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Trees, planning and localism – from little acorns to green infrastructure?

Ian Phillips MRTPI, CMLI
Landscape and Planning Consultant

Good morning ladies and gentlemen. It's a great privilege to be speaking at the Arb Association's National Conference - and to be doing so in such interesting times.

Once upon a time, when I was quite young, I gave up a career in banking and became a planner and landscape architect - because I thought I could become rich and famous and make the world a better place. Such is the folly of youth – not only do bankers get to have a significant say in where the world is going, but they also get Christmas bonuses for doing so.

But you are concerned with trees - and amenity trees in particular. You get out into the real world, you get to play with some interesting kit, You probably get invited to the best parties. There will surely always be a need to pay handsomely for your skills and services.. And the work you do is, on the whole, good for the environment

In recognition of this, the planning system has been a good friend to amenity arboriculture for 50 years. But is this set to continue?

The title of my talk was set some time ago, before the government's planning reform proposals were published, and it was conceived in a spirit of optimism. In the light of more recent events, I am going to start by giving you the bad news, then some good news and finally some thoughts of my own for the future.

First, I need to set the scene with an overview, and please bear with me - I will relate this back to trees.

The government is finding itself in a bit of a pickle over its proposals for planning reform. An early sign of problems was when Bob Neill, Minister for Local Government gallantly defended the government's beleaguered position from critics, stating

"This is a carefully choreographed smear campaign by leftwingers based within the national headquarters of pressure groups."

Since then, George Osborne, Eric Pickles and Greg Clark have joined the battle, stating that there will be no U-turn on planning reform. My experience is that such statements tend to be an encouraging indicator of U-turns to come. David Cameron remains detached for now - but watch the party conference.

So who are these enemies of the state, seeking to subvert the wishes of our sovereign government? They now include The National Trust, the Campaign to Protect Rural England, the Woodland Trust, the RSPB, an increasing number of Shire district and parish councils, The Countryside Alliance, English Heritage, The Daily Telegraph Bill Bryson and Hugh Fearnley-Whittingstall. Jedward have not yet declared their position. And two days ago, the Policy Exchange also declared its opposition, saying Ministers have got it wrong. (In case you didn't know, this is the centre right think tank that was responsible for initiating the concept of planning reform)

These bodies, along with professional institutes such as the RIBA, RTPI and the LI, have not traditionally been seen as enemies of the government or the Conservative Party nor as left-wing extremists.

Now, Ministers are saying that all these people and organisations either have not read or do not understand the NPPF. Ministers are alternately providing verbal reassurances regarding its intentions and abusive comments aimed at its critics. The critics, who include a number of planning barristers and other professionals, are responding by saying that they have indeed read and do understand the words in the NPPF, possibly in greater detail than ministers. Charles Mynors may have more to say to you on this in his presentation tomorrow.

The problem is that the words that are in the NPPF do not match with ministers' reassurances nor are they likely to deliver the government's stated objectives. We appear to be heading towards an era of 'unintended consequences'.

As a statement of national policy, the draft NPPF already carries some weight in planning decisions, Alongside this there is draft legislation in the shape of the Localism Bill, statutory regulations affecting local plan preparation and proposals to streamline the TPO system (Peter Annett will tell you more about this tomorrow). There are further proposals planned to increase the scope of 'permitted development' thus removing the need to apply for planning permission, and to relax the requirements established by Building Regulations.

The government's stated objectives include

- streamlining and simplifying the planning system to enable it to be better understood by the public
- encouraging support for development by local people through empowering neighbourhood and community groups
- enabling communities to become developers themselves; and,
- stimulating sustainable development, especially housing – whilst claiming that, apparently sustainable development is the same as economic growth

The NPPF emphasises a presumption in favour of development. Where a local plan is absent, silent or indeterminate, permission will be granted. There will be many such situations, particularly as most authorities (>70%) do not currently have up to date adopted plans or are having to redraft them in the light of the reforms. This looks like a big green light for developers.

Once the NPPF is adopted all existing PPGs and PPSs and a number of advisory circulars will be cancelled. Over 1000 pages of guidance reduced to 55. This will, apparently, simplify the system and aid understanding by ordinary people. It will certainly mean the disappearance of a huge amount of valuable information and guidance on specialised topics, including climate change, open space, the countryside and design standards. These have evolved over the past 20 years or so through practical experience and extensive consultations.

Some people forecast that it may result in huge local plans, each one reprinting and reinterpreting former national guidance to be applied locally.

Brevity does not necessarily lead to clarity. Many lawyers are looking happily expectant.

So what does all this mean for trees?

Well, for openers, the Localism Bill establishes the concept of Neighbourhood Plans and Neighbourhood Development Orders, making it clear that, once adopted, these will effectively supersede a Local Plan and allow development to proceed. **In these cases, the Bill explicitly proposes to remove the duty, under S.197 of the 1990 Planning Act, to consider the planting or protection of trees.**

Incidentally, the cost of preparing a neighbourhood plan has been estimated to average £63k. A recent poll indicates that only 4% of respondents say they are very likely to get involved in a neighbourhood plan. However, luckily, neighbourhoods can include businesses. So I think we can expect to see many new neighbourhoods flying flags labelled Persimmon, Barratt, Taylor Wimpey and Tesco in this new locally led system. And trees may not be their first priority.

