

Trees SPD - Statement of Consultation:

Respondent	Comment	DCC's Response
City of Durham Trust	The function of trees and woodland in green infrastructure and the importance that this is now assuming in planning and management considerations is now mentioned frequently, but there is still no recognition of the role of trees and woodland in the green belt.	Additional text on the benefits of trees and woodlands including reference to green belt has been given in 2.1
City of Durham Trust	The concentration on trees and woodlands perhaps begs the more wide-ranging question of should there be a Biodiversity SPD? This could deal with all green and blue infrastructure and species loss. Low specie numbers are an increasing issue particularly in the face of increasing climate change. The SPD often makes mention of these factors but there is a more holistic interface with ecosystems that could be explained in a further document.	A Biodiversity SPD is proposed, programmed for 2024.
City of Durham Trust	As can be seen by recent cases nationally in relation to tree loss, there is a further dimension in the appreciation of trees by the general public. We suggested that this might be drawn in under cultural significance, but this has not been added. Similarly, we noted that, following COVID-related lockdowns, the health benefit of green spaces and trees is also being promoted strongly, but there is only a passing mention of this in paragraph 6.43.	Additional text on the benefits of trees and woodlands including reference to health and well-being has been given in 2.1
City of Durham Trust	On a different matter, we advised that a full listing of currently known sources of trees/woodland/hedgerow strategy and management plans would be useful including those of the County Council and University, but there is no mention of the University in the 2nd draft document.	<p>We are not aware of other organisations in Durham having published tree woodland or hedgerow strategies and management plans. The SPD has been further amended to reference the council's own Tree Management Policy (1.31)</p> <p>We are aware that the University has a biodiversity strategy which includes</p>

		reference to trees as do some other organisations or businesses but these are very varied documents that relate primarily to the internal procedures of those organisations. We don't believe reference to them in the SPD could be done with any great consistency or to a particular purpose.
City of Durham Trust	The account of the Council's proposed approach to planning for trees, woodlands and hedges in development is regarded by the Trust as excellent. In the Trust's experience planning applications often stop short at the first stage where only the initial arboriculturist's assessment is submitted; this failure is now tackled in paragraphs 3.5 to 3.7. However, the Trust believes that, in addition, the visual alterations caused by proposed tree work and development need to be presented where the tree setting is crucial to making decisions based on impact.	We believe this issue is best dealt with elsewhere – primarily in para 4.9. Section 3 deals with the more technical aspects of Survey and AIA which follow BS5837 methodology. Aesthetic judgements about setting and visual impact aren't covered by BS5837 and are not generally within the remit or expertise of the practitioners who prepare such documents.
City of Durham Trust	We commented that, as the economic benefit of ecological services becomes more recognised, so should trees be regarded as having identifiable economic value as part of that analysis. This would only be in relation more significant developments where often the job and financial benefits of schemes are automatically taken as overriding other environmental and sustainability concerns. This appears to have not been incorporated in the 2nd draft document.	While we agree with the principle that trees have an economic value, in the absence of an established method for quantifying this we don't believe that the SPD can provide useful guidance on how this should be assessed or taken into account in decision making on individual applications. We have added reference to economic value in general terms in new text in 2.1
City of Durham Trust	We repeat our previous comment that, in relation to Durham City, much of its very valuable tree cover that forms the approaches, inner setting and within the City is self-sown and unmanaged. The health and sustainability of this tree cover is not ensured. There is substantial collective value in the 'ordinary' as	Additional text has been added to 4.10 to capture the point about the value of the ordinary. The management of tree resources generally is beyond the scope of the SPD unless it relates to planning.

