

Draft TRDC Tree Strategy

2022 – 2027

DRAFT

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Introduction

1. Trees and woodlands are an integral part of our countryside and urban landscapes. They support a wide variety of wildlife and provide many benefits to people's local environment and wellbeing. At global, national and local scale, trees play a key role in combating climate change and air pollution, and can make positive contributions to local economies through sustainable forestry and woodland products.
2. As a landowner, Three Rivers District Council (TRDC) values its remarkable tree heritage and is committed to the management of its tree and woodlands according to current best practice. As a Local Planning Authority (LPA), the Council recognises the importance of its role as a regulator, ensuring that trees of significant public amenity value are protected, and that trees are fully considered during the planning process.
3. The Council is also keen to support other tree owners in the district to plant and care for trees that will benefit local communities, and visitors to the district, over the long term.
4. To ensure that the most pressing issues concerning trees and woodlands in Three Rivers are being addressed, it is important that the Council's resources and actions are focused effectively. The production of a tree strategy is the process by which the Council will assess its roles and responsibilities in relation to trees in the district.
5. The Council's previous Tree Management Strategy (2015-2020) was primarily focused on tree safety. This new strategy is intended to assess TRDC's wider roles and responsibilities; as a landowner; regulator; and advocate for trees.
6. The new tree strategy sets out the Council's approach to a whole range of tree issues, and identifies a number specific and deliverable actions for the Council to achieve over the next five year period (2022-2027). These actions are intended to address many of the aims of the Council's Climate Change Emergency & Sustainability Strategy and serve as a 'road map' towards the sustainability goals of the Council.

Trees and Why They Matter

Climate Change & Pollution

7. With predictions of increasing global temperatures of 4C° by the 2080s, trees provide a significant means of combating climate change. Trees and woodlands represent a substantial 'Carbon Sink' removing and storing CO². Local air quality can be improved by trees, which take up polluting gases and capture microscopic particles, known as particulates from traffic and industry.
8. Wood products harvested from sustainably managed woodlands are renewable, carbon neutral energy sources, which can also reduce carbon emissions by reducing fossil fuel use. Noise nuisance and pollution can be reduced by shelterbelts of trees, particularly low shrubby growth that can be maintained and enhanced by active woodland management.
9. It is possible to calculate the benefits and ecosystem services that trees provide, and value them in monetary terms. This can assist in an evidence based approach to developing urban forestry programs, management plans and projects. However it requires substantial data on the structure and composition of trees and woodlands to be able to accurately measure these benefits.

Action – Commission woodland inventory work to obtain data to feed into a district tree ecosystem services survey.

Biodiversity

10. Trees and woodlands act as 'corridors' allowing wildlife to move between urban green spaces and the wider countryside and they support some of our most distinctive native wildlife, such as Bluebells, Badgers and Stag Beetles.
11. An individual Oak tree can support hundreds of different insects and provide shelter and a source of food for birds such as Tree Creeper; butterflies such as Purple Emperors and legally protected species such as bats. Management of trees collectively as woodland creates a variety of habitats, which can support an even wider range of wildlife.

Recreation & Health

12. Trees are an integral part of our open spaces creating a pleasant environment for walking and cycling, which can benefit people's physical health. Woodlands are a 'natural' play area for our children and can act as an outdoor classroom for school students to learn about the world around them. High quality trails through wooded areas provide attractive routes, encouraging commuting on foot and by bicycle.
13. An attractive wooded landscape can be a calming environment providing a space for stress relieving activities, such as dog walking and horse riding. Involving communities in woodlands and greens spaces, through Friends groups and volunteer activities, can bring local people together; reduce social isolation and improve people's well-being.
14. In urban areas a lack of evapotranspiration and the retention of heat in built structures means temperatures can remain up to 10C° higher overnight. This can have serious implications for human health and has been linked with higher death rates in urban

areas. Tree cover helps reflect heat and provide shade making the urban environment a more pleasant place for residents, particularly in the summer months

Landscape

15. The landscape can be significantly enhanced by the well-planned planting of appropriate species of trees, and with good design pleasant views can be created and enhanced. Screening urban areas with new trees provides attractive landscapes and creates 'Green Infrastructure' for people and wildlife. Trees can also benefit water quality by filtering pollutants and can help reduce surface water flooding by slowing the runoff of rainwater.

Economic

16. Mature trees have long been known to increase the value of property, with housing in wooded environments attracting greater interest from buyers. Urban areas with extensive treescapes have been found to attract more inward investment than those without.
17. Trees can shelter buildings from cold winds and severe weather, helping to reduce heating costs and exterior maintenance. The cost of managing wooded public open space is less than maintaining large expanses of short grass, particularly when wooded areas are managed to produce saleable woodland products.

TRDC owned Trees

Safety

18. The District Council is a significant landowner and is responsible for a large number of parks, woodlands, nature reserves and play areas. These open spaces all contain large numbers of trees, in a variety of forms, including veteran specimens, conifers, woodland, orchard and formal avenues.
19. The vast majority of these open spaces are publically accessible and many sites receive large numbers of visitors every year. Much of the Council's land is also bordered by residential property, roads and footpaths.
20. The Council has a responsibility to ensure that its trees do not pose an undue risk to people and property. The Health and Safety Executive and The National Tree Safety Group advise that tree owners should have some form of risk-based tree safety strategy in place.
21. Based on historical guidance, the Council has undertaken formal inspections of its tree stock at approximately three year intervals, with reactive inspections when issues with trees have arisen.
22. However, national good practice guidance has changed and now advises that tree safety inspection should be risk-based, with the rigour and interval of inspections based on level of risk trees may pose.
23. Larger sites may also be zoned, with areas of particular risk being inspected more frequently, and any potential risks identified being abated with higher priority.
24. These formal tree safety inspections will be recorded using a computerised database known as Ezytrees. This system will also be used to record tree works required and produce works orders for contractors.

