide the opportunity for the Council to align with the Government objectives of having trees at the forefront of plans to achieve net zero emissions by 2050. The scope of the strategy would address the loss of trees and other planting and how all new developments should provide for additional or new trees, groups of trees and hedgerows. It would include detail on site layout and design details, species selection and implementation and management requirements.

2 Background

2.1 According to the petitioners, this ePetition has arisen due to the proposed loss of at least 1,400 trees on the Lady Dane development in Faversham. There is no clear idea how many of the remaining trees lining Love Lane would be felled. This established line of trees (circa 30 years old) is a windbreak and rural historic feature of the eastern boundary between the built up area of Faversham and agricultural land, a visual benefit for the people living in and using the wider area.

2.2 The petitioners have previously sought to make contact with SBC tree warden and KCC Highways to secure the safety of 98 trees but were told nothing could be done. This is because trees are only protected from felling, in law, if they are covered by a Tree Preservation Order (TPO) and even then, applications can be made for their removal.

2.3 The petitioners set out the benefits of trees and express their concern and disappointment regarding the loss of trees in the area and the problems this is creating regarding surface flooding and loss of wildlife habitat.

2.4 The ePetition asks that the Council impose conditions that require felled mature trees and hedgerows to be replaced in equal or greater measure. And that this should be monitored (by SBC) on a timetable agreed with the developer and published on the website. These conditions would then not be discharged until the full number of replacement trees/hedgerows are planted and established.

2.5 With regards to the national policy approach to trees. The NPPF 2021 makes clear the importance of trees and their retention. Paragraph 131 states:

“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible...”

2.6 In May 2021 the Government published the [England Trees Action Plan \(ETAP\)](#), that sets out the long-term, generational vision for the forestry sector to 2050. In the [Response to Third Report of Session 2021–22 - Environment, Food and Rural Affairs Committee \(parliament.uk\)](#) the Government reconfirmed its position to the importance of trees and stated that *“Trees are at the forefront of Defra’s contribution to the Government’s plans to achieve net zero emissions by 2050”*. The Response goes on to outline that in England by 2025 the ETAP supported by the £760 million Nature for Climate Fund will have:

- Trebled tree planting rates, meeting our target of planting at least 7,500 hectares.

- Established a framework for the future of tree planting that will continue into the Environment Land Management programme and beyond.
- Provided significant funding to build nursery capacity, supporting public and private sector nurseries and seed suppliers to enhance the quantity and quality of domestic tree production.
- Published a policy roadmap identifying key actions for Government, the construction sector, the timber sector, and academia to safely increase timber use in construction.
- Seen the first graduates of our new apprenticeship scheme as well as developed new training routes into the forestry sector.
- Built a new Centre for Forest Protection and developed a Woodland Resilience Implementation Plan to improve the ecological condition of woodlands and increase resilience to climate change, pests, and disease.

2.7 The Council is in the process of recruiting a Principal Urban Design and Landscape Officer to join the Planning Services team. The new postholder will be best placed to drive forward a Tree Strategy. The scope of the strategy should address the issues raised in the ePetition and support the delivery of wider objectives, including greater on-site biodiversity net gain, better design quality and placemaking. Once the officer role is filled, a project plan would be prepared to set out the full scope and timescales for the strategy.

3 Proposals

3.1 The proposal is that Members note the ePetition and that a Tree Strategy is to be prepared once the post holder of Principal Urban Design and Landscape Officer is in place.

4 Alternative Options

4.1 Members could choose to disregard the development of a Tree Strategy but this would be a missed opportunity to deliver the benefits of more trees and hedgerows and contribute to the wider objectives of building beautiful and better placemaking.

5 Consultation Undertaken or Proposed

5.1 No consultation has been undertaken or is proposed. The report presents the ePetition and a proposal for addressing the concerns in that petition. Consultation is not necessary at this stage but the Tree Strategy itself would be subject to consultation.

6 Implications

Issue	Implications
Corporate Plan	The proposals support the delivery of Objectives 1 and 2 of the Corporate Plan.
Financial, Resource and Property	Tree Strategy would be prepared using existing resources and would include mechanisms for maintenance costs to be addressed through planning conditions/ S106.
Legal, Statutory and Procurement	None identified at this stage.
Crime and Disorder	None identified at this stage.
Environment and Climate/ Ecological Emergency	The proposals would support the Council to address the Environmental and Climate/ Ecological Emergency.
Health and Wellbeing	None identified at this stage.
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: E-petition - Replace trees felled by developers

8 Background Papers

None.

We the undersigned petition the council to ensure that conditions are imposed by Swale Borough Council so that if members are minded to grant consent for planning applications that an equal number of mature trees as those that have to be felled/uprooted for each building development and/or an equal length of hedging as that which has to be removed for each building development are replanted within the footprint of the development i.e. No offsite biodiversity net gain. Ensure that the number of mature trees/length of hedging to be removed is confirmed by the council officers before any planning permissions are granted and that this condition, to replant the same or greater amount of trees/hedges is monitored by Swale Borough Council on an agreed timetable with each developer/builder and published for public scrutiny on the council website. Also to ensure the Planning Dept do not discharge the landscape conditions until the full number of replacement trees/hedging are planted and established.

This petition has arisen due to the proposed loss of at least 1400 trees on the Lady Dane development in Faversham. The disposal of half the plot to a different developer 6 years after the original planning permission was gained, resulted in confusion regarding the new spine and commercial service roads into the estate (due to the new applicant not having gained planning permission and proposing to change the position of the commercial road) and no clear idea of how many of the remaining 353 trees, lining Love Lane, would be felled, this was originally an established (30 year old) windbreak and rural historic feature of the eastern boundary between the built area of Faversham and agricultural land, a visual benefit for the people living opposite the hedge along Love Lane.

Despite calls to The Tree Warden at SBC and appeals to KCC Highways there was nothing which could be done to save 98 of those trees, which were cut down by order of the landowner on 12/02/22.

The loss of the remaining trees lining Love Lane and also the windbreak field dividers is now in the balance, with the council yet to decide upon the Fernham Homes and Crest Nicholson Phase 2 applications, with the proposed loss of the majority of those 1300 trees.

The drawings in both applications show replanting, but not sufficient to remedy the loss of these trees, in terms of their maturity, their ability to absorb carbon dioxide and provide oxygen, in terms of the insect population living in them that will be lost, as well as all the web of fauna and flora that depend upon the insects/trees as a food supply or for nesting/hibernation. The trees lining Love Lane help to prevent flooding of the road surface. Where the hedging further down Love Lane opposite the cemetery has been removed there have been puddles covering half of the road. The new crossing point over Love Lane

(opposite the Crest Nicholson show home) gets so muddy and in a deep puddle that it cannot be used as a crossing point.

With climate change, sewerage and the new environment bill all being very real pressures on new developments as well as established residents in Swale, we must lay the foundations now for a realistic sustainable future for the coming generations.

60% of the Fernham Homes development in their current proposal is going to be impermeable surfaces. Impermeable surfaces do not absorb water and the water has to go somewhere.

Trees soak up water, they shade, they enrich the soil, they provide habitats, they enrich our air, they provide great biodiversity opportunities.

We must ensure that all new development now retains as many original trees as possible, plus that the onus is on developers to plant as many new trees as are removed.

It is heartbreaking to hear that the council are buying hundreds of new saplings, or using grant money, when thousands of trees are at the same time being killed for housing estates.

This ePetition ran from 11/03/2022 to 22/04/2022 and has now finished.

279 people signed this ePetition.