	<p>well as the exceptional existing tree assets. The same is true of hedgerows. Management of the 'ordinary' in positive ways should be stressed. When applications are submitted, and the ownership includes such assets they should be drawn into the application under landscaping proposals for management where reasonably justified as nearby or relating to the development. Owners of such assets should take responsibility for their management.</p>	<p>Paragraph 4.17 was amended to respond to the Trusts previous comment and covers the issue of management of assets outside of the site but within the applicants' control: <i>Enhanced management of tree resources controlled by the developer but outside of the site should be considered where appropriate.</i></p>
City of Durham Trust	<p>We would still welcome more on the role of trees in relation to catchment level flood mitigation and prevention and, the role of urban trees in relation to flood prevention and mitigation outside of SuDS areas.</p>	<p>Additional text on the benefits of trees and woodlands including reference to water management and flooding has been given in 2.1</p>
City of Durham Trust	<p>There are references to the need for ongoing management, but the Trust considers that this should be emphasised as being as important as planting on the first instance, with clarity as to the funding for ongoing maintenance over many years ahead. Funding and agreement of responsibility for street trees is also an issue.</p>	<p>Additional text has been added on funding for long term management and funding / responsibility for street trees at 6.116, 6.117 and 6.118.</p>
City of Durham Trust	<p>Paragraph 1.23 begins with The recognises the important contribution that trees,... We imagine that the missing word between The and recognises is Plan.</p> <p>Paragraphs 1.34 to 1.38 seem to be unchanged from the 1st draft and thereby set out the wrong "Next Steps". For example, paragraph 1.34 says This document will be consulted on for a period of 6 weeks from 13 January to 24 February.</p> <p>Paragraph 1.36 says The Trees, Woodlands and Hedges SPD will be taken to the respective Councils' Cabinets for approval before being consulted on for a further six weeks. This implies that several Councils</p>	<p>Para 1.23 has been amended to correct this omission.</p> <p>Paragraphs 1.34 to 1.38 removed from final draft.</p>

	and several Cabinets are involved. Is that being the intended meaning?	
Durham University	The updates to the SPD are welcomed by the University and provide additional clarity. The references to the National Design Code are also welcomed and the University seeks to ensure that the University Estate achieves well-designed places and streets with green infrastructure and street trees where appropriate which can assist with biodiversity and improving air quality.	Noted
Durham University	As noted in the April 2023 representations, Durham University takes its duties as a centre of learning, neighbour and employer seriously and strives to make a positive impact in the world. The University has introduced a new biodiversity strategy (Enhancing Biodiversity at Durham 2022-2032) and are working to enhance the University and Durham City as a place within which wildlife can prosper and where staff, students and the local community can work, study and live within an engaging and healthy environment. The University's Biodiversity Strategy will be embedded into all relevant University processes and to maintain and enhance biodiversity across the University Estate a set of principles has been established which includes measures such as: planting native and high-value species, wherever possible, in new developments; establishing and maintaining native hedges; managing grassland not used for sport to enhance biodiversity; incorporating, where possible, biodiversity friendly measures into new buildings; increasing the number of bug, bat and bird boxes on the University Estate; retaining all standing and fallen deadwood in situ unless a danger to the public. As such, there	Noted

	is general support for the proposals within this draft SPD.	
Durham University	The updated SPD provides clarity on the 15m woodland buffer, clarifying that this is measured from the boundary fence of the woodland rather than the canopy edge but also allows for an element of flexibility on a site-by-site basis. The flexibility is welcomed however, as outlined in the previous representations, it is considered that the buffer should align with Natural England and Forestry Commission advice, which states that a buffer should be '15 times larger than the diameter of the tree or 5 metres from the edge of the tree's canopy, whichever is greater'.	As noted in the response to the University's similar comments in the previous SOC, the 15m buffer zone referenced in 4.26 does align directly with FC and NE advice in respect of Ancient Woodland. The reference in that guidance to '15 times larger than the diameter of the tree or 5 meters from the edge of the tree's canopy, whichever is greater', relates to ancient and veteran trees, and not to ancient woodland. This is set out in paragraph 4.4 A typo in 4.26 signposting para 6.4 in error has been amended.
Durham University	As outlined in the previous representations, Durham University suggested that the SPD should seek for planned swales / SUDS to include some semi-permanent standing water in their bases which would assist in reaching new wetland targets, with little impact elsewhere and prevent them ending up as low amenity grassland. The default position in relation to demolition and construction activities being outside of the RPA of trees and hedges to be retained is noted and supported in principle. However, the SPD should allow sufficient flexibility to allow for a more tailored approach to development in locations where development is more tightly constrained, for example allowing for hand dug or no dig solutions. We would therefore request that the above is reflected in the final version of the SPD.	As noted in the response to the University's similar comments in the previous SOC this SPD covers Trees, Woodlands and Hedges, and does not cover the design of SuDS other than in respect of tree planting. It is not within the scope of this SPD to make recommendations about the design of SUDS other than in respect of trees, woodlands and hedges. In respect of RPAs, As noted in the response to the University's similar comments in the previous SOC the SPD follows the advice given in BS5387 (2012) which does allow for the flexibility described. This is referenced in paragraphs 3.34. 3.35, and 3.53-3.55
City of Durham Parish Council	We are delighted to see that you have now referenced the Ecological emergency declared by DCC, in 1.29 and applaud the production of a	Noted. It is not within the scope of this SPD to deal with protection of Green Belt however additional text on