Action - Set up tree database (Ezytrees) training for key users within the Council

Work priority

25. High priority safety works will either be rectified the day they are observed, or the immediate drop zone cordoned off until the tree can be made safe.
26. Medium priority works will be undertaken within 1 month of a defect being observed.
27. Low priority, or routine works will be undertaken within 6 months. In this instance competitive quotes for work will be sought from tree work contractors.
28. In future, the key elements of the Council's tree safety strategy will be as follows:
 - To maintain an asset register in the form of a computerised database of the Council's trees & woodlands, with records of inspections; defects observed and works carried out.

Action - Review the Council's tree asset register and add any additional sites

- At an 18 month interval, trees and zones of sites identified as being of greatest risk will be formally inspected by tree safety consultants, and any actionable defects recorded;

Action - Revise the current zoning system prior to the start of a new 18 month inspection cycle

- On an annual basis, the main visitor routes and public areas of the Council's open spaces will be formally inspected by a trained Tree Officer and any actionable defects recorded;

Action - Set up annual inspection and recording process for tree officers

- Any trees in high risk areas with suspected defects will be inspected more thoroughly for signs of internal decay or hidden weaknesses;
- Following inspections, any actionable defects will be rectified in the timescale relevant to the level of risk identified.

29. Allied to these key elements, other elements that will support the strategy include:

- Staff who work on Council-owned open space will receive basic tree inspection training, to increase the likelihood that any issues will be detected at an early stage;

Action - Organise basic tree safety training for relevant TRDC staff

- Planned tree and woodland management works for public access and biodiversity will also seek to deal with potential safety issues at an early stage.

Reactive works

30. In the event that a tree fails, the Council will always have a member of the trees and landscape team available during normal office hours (Mon-Fri, 9am to 5pm) to co-ordinate reactive tree works.

31. Outside of these hours, the Council has an informal process of dealing with trees on Council owned land through the Grounds Maintenance team. However, a more formal system for dealing with issues will be developed as part of the new Tree Strategy.

Action - Establish a formal system of dealing with Council owned trees outside of normal office hours

32. Where deemed by a Tree Officer that work is high or medium priority a call out to one of several vetted tree works contractors will be made. Quotes for work will not be sought, and this work will be spread across contractors as necessary.

33. Three Rivers grounds maintenance team will continue to provide support for dealing with minor tree works, for example where footpaths are blocked by small fallen trees.

34. In the event that a District Council tree blocks, or endangers the highway, Hertfordshire Highways (part of Hertfordshire County Council) will normally undertake the minimum works required to make the tree safe and remove the obstruction. The District Council will then complete the works and removal of any debris.

Management

35. Alongside maintaining a safe tree stock, the Council will undertake management of its trees and woodlands to maintain them in a healthy, biodiverse and resilient condition.
36. However, the Council also recognises that its trees have the potential to cause damage and serious nuisance to its own, and neighbouring property and may, on occasion need to undertake works to trees to abate issues.
37. Following enquiries from residents and the local community regarding Council-owned trees, the Council will inspect and take action where appropriate.

Planned tree works

38. As part of its commitment to maintaining its land for the benefit of biodiversity and public recreation, the Council will continue to develop and maintain detailed management plans for its major woodlands and open spaces.
39. For many years the Council has maintained Forestry Commission format management plans for its major woodland sites. These plans accord with the UK Woodland Assurance Standard and ensure that the Council's woodlands are managed sustainably.
40. These plans are also in line with two of the leading global forest certification schemes; Forest Stewardship Council (FSC) and Programme for the Endorsement of Forest Certification (PEFC).
41. Alongside these plans, the Council also produces GAPs (Green Space Action Plans) for its major open spaces. These plans are designed to; identify a range of biodiversity, access and interpret improvements; consult users and local residents on actions identified; and plan the delivery of identified actions over a five year period.
42. The Council will continue to work in partnership with Hertfordshire County Council's Countryside & Rights of Way Service to develop and deliver the actions identified in these GAPs.
43. The Council's minor open spaces and woodlands do not currently have management plans in place. Planned management of trees in these open spaces will be addressed through development of a basic, generic plan and actions identified in a Biodiversity Opportunities Audit of minor open spaces, currently being undertaken.

Action – Prepare generic management plans for minor open spaces and woodlands

Routine tree works

44. Where tree works are deemed low priority, or routine, contractors who qualify will be required to provide written quotes. The Council currently contracts its tree work out to several local tree surgery firms.
45. To ensure a high standard of work, and safe working practices, the Council will require all contractors undertaking work for TRDC to meet a number of standards, as follow.
 - All staff and operatives should be fully trained and experienced to undertake the works they are involved in.

- Contractors should ensure that an appropriate level of first aid training is maintained on site.
 - Contractors should have a health and safety policy in place.
 - Contractors should have risk assessments in place for the work being undertaken and which are regularly reviewed. Method statements may also be required for major works.
 - Contractors should have suitable levels of insurance for public liability; personal accident; and employer liability.
46. These details will be held on file by the Council, and contractors will be required to provide updated details on an annual basis. Contractors will also be visited, once a year, whilst working on site to ensure they are working in a safe and appropriate way.