The NPPF is itself silent on trees, other than setting out the importance of protecting ancient woodland and aged or veteran trees from loss. Does anyone know what an aged tree is? – I have found no definition. Now this protection is subject to a caveat: “unless the need for, and benefits of, the development in that location clearly outweigh the loss”. This is part of the green content that was clearly supposed to keep the Woodland Trust happy, although they too are highly critical of the proposals as drafted.

The silence of the NPPF on trees more generally is, in my view, a significant threat. Local Authorities can continue to make and manage TPOs, and trees in Conservation Areas will remain protected. But the presumption in the NPPF is that, where a local plan is absent, silent, indeterminate or out of date, planning authorities must say ‘yes’ to development proposals, provided they conform with the NPPF. And planning permissions do of course over-ride TPOs and Conservation Area protection status

Now the NPPF does state that this presumption will not apply when *‘the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.’*

But as the NPPF has nothing to say on trees and the document as a whole clearly emphasises the importance of encouraging development, it could be argued that the loss of trees for development cannot possibly outweigh the benefits of e.g. new housing.

And there’s another problem. Current Government guidance advises that, where the information accompanying a planning application is inadequate, the application should still be validated and registered. Any request for further information should not stop the clock in considering applications within the statutory time limit. Now where an authority might expect a detailed tree survey to be submitted as essential information prior to considering proposals, this may no longer apply. This in turn may imply that, in some cases, local authorities may need to undertake their own BS5837 surveys rather than developers.

Now the NPPF does appear to take a strong approach on biodiversity. It says:

“if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”

But who decides what counts as significant harm? And, if the loss of trees or habitat does count as significant harm, then as a last resort, a developer may offer financial compensation, perhaps negotiated around a Helliwell tree valuation. Possibly cheap at the price.

All this must be viewed against a backdrop of a recession, public sector cuts, a monumentally depressed development market (especially in housing) and, for the first time, the introduction of financial considerations into the planning decision process – and the presumption favouring development. So I have some questions to pose.

- Is it possible that some developers, both large and small, will argue that trees are an unacceptable burden or constraint on their proposals?
- Is it possible that some developers will fail to carry out detailed and expert tree surveys prior to submitting their proposals?
- Is it possible that local planning authorities will not have the resources in terms of expertise and time to deal effectively with pressures on trees?
- Is it possible that new trees will not be planted due to constraints on space, building design and cost?.

I think that the answers to these questions are all YES. And if I am right, this is not good news for amenity arboriculture.

So here's some good news – some reasons to be cheerful.

First and foremost, if everything else is being costed and valued, we need to develop economic arguments for what we do and what we care about. And there is a growing body of research evidence and a wider awareness of the practical, functional benefits of trees that we can make use of.

We have Helliwell, CAVAT and i-Tree with its suite of tools. All of these place a clear value on trees and each may be useful in different circumstances. I-tree was used to demonstrate that New York City's 600k street trees are worth \$122m per year and used to justify further spending. Every dollar spent on tree planting provides a return of \$5.6.¹ The i-tree survey has resulted in Mayor Bloomberg deciding to plant a further 220,000 street trees in NYC. In the UK, i-Trees is attracting increasing interest, with a pilot project running in Torbay. You will hear more about this in tomorrow's presentation by Tim Sunderland.

And there are other encouraging signs. The concept of green infrastructure is gathering support. It promotes making the best use of land and argues the case for natural systems to provide a range of sustainable life support services and these services can be valued.

¹ Air pollution absorbed by leaves saved an estimated \$5 million a year; removing carbon dioxide from the atmosphere \$755 million; reduced demand for electricity (by reducing cold winds in winter and adding shade in summer) \$28 million; reducing storm water run off \$36 million.

Trees have a key role here – they are especially relevant in retro-fitting green, organic mass in existing urban areas, making them not only more attractive, but helping to provide resilience to the effects of climate change. Trees also contribute to the liveability – and profitability - of new development. Research at Manchester University has provided evidence that increasing green cover can have a significant effect in cooling urban heat islands, in addition to the more obvious shade and water interception provided by large canopy trees.

Government departments and national agencies are supporting green infrastructure – it's even in the NPPF. The development professions, including planners, architects and surveyors are getting the message. The LI has been promoting gi for 3 years and is co-hosting an event in London in October where Defra and CLG ministers will be announcing a new national Green Infrastructure Partnership and the LI will launch its new guide to Local GI.

And supporting all this we have the recent publication of the National Ecosystem Assessment – a solid body of government-sponsored research which provides data and evidence on ecosystem services. It highlights areas of decline or concern **and** the functional and valuable benefits that can be obtained by working in greater harmony with nature and natural systems.