	Local Nature Reserve Recovery Strategy. We appreciate that this SPD forms part of DCC's response to the Ecological emergency. However, we would welcome more reference to the protection of our threatened Green Belt.	the benefits of trees and woodlands including reference to green belt has been given in 2.1
City of Durham Parish Council	However, although the necessity for planned maintenance is frequently mentioned, as are the needs for a regime of maintenance and management plans, we still do not feel that this is sufficiently explicit. Nor do we believe that this is necessarily always the responsibility of the Council. We believe that developers should produce and fund management plans and preferably provide DCC with a revenue stream for this purpose for 25 years, to support such maintenance.	Additional text has been added at 6.116 to 6.118. It reflects the council's current requirements for commuted sums representing 15 years maintenance where land is adopted and requirements of developers where land isn't adopted by the council.
City of Durham Parish Council	Our major concern here is that there is a serious lack of information relating to the obligations on developers in terms of the ongoing maintenance of new trees and the replacement of trees which either die prematurely or which have completed their life span. The County Council is surely building up huge future maintenance costs and issues for itself if this is not addressed. Regular maintenance is necessary to support, manage and protect trees – and residents – and we fear that DCC will not have the necessary resources to provide this. We suggest therefore, that developers should produce and fund management plans and preferably provide DCC with a revenue stream for 25 years, to support such maintenance.	Additional text has been added at 6.116 to 6.118. It reflects the council's current requirements for commuted sums representing 15 years maintenance where land is adopted and requirements of developers where land isn't adopted by the council.
City of Durham Parish Council	We welcome the stringent regulations relating to TPOs and the clarification that this provides. Will new trees planted as part of developments or to line streets be automatically protected with a TPO? Does DCC have sufficient resources to ensure enforcement and monitor	New trees will not automatically be protected by TPO but additional text has been added at 7.15 to clarify that the council may use TPO to protect them where it is considered necessary.

	recompense in cases where a TPO has been ignored and work fatally carried out without the council's knowledge?	Enforcement of TPO is covered by the existing planning budget.
City of Durham Parish Council	With regard to non-woodland trees, we would query whether the wording at CDP policy 40 could be strengthened: at present, the statements are that 'new development would not be permitted that would result in the loss of, or damage to, such trees unless the benefits of the proposal clearly outweigh the harm' and that 'proposals for new development will be expected to retain existing trees where they can make a positive contribution to the locality or to the development.' These are rather vague, qualitative statements which an unscrupulous developer would be able to present arguments to counter.	It is beyond the scope of the SPD to change the wording of CDP policies.
City of Durham Parish Council	Although at 4.26, the following paragraph has been added: "The boundary of the woodland is generally taken to mean the boundary fence, where one exists, rather than the canopy edge, but all need to be determined on a site-specific basis. For ancient or veteran trees on the edge of ancient woodland see also section" - 6.4 does not appear to cover this however? Also, though we welcome the inclusion of the buffer zone, we feel it needs greater detail and clarification. Where does the proposed 15 metre buffer start from the tree – is it from the crown?	The reference to 6.4 is a typo and should refer to 4.4 which sets out the requirements in respect of ancient and veteran trees. It has been corrected . The 15m (minimum) buffer zone for ancient woodland recommended in national guidance is from the boundary of the woodland which usually means the boundary fence where one exists but needs to be determined on a site by site basis as set out in 4.26.
City of Durham Parish Council	We welcome and agree with your policy of planting a new tree for every tree felled: given the climate crisis, and the known positive benefits of trees, might the Council consider planting TWO trees for every one felled and is it possible to add some further information or conditions on the maturity of these trees, in order to avoid a mature tree	Para 4.14 sets out that the aim of replacement planting should be to ensure that there is no overall reduction in canopy cover, or the contribution made by trees to amenity in the locality and that both should be restored within a reasonable timescale. We believe that canopy cover and