Action – Establish process of annual checks of tree contractor’s health, safety and insurance details

Pests & Diseases

47. Trees can be subject to a range of pests & diseases that are detrimental to tree health, and in a small number of cases, can have an impact on human health.
48. The number and range of pests and diseases is thought to have increased in recent decades, due primarily to an increase in the global trade of live plants and wood products. It is also evident that Climate Change is leading to some of these pests and diseases becoming more prevalent.
49. Two pests and diseases currently having most impact on trees in Three Rivers District are Ash Die Back (ADB) and Oak Processionary Moth (OPM).

Ash Die Back (ADB)

50. ADB is caused by an airborne fungus, and affects a range of Ash species (*Fraxinus Sp.*). But notably Common Ash (*Fraxinus excelsior*) our native species, which is widespread across the district.
51. The disease has a high mortality rate (60-70%) rapidly killing saplings and young Ash. In mature specimens, it may re-infect trees in successive years, leading to a gradual decline in health. Eventually trees may succumb to ADB; become infected by other tree pathogens, and/or reach an unsafe condition and have to be felled.
52. Current advice on management of ADB recommends a risk-based approach, only felling trees where their condition poses a safety risk. This approach is also designed to avoid pre-emptive felling which may lead to the removal of Ash trees that may recover from the disease; be unaffected by it; or provide significant biodiversity benefits by being retained as standing deadwood.
53. The Council will manage ADB within the framework of its tree safety strategy, felling and pruning infected trees where they pose an unacceptable safety risk.

Oak Processionary Moth (OPM)

54. OPM is a moth species specific to Oak trees (*Quercus sp.*) thought to have been imported into Britain via infected trees or timber from mainland Europe where it is native. Whilst in some years large infestation can substantially defoliate trees, the moth is primarily an issue for human health.
55. Fine hairs produced by the moth caterpillars as a defence mechanism for their nests can be a serious irritant to human skin and respiratory system, although it is unlikely to result in serious illness in most cases. Animals, in particular people's pets, may also suffer from contact with the hairs.
56. The first reported cases of OPM were in south-west London, from which the Moth has spread across London and the south east. The moth has been present in Three Rivers for several years, and is present on several sites owned and managed by the District Council.
57. OPM is currently a notifiable pest, meaning that landowners are required to report sightings to the Forestry commission (FC). The FC are also currently conducting surveillance of OPM across the region. When detected, the FC will normally issue a plant health notice to the tree owner, which requires them to undertake control of the infestation.
58. Presently the FC are providing financial support to undertake spraying treatment of trees with OPM. However, this treatment can be detrimental to a wide range of Lepidoptera species, and may not be appropriate for use in ecologically sensitive areas, such as nature reserves.
59. OPM nests can be mechanically removed from trees, although this is a more costly form of treatment, which is not financially supported by the FC. In addition, ongoing annual visits are normally required to remove nests from infested trees.
60. The removal, or pruning of infested Oak trees can provide a more permanent control method. In certain situations, such as ecologically sensitive areas with high public use where spraying is not appropriate, tree removal may be the most effective option.
61. It is anticipated that OPM will become more widespread, due to warmer and dryer summers resulting from Climate Change. In future it is likely that control of OPM will be managed via a risk-based strategy, with control limited to areas of highest public use.

Damage, Subsidence & Nuisance

Damage to property

62. The Council recognises that its trees have the potential to cause damage to its own and neighbouring property.
63. Following inspection by a tree officer, where it is clear a Council-owned tree has failed, or a tree's growth is a cause of damage to property, works to trees will be undertaken to remove the failed tree and / or prevent further damage.
64. Where a tree, or tree limb has caused damage, an assessment will be made as to whether the failure was foreseeable, had the tree been inspected prior to the failure.

65. The Council and its insurers will only settle claims for damage where it judges that the likelihood of failure could have reasonably been foreseen due to the poor condition of the tree.
66. Where an apparently healthy tree fails, which could not have been reasonably foreseen, the Council will expect a complainant to make a claim on their insurance, as appropriate.

Subsidence

67. Damage to property can also result from the growth of tree roots drawing moisture from the surrounding soil. This drying can cause a change in soil volume that may cause structures to move, or subside, resulting cracks and other damage visible above ground.
68. However, this type of damage can also be caused by other issues, such as damaged water pipes and drying of soils during the summer months. As a result, any requests for mitigation will need to provide evidence that clearly implicates trees owned by the Council. This could include:
 - A structural engineers report;
 - Seasonal levels monitoring;
 - A heave risk assessment;
 - DNA evidence linking implicated roots to specific trees.

Nuisance issues

69. The Council, as the owner of large numbers of trees receives substantial numbers of requests to prune or fell trees due to nuisance issues. This can include, the shading of gardens; dropping of leaves/twigs/seeds; branches over hanging boundaries; bird mess on cars and patios; and interference of TV or radio reception.
70. The Council will inspect trees on request and assess each case on its own merits. However, the Council will not normally undertake works, unless there is a clear safety issue or high likelihood of damage to property. If residents are unhappy with the outcome of an inspection, they can appeal the decision through the Council's complaints procedure.
71. Under Common Law, landowners have the right to prune branches or encroaching roots that overhang their boundary line. They do not require the tree owner's permission to do this, unless the trees are protected by Conservation Area status or a Tree Preservation Order. The Council can provide this information on request.
72. In some cases the Council may give permission for neighbouring landowners or residents to prune its trees. However, the works must be agreed in advance with the Council, who will issue written permission. Permission will not be given to heavily lop or top trees that will be disfiguring. The Council will also require the works to be carried out by a reputable tree surgeon to British Standard (BS3998) 2010 Tree works – recommendations.

New Planting

73. The Council recently passed a motion on new tree planting, as follows:

'This Council agrees in conjunction with planning permissions granted, to direct our own efforts along with those of our partners including parish and county councils, to do as much possible to plant at least one tree for every new dwelling built and where appropriate replace one tree for every one removed in the District due to poor health or planning needs. Trees to be of native British stock, and full sized not miniature trees.'

74. The Council undertakes a range of new tree planting, including replacements when existing trees are felled; planned woodland and hedge planting identified in Green Space Action Plans; and occasional memorial trees in its open spaces.
75. The majority of the Council's major open spaces already have significant tree cover and high levels of naturally regenerating trees. However, in tandem with the Council's Climate Change Emergency & Sustainability Strategy, new plans are being developed to significantly increase tree cover on its minor open spaces.
76. This could include allowing some areas to regenerate naturally into woodland, alongside the planting of small copses, hedgerows and individual standard trees. These initiatives will aim to involve local communities in realising this increase in tree cover across the district.

Action - Consult on the findings of the Biodiversity Opportunities Audit and develop a five year plan for new tree planting and establishment on minor open spaces

Action – Consider recruiting a community / education officer to work with local communities on new tree planting schemes on TRDC owned land

Species selection

77. Trees currently face a number of threats to their health and longevity, principally from a wide range of pests and diseases; and a changing climate. One of the major aims of increasing tree cover in the district will be to create a resilient tree stock & urban forest, and mitigate against a changing climate.
78. A key means of ensuring that new tree planting is resilient to future threats is through the careful selection of tree species. A widely used adage in arboriculture and forestry for new planting is the 'right tree in the right place'. The choice of trees for new planting will be subject to a number of considerations, such as, landscape character, soil type, growth form and size, and drought tolerance.

Sourcing of tree stock

79. A key means of controlling the spread of tree pests and diseases, is to prevent the import of new pathogens through the movement of tree and plant material. To minimise the risk, the Council will ensure all its tree planting stock is propagated and grown in Britain.

80. Only approved suppliers of plant material that accords with the Forest Reproductive Material Regulations FRM (2002) will be used, and tree stock will be required to have the necessary Plant Passport.
81. In the case of native species, the Council will also ensure that trees are grown from seed collected in Britain. The Forestry Commission recognises a number of Regions of Provenance and Native Seed Zones for native species. Three Rivers district is in Region 40 (south central) and Seed Zone 5.

Species diversity

82. Utilising a wide variety of tree species and minimising single species plantings, reduces the risk of an entire planting scheme succumbing to a species specific pathogen.
83. An approach encouraged by the Forestry Commission for new tree planting is the '10/20/30 rule'. Where no more than; 10% of a particular species; 20% of a particular genus; and 30% of a particular family; should be used in a single planting scheme.

Native species

84. Approximately 10,000 years ago towards the end of the last Ice Age, the land bridge with mainland Europe was eventually extinguished. Plant and animal species thought to have been present in the British Isles at that time are generally considered to be native species. In contrast to non-native species that have been brought to Britain by human activity.
85. Our native trees are generally thought to support the widest range of native animals, as they are adapted to, and have co-existed with each other over thousands of years. In the context of tree planting, our native species are often best suited to the climate and growing conditions found in Britain.
86. However, not all native species are native to all parts of the British Isles, for example, Beech and Hornbeam occur only naturally in the south-east of England, and Scots Pine is thought native to only parts of Scotland.
87. In addition, in the past two thousand years, many tree species have been introduced from around the world, for example the Romans are thought to have brought Sweet Chestnut and English Elm to Britain.
88. Some of these species, such as Sycamore have become naturalised, i.e. they grow, produce seed and spread in a similar way to native species. Whereas, other introduced species may not produce viable seed and be reliant on propagation and subsequent planting.
89. In the majority of situations the use of native tree species will be the most suitable choice as they are most suited to the soil conditions, and fit with the local landscape character.
90. However, there are circumstances when non-native species will be more appropriate. A number of the Council's open spaces have historical arboricultural features, such as the Pinetum at Leavesden Country Park, which is maintained through the planting of replacement Conifers.

91. In addition, in heavily urbanised settings, drought and the 'heat island' effect caused by built structures retaining then emitting heat, may mean that non-native species, more able to cope with warmer, dryer conditions, will provide more resilient tree cover.
92. The long term nature of tree planting and our changing climate will also mean that the climate conditions trees face in the future will be substantially different. As a result, the planting of non-native tree species that grow well in warmer, dryer conditions will be important. This may include species such as Sweet Chestnut, Walnut and False Acacia, which are already widely planted and grow well in Three Rivers.

Establishment

93. A critical aspect of new tree planting is early years' maintenance to ensure that trees establish quickly and thrive. As a general principle, the larger and more mature a tree is at time of planting, the longer it will need to be maintained until fully established.
94. Small bare root whips, typically trees of one to two years of age (approx. 30cm height at time of planting) establish quickly and require relatively little maintenance, other than to ensure they are not swamped by weed growth. Mulching at time of planting can help prevent this and retain moisture in the soil. Fencing or tree tubes to protect trees from browsing animals is also necessary for the first few years, but again this will be installed when the trees are planted.
95. More mature standard trees, typically container grown (approx. 2 metres height at time of planting) require several years' maintenance to fully establish. Most critical to their establishment is regular watering during periods of drought. However also important is the checking and adjustment of supporting stakes to ensure they do not damage the tree as it starts to grow. The subsequent removal of the stakes once the tree is established is also important.

Action – Investigate arboricultural training and development for a member of the grounds maintenance team to specialise in tree establishment and early years' maintenance

Memorial trees

96. The Council currently has a memorial tree scheme which enables local people to remember loved ones by supporting tree planting on TRDC sites. At present people can request a planting from a selection of species on a range of TRDC open spaces.
97. To encourage increased support for tree planting on TRDC open spaces, specific locations for planting will be identified. A range of tree species for these locations will also be selected, enabling people to choose a planting from a pre-determined list.
98. Locations will include a number of TRDC's most popular sites, which have the greatest potential for new planting, including Leavesden Country Park, Chorleywood House Estate, and The Aquadrome.

Action - Develop plans for specific locations and tree varieties for new memorial tree planting and publicise opportunities to encourage support

Protected Trees

99. As a Local Planning Authority (LPA) Three Rivers District Council (TRDC) has statutory powers under the Town and Country Planning Act 1990 to legally protect trees by Tree Preservation Orders (TPOs). The Council is responsible for the making, serving, confirming and revoking of TPOs, and determining and administering applications to carry out works to protected trees.
100. Three Rivers district contains a number of Conservation Areas, which provide protection on all trees within their boundary, other than the smallest of saplings. Tree owners are required by law to notify the Council in writing if they intend to fell or prune trees, giving the Council an opportunity to consider whether the trees should be protected permanently by TPO.
101. Under the Hedgerow Regulations, TRDC also has powers to protect hedgerows in the wider countryside and landowners are required to notify the Council, if they intend to remove a hedge.

Tree Preservation Orders

102. The Town and Country Planning Act 1990, gives LPAs the power to permanently protect trees by the making of a TPO. The Council can protect any species of tree, hedge or shrub with a TPO, but should consider whether these have sufficient public amenity value, and whether it would be expedient to serve a TPO to protect them. In other words, are the trees visible from a publically accessible location, and is there, or could there be, a substantial threat of them being removed.
103. In addition to the landscape value of trees, the Council will also consider whether trees have a biodiversity or heritage value that might warrant their protection by a TPO. Conversely, consideration will also be given as to whether trees are in poor health or condition, or are likely to out-grow their location, which might mean protection is not appropriate.
104. There are four different categorisations that can be used in a TPO document; Individual; Group; Woodland; and Area. Individual category protects single trees whose canopy does not adjoin any others. Group category protects multiple trees which form a single canopy, but where each tree is identifiable. Woodland category protects all named tree species in a woodland setting, including those that may grow up in the future.
105. Area category protects all trees present in a defined area at the time the TPO is served, but not those that may subsequently grow up or are planted within the area. Area TPOs are intended for use on potential development sites for a limited period. TPO guidance recommends that they are replaced with a more specific TPO based on the other three categories.
106. The location of TPOs in Three Rivers district are held on the Council's GIS system and copies of the documents are stored electronically as pdfs. Currently anyone requiring information about a TPO is required to submit a request to the Council for a copy. In the near future the aim is to enable the public, and anyone with an interest in TPO information to access it online via the Council's Ezytree database.

Action - Migrate TPO data to Ezytrees portal to enable public access to TPO information

Making & Confirming TPOs

107. A TPO may be made and served by the Council in a range of circumstances. The Council may seek to protect trees where it becomes aware of a threat to remove important trees; or where it objects to proposed removal, or pruning of trees in a Conservation Area; or in response to a planning application. TPO guidance also encourages LPAs to actively identify important trees for protection within its area of responsibility.
108. Members of the public can also make a request to the Council that a tree is protected by a TPO. The request should be made in writing and include the location of the tree(s) and the nature of any threat to them. Where possible, the species / variety of tree, and the landowner details should also be provided.
109. Having taken the decision to make and serve a TPO, Council officers will draw up a TPO document, which will then be served, on a provisional basis, on the tree owner and any neighbouring landowners who may be impacted by the TPO. To make the TPO permanent the Council must then confirm the TPO within six months of the date it was served.
110. By law the Council is required to allow at least 28 days for any objections to the provisional TPO to be received in writing. If an objection is received within this timescale, the decision to confirm the TPO will be referred to the Council's Planning Committee. The objector, and anyone with an interest in the TPO will have the opportunity to speak in favour, or against confirmation of the TPO at the Committee. If no objections are received the provisional TPO will be confirmed under delegated powers by Council Officers.
111. In the period between serving and confirming the TPO, the Council can also decide to modify the TPO, either adding or removing trees to be protected. However by law, once the TPO has been confirmed no further modifications can be made.
112. Currently the making of a TPO is undertaken by the Tree & Landscape department with support from the Customer Services Centre and Legal departments. The provisional TPO is sealed with the Council's seal at the point it is made. When a TPO is confirmed it is signed by a member of the Legal department. The process will be reviewed as necessary to ensure it is as swift as possible whilst fully complying with TPO legislation.

Action – Review the Council's TPO making process and make changes and improvements, if necessary.

Revoking TPOs

113. The Council also has the powers to revoke (cancel) a TPO where it is determined that the trees in question no longer warrant protection. This may be in instances where trees have died and / or become unsafe and have been removed.

114. As living organisms, trees decline in health, and die over time. As a result TPOs become out of date, as the trees they once protected are removed or fail.
115. The Council will endeavour to carry out periodic reviews of its TPOs to ensure that they are up to date and valid. Where necessary old TPOs will be revoked and, if appropriate new TPOs served which reflect the current state of the trees.

Action - Undertake desk top review of existing TPOs and identify those that require up dating

Action - Develop a capital bid to fund resurveying and serving of replacement TPOs where necessary

Conservation Areas

116. There are currently 22 designated Conservation Areas in Three Rivers District. In Conservation Area all trees with a stem diameter greater than 7.5cm, when measured at 1.5 metres from ground level, are protected. Tree owners are required to provide the Council with six weeks notification in writing, if they intend to prune or fell a protected tree. The Council will assess the tree(s) within this time period and decide whether or not it objects to the proposed works.
117. If the Council does object it may serve a Tree Preservation Order to protect the tree permanently. Alternatively it may, at its own discretion provide the tree owner with the opportunity to withdraw their Notification, and not carry out the works, with the tree continuing to be protected by Conservation Area status.

Carrying out works to protected trees

118. Owners of protected trees must apply to, or notify the Council prior to undertaking any works to trees or works in close proximity to one, regardless of whether a tree is protected by TPO or Conservation Area status. Whilst much of the process is the same, there are important differences.
119. For both TPO trees and CA Notifications, applications can be made either via the 1App form, available to download from the Council's website, or the Planning Portal, an external website which will submit an application to the Council.
120. An applicant does not need to be the owner of a tree, and neighbours and agents can submit an application and notifications to carry out works. However the council will require the owners contact details and will notify them that an application or notification has been submitted.
121. The Council issues a weekly Tree Bulletin to council members and interested parties, listing all the applications and notifications it has received. Each one includes a recommendation from Tree Officers as to whether it should be approved; not objected to; or refused.
122. Once applications and notifications have been determined, a decision letter will be issued to the applicant or their agent. If permission to carry out works is granted or not objected to, the applicant has up to two years from the date of the decision in which to carry out the works.

Determining applications for works to TPO trees

123. The Council has up to eight weeks to determine an application for works to a tree protected by a TPO. If the Council refuses permission the applicant has the right to appeal the decision to the Planning Inspectorate. If the Council does not determine the application within eight weeks, there is no automatic right for an owner to carry out the works. However, the applicant can appeal against the Council for non-determination.
124. The Council can also approve a lesser form of works to that which was applied for, for example to reduce the crown of a tree by up to one metre rather than three.

Determining notifications to undertake works to trees in Conservation Area

125. For Conservation Area protected trees, the Council has up to six weeks to determine notifications. However, unlike TPO trees, the Council simply needs to confirm that it does not object to the proposed works. As previously stated, if the Council does object to the proposals it must either serve a TPO to protect the tree or request that the applicant withdraws the notification. If the Council does not respond to a notification within six weeks, the applicant has the right to proceed with the works.

Replacement Planting

126. If the Council gives permission to fell a tree protected by a TPO it will, in most circumstances place a condition on the approval, which requires the applicant to plant a new tree. The Council will specify the size of tree to be planted, and will normally require the same or a similar species to be planted. If the applicant wishes to plant a different size or species of tree, this must be agreed in writing with the Council. The replacement tree is not automatically protected by the existing TPO, and a new TPO would need to be made.
127. Unlike applications for TPO protected trees, the Council cannot place a condition on a Conservation Area Notification that requires tree owners to plant replacement trees.

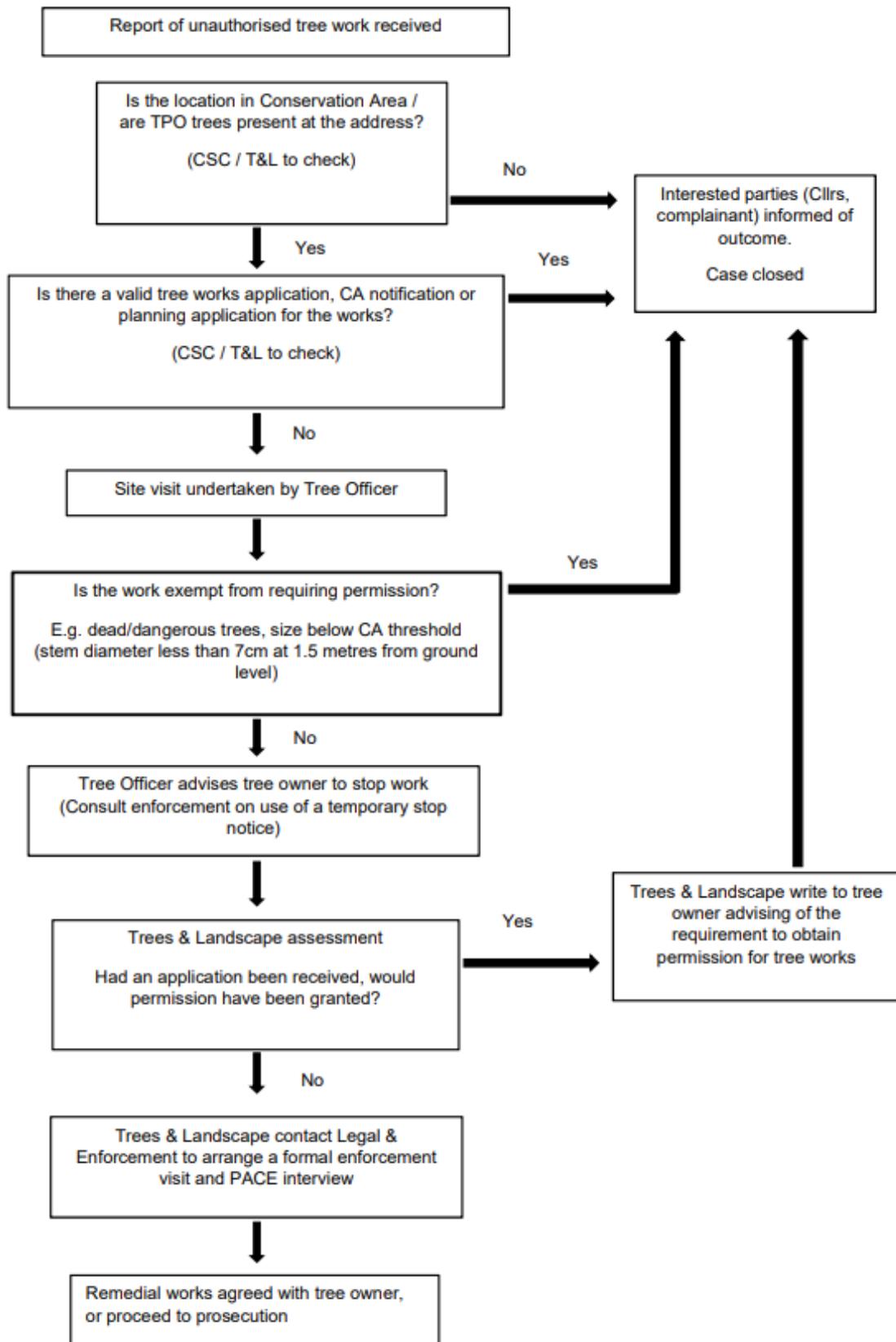
Enforcement

128. The Town and Country Planning Act 1990 gives the Council the powers to prosecute tree owners or persons who undertake unauthorised works to protected trees or cause damage to them. These may be trees protected by a TPO, or trees in a Conservation Area which the Council judges would have warranted protection by a TPO.
129. The Council will investigate any reports received of unauthorised tree work carried out. Figure 1 outlines the Council's process for investigating alleged breaches. In the Magistrates' Court, the maximum penalty is a fine of up to £20,000 per tree for destruction and £2,500 per tree for damage. In the Crown Court, the amount of the fine is unlimited.

Hedgerows

130. The Hedgerow Regulations 1997 give the Council powers to prevent the removal of important hedgerows in the wider countryside. Hedgerows are protected under the Regulations if they are at least 30 years old and either; more than 20 metres long with gaps of 20 metres or less in its length; or less than 20 metres long, but meets another hedge at each end. However, hedgerows are not protected if they border a private residential garden.
131. Hedge owners should make a request in writing to the Council if they wish to remove a hedgerow. The Council has up to 42 days to consider a request to remove a hedgerow, during which time they will consult the relevant Parish Council. If the Council does not respond to a request within 42 days, the hedge owner has the right to go ahead with the removal.
132. If the Council objects to the removal, it will serve a Hedgerow Retention Notice. If a hedge owner disagrees with the decision they have the right to appeal to the Planning Inspectorate within 28 days of receiving a Retention Notice.
133. If a hedge owner removes, or partially removes a hedgerow without permission, the Council may serve a Replacement Notice, if it determines it would have objected to the removal. If the Council does not object, it will issue written permission to remove the hedgerow. Hedge owners have up to 2 years from the date of the written notice to remove the hedgerow.

Figure 1. Enforcement process



Trees and Planning

134. As a Local Planning Authority, the Council is responsible for the assessment and determination of planning applications for new development in the district. Whilst the majority of trees have no specific protection within the planning system, the Council is required to consider the impact on trees and landscape as part of the planning application process.
135. One of the roles of Tree and Landscape Officers employed by the Council is to provide professional advice to the Planning department on tree and landscape matters. In this role, Officers will assess applications against a range of planning policy and guidance and make a recommendation as to whether an application should be approved or refused from a tree perspective.

Planning Policy & Guidance

National Guidance

136. The key piece of national planning policy is the NPPF (National Planning Policy Framework) which sets out the approach LPAs should take to planning matters. The NPPF contains broad statements about the sustainability and good design of new developments. It also seeks to ensure approved developments provide adequate compensation, mitigation and remedial landscaping in respect to trees and landscape.
137. However, with the exception of veteran trees, NPPF has little detailed guidance on planning policy in relation to trees, but puts the emphasis on LPAs to produce and work to their own plans and policies for forward planning and development management.

Three Rivers Statutory Development Plan

138. Three Rivers statutory development plan currently consists of the Core Strategy (2011 – 2026) and Development Management Policies. The Core Strategy sets out the approach to future development. This includes a spatial plan which identifies types of development, e.g. residential, industrial, commercial, etc. that will be allowed in specific areas of the district, and the allocation of areas of open land for new development.
139. The more detailed Development Management Policies (July 2013) contain specific policies that relate to trees and landscaping. New development proposals should comply with these policies, the most relevant of which is DM6 Biodiversity, Trees, Woodland and Landscaping. The Council is currently preparing a new Local Plan which will contain updated policies in relation to trees and landscaping.

BS5837

140. In addition to the policies of the Council, specific guidance in relation to trees and development is provided by the British Standard Institute's BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.
141. This standard provides a framework for the assessment of trees on potential development sites, and a range of detailed guidance on how trees should be protected

from damage during construction. It is the key guidance that planning applications will be assessed against by tree & landscape officers.

142. Where applied correctly, the guidance within BS5837, should ensure that new development results in a positive outcome for trees. The assessment process should identify good quality trees to be retained and protected, and poor quality trees that could be removed. Where trees are scheduled for removal, plans should identify space for new planting.

Application assessment

143. Following the assessment of an application against the relevant policies and guidance, tree & landscape officers are encouraged to make a recommendation to planning officers as to whether a planning application should be approved, or refused from a tree and landscape perspective.
144. On occasion negotiation may be advised, where there is the prospect of making changes to an application that would reduce tree and landscape impacts to an acceptable level, and result in environmental enhancements.

Conditions

145. The Council has the power to attach conditions to approved planning applications. These may be used for a number of purposes, for example, to require the implementation of tree protection measures during construction; to retain existing trees for a time period post-development; and to undertake new tree planting and landscaping as part of the development.
146. Tree & Landscape officers are encouraged to advise on conditions that could be applied to protect trees and ensure development makes a positive contribution to the landscape of the district. The Council currently has a number of standard tree and landscape conditions, which it can apply to developments. In consultation with the planning department, these will be reviewed, and revised if necessary.

Action - Review existing standard tree & landscape conditions and make revisions where necessary

147. Tree & Landscape officers also assess discharge of condition applications in relation to tree protection and remedial landscaping. These will also be assessed against national guidance, local planning policy and comments made at application stage. A recommendation will then be made to planning officers as to whether an application should be approved or refused.

New planting

148. Where approval is given for trees to be removed to facilitate development, the Council will require equitable tree planting in compensation. For example where a large growing species such as Oak is removed, an equally large growing species should be planted. In most circumstances, the number of new trees planted will need to be at least equal to the number removed. Any condition imposed on the planning consent will be detailed regarding any replanting requirements.

Enforcement

149. Where the Council becomes aware of potential breaches of planning conditions in relation to trees, the Tree and Landscape Officer will work closely with Planning Enforcement to investigate and provide technical advice in relation to tree and landscape issues.
150. Where the breach involves protected trees, the process outlined in Figure 1 will be followed.

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Trees in Three Rivers District

151. Despite the ownership of a substantial number of trees and woodlands by the District Council, the majority of trees in Three Rivers are owned and maintained by other organisations and individuals.
152. With the exception of legally protected trees, the Council has limited powers to influence the management of third party owned trees. However, the Council will always advise tree owners to have their trees inspected for safety on a regular basis by a qualified and reputable Tree Surgeon or Arboriculturalist.
153. The Council will continue to encourage householders to plant new trees, particularly following the removal of existing trees, and will provide advice where possible. The Council will also continue to work in partnership with the Countryside and Rights of Way Service, who can provide advice and support to landowners on the planting and management of trees and woodlands.

Highways trees

154. The majority of trees growing on the roadside verge of public highways, and along many Rights of Way, are maintained by Hertfordshire County Council (HCC). As the highways authority, Hertfordshire Highways has a range of powers under the Highways Act to maintain a safe and accessible road and Rights of Way network.
155. This includes the felling and pruning of dangerous and overhanging trees, or requiring neighbouring tree owners to, and the planting of new trees on the verge. Trees growing alongside the motorway verges of the M25 are maintained by Highways England.
156. Under TPO legislation, highways authorities are exempt from the requirement to submit tree works applications and Conservation Area Notifications to undertake works to protected trees. However, TRDC and HCC tree officers will continue to work closely together on tree management issues, and share information on protected trees in relation to future management works.

Privately owned trees

157. Under Common Law (previous legal cases) it has been established that householders and landowners are responsible for all trees that are rooted on land in their ownership. Trees on boundaries normally have one owner, and in only rare cases is there dual ownership. Where land is leased from a landowner, the lease agreement should make it clear which party is responsible for management of the trees.
158. Tree owners are responsible for the safety of their trees. The Council is not insured to inspect third party owned trees, and does not have the resources to provide safety advice to tree owners. The Council does have powers under the Local Government (Miscellaneous Provisions) Act 1976 to undertake works to trees not in its ownership. However, these powers are very seldom required, and would only be used in exceptional circumstances, such as where a dangerous tree has no known owner. However, tree officers will continue to provide advice in response to tree related queries from the public.

Action – Update the Tree & Landscape section of the TRDC website to provide more information and guidance on third party owned trees

159. Other principals that have been established by Common Law relate to trees overhanging ownership boundaries. Tree owners are not required to cut back their trees which overhang neighbouring boundaries, but they may be liable if their trees cause damage.
160. Neighbouring householders and landowners have the legal right to prune back overhanging trees to their boundary line and return the cuttings to the tree owner. But if the trees are legally protected, they must first seek permission from the Council via a tree works application or Conservation Area Notification.
161. Tree owners are also not required to clear leaves, branches or detritus that fall into neighbouring properties. Although in respect to overhanging fruit, such as apples neighbouring owners do not have the automatic right to keep them, but should offer it back to the owner in the first instance.

High Hedges

162. The High Hedges Act 2003 provides a mechanism to resolve disputes between neighbours pertaining to the height and imposition of hedges. The Act is only relevant in cases where there are two or more evergreen trees or shrubs present.
163. The Council has powers under the Act to require hedges to be reduced in height and spread. However it will only step in once evidence has been provided demonstrating that attempts have been made to resolve the dispute amicably.
164. There is no set height and spread to which a hedge must be reduced, each case will be considered independently, and any reduction work calculated via a number of factors, such as hedge height, distance from properties, and aspect.
165. As the matter of high hedges relates in the main to the impact on people's health and wellbeing, high hedge complaints are dealt with by the Council's Environmental Health department. Although the Trees & Landscape department may provide technical advice and support on hedge management and species identification, where necessary.

Nesting birds & bat roosts

166. It is an offence under the Wildlife and Countryside Act 1981 to disturb birds during the nesting season, normally between March and August. Under the same Act all bat species, their breeding sites and resting places are also fully protected. Tree owners intending to carry out any felling or pruning work should consider the potential impact on protected wildlife, and seek advice from a qualified ecologist, where necessary.
167. However, the District Council does not have the powers to enforce the Act, and any suspected offences should be reported to Hertfordshire Police's Rural Operational Support Team. Further information on what constitutes an offence can also be sought from Natural England, the Government's advisor on wildlife.

Felling licences

168. Where the felling of large numbers of trees is planned, normally as part of woodland management