The Report's recommendations fed into Defra's Natural Environment White Paper, which in turn is supposed to inform national planning policy. It is therefore disappointing that the draft NPPF fails to express this in any meaningful way, but we can hope that this will change in the final version.

There is an opportunity here for the Arb Association to respond to the NPPF consultation, expressing its concerns on the lack of reference to trees and perhaps recommending that local authorities should be encouraged by government to produce tree strategies which would inform development, neighbourhood planning and engage with community groups. It might wish to offer its assistance in preparing guidance for this.

Closer to home, we have seen BS3998 brought up to date - and slightly enlarged. No signs of brevity or simplification here!

We can also look forward to a complete revision of BS5837 due out early in 2012. I believe this will be a significant improvement over the current version, not least because we have received over 1000 comments from the consultation and we are working our way through each of them. And I have to admit, some of the comments are really quite useful, even those that have come from arboriculturists.

And, speaking of arboriculturists, I have some thoughts for you. I don't pretend to be an arboriculturist (except in terms of the BS5837 definition), but, as a landscape architect and a planner, I get to mix with a lot of different people. **I know what I know, and I know better what I don't know by working with people who know better – and that includes arboriculturists.**

I went into a career in landscape because it is, by its nature, broad in its scope and therefore offers opportunities to interfere in and influence all manner of things – even Arb Association conferences. As a member of a professional institute, however, I need to make sure that I do not get involved in matters outside my competence – and I am going to be careful in your company. So I hope I know when to call on ecologists, engineers, soil scientists and other specialists, including arboriculturists.

Now, I have heard some arboriculturists bemoan the lack of expertise or understanding shown by landscape architects on tree issues and that arboriculturists should be involved earlier in the planning and development process. You may find it heartening to know that similar protests are made by some landscape architects, who complain about ill-informed decisions made by planners, architects, quantity surveyors and engineers.

We are not in competition. In fact, we need each other – and we need to engage constructively with all the other professionals involved in the green, the construction and the development sectors, with a mutual respect for each other's roles and expertise.

We certainly have some common challenges, such as the implications of planning reform and the aspirations of the development industry. There are people out there who care little for the issues that both sustain and inspire us. In fact, I suspect that trees may be viewed as part of the unacceptable constraints and additional costs that are holding back the nation's economic growth and the aspirations of the housebuilding industry. Tree surgeons and consultants are expensive and sometimes unhelpful to their clients. In contrast, site clearance contractors are relatively quick and cheap in dealing with trees that are in the way.

The public sector cuts are also beginning to bite, depleting resources and potentially dumbing down local authorities with regard to tree management.

There are opportunities, however. There are trends that favour trees. There is the need to respond to climate change and rising energy costs. There is an increasing public and political awareness of the value of urban green – and trees in particular. Look at what happened to the proposals to sell off England's forests – another government proposal that was apparently misunderstood.

We – you – need to capitalise on these trends by promoting the knowledge, expertise and abilities that you can offer. A glance at your conference programme indicates the scope and potential application of this expertise. **And delivery of this will best be enabled, not through isolation or competition, but through collaboration with others. And there are some encouraging signs of this happening.**

The Trees and Design Action Group's first publication was titled No Trees, No Future but this warning message does not appear to have reached all the decision-makers whose actions affect trees. The success of this informal group has been based on its ability to provide a forum for disparate organisations who don't usually talk to each other, but who share an interest in trees. Members include representatives from arboriculture, landscape, engineering, development, insurance, utilities, conservation and more.

The ICF conference earlier this year attracted many built environment professionals alongside foresters. I think the conference benefited hugely from this and the ICF appeared to be very pleased to be attracting such a wide audience.

One of the key principles of green infrastructure is joined up, cross-boundary working to achieve multifunctional land use. One of its greatest challenges is breaking down the barriers between departments, organisations and narrow interests. When this is achieved, the whole can become more than the sum of its parts.

I see other opportunities and needs for improved communication and collaboration relating to trees. As a Director of the Tree Advice Trust, I believe its future may lie in promoting greater awareness of its role as a technical information resource - providing sound guidance based on evidence, knowledge and research and communicating this not only to the arb sector but increasingly to other professions, organisations and the public – with benefits to the sector as a whole.

The new BS8545 initiated by Keith Sacre, from whom you will hear more later this morning, aims to provide some certainty that trees that are planted do actually become part of tomorrow's landscape. This will rely on many different players, including some with little interest in or knowledge of trees, working together to achieve that aim. BS5837 will only be effective when all of those involved in construction, from planner to digger driver, are aware of and follow its guidance.

We will all be more knowledgeable about trees by tomorrow afternoon than we were this morning. I believe that by promoting, applying and communicating our professional skills and specialist knowledge alongside those of other built and natural environment experts, we can begin to shape, rather than simply react to, the environment of tomorrow. And in doing so, we might become rich and famous - and make the world a better place.

Have a good conference. Thank you.