	with huge carbon capture capability being replaced with tiny whips?	contribution to amenity are the best indicators of what the objectives should be rather than number of trees giving differences in size. A new sentence has been added: <i>The canopy of a large tree can't be replaced within a reasonable timescale by planting a single tree, irrespective of the size of planting stock. Achieving a 'like for like' replacement of tree canopy will often require the planting of multiple trees</i>
City of Durham Parish Council	We note that Durham County Council's Policy for Tree Maintenance in 2020 is due for renewal and is not yet renewed. Is it your intention that this SPD will replace this policy?	The Council's tree Management Policy has been recently updated (March 2024). Its focus is on the management of trees owned by the council and references this SPD where necessary. It is now referenced in 1.32
City of Durham Parish Council	There is no mention of control of weeds, other than by mulch or weed control fabrics around the base. This would be a perfect opportunity to ban the use of glyphosates around the base of trees and alongside hedges. This practice of spraying causes many of our residents great distress, harming the community planting which they voluntarily undertake in their localities.	As noted in the previous round of consultation we don't consider it within the scope of the SPD to ban the use of weedkillers.
City of Durham Parish Council	Leading on from this, we also believe that the huge value to general wellbeing of residents through contact with trees and woodlands, could be more forcefully referenced. All our residents value highly the open spaces and wild nature areas which they can visit. The wider benefit of trees in the prevention and management of possible flooding should be mentioned. Engagement with local communities, many of whom have also formed 'Friends of.....' groups would also be advantageous, as for example already happens in Kepier Woods,	Additional text on the benefits of trees including reference to health well-being and community activities including friends groups has been added at 2.1

	The Scrambles , Flass Vale and Pelaw Woods.	
Belmont Parish Council, Gilesgate Residents Association, Belmont & Gilesgate Neighbourhood Plan Working Group	We commend the overall quality of the SPD and would like to acknowledge the positive steps taken, particularly in referencing the Ecological Emergency declared by Durham County Council in Section 1.29 and the introduction of a Local Nature Reserve Recovery Strategy.	Noted
Belmont Parish Council, Gilesgate Residents Association, Belmont & Gilesgate Neighbourhood Plan Working Group	Our main concern is that there is a lack of explicit information regarding the obligations on developers for the ongoing maintenance of new trees and the replacement of those that may perish prematurely. We do not believe this burden should fall on the Council and instead propose developers should produce and finance management plans, providing a revenue stream to DCC for ongoing maintenance for a period of 25 years so as to ensure green spaces are properly maintained to a high standard.	Additional text has been added at 6.116 to 6.118. It reflects the council's current requirements for commuted sums representing 15 years maintenance where land is adopted and the requirements of developers where land isn't adopted by the council.
Belmont Parish Council, Gilesgate Residents Association, Belmont & Gilesgate Neighbourhood Plan Working Group	We welcome the regulations concerning Tree Preservation Orders (TPOs), but seek clarification as to whether trees planted as part of developments or along streets automatically receive TPO protection. Additionally, we are concerned that the Council has sufficient resources for enforcing TPOs and monitoring compliance.	New trees will not automatically be protected by TPO but additional text has been added at 7.15 to clarify that the council may use TPO to protect them where it is considered necessary. Enforcement of TPO is covered by the existing planning budget.
Belmont Parish Council, Gilesgate Residents Association, Belmont & Gilesgate Neighbourhood Plan Working Group	With regards to non-woodland trees, we recommend strengthening the wording in the NPPF and CDP Policy 40 to prevent unscrupulous developers from presenting arguments against preserving trees.	It is beyond the scope of the SPD to change the wording of NPPF or CDP policies
Belmont Parish Council, Gilesgate Residents Association, Belmont & Gilesgate Neighbourhood Plan Working Group	We recommend addressing the issue of weed control within this SPD, particularly banning the use of glyphosates around the base of trees and hedges, in line with community concerns.	As noted in the previous round of consultation we don't consider it within the scope of the SPD to ban the use of weedkillers.

<p>Belmont Parish Council, Gilesgate Residents Association, Belmont & Gilesgate Neighbourhood Plan Working Group</p>	<p>We advocate a more robust reference to the value of trees and woodlands in enhancing residents' well-being, preventing flooding, and engaging with local communities through initiatives like 'Friends of...' groups.</p>	<p>Additional text on the benefits of trees including reference to health, well-being, flooding and community activities including friends groups has been added at 2.1</p>
<p>Belmont Parish Council, Gilesgate Residents Association, Belmont & Gilesgate Neighbourhood Plan Working Group</p>	<p>The document's thoroughness and comprehensive approach is welcomed particularly, integrating references from other relevant sources into the planning process, including Neighbourhood Plans.</p>	<p>Noted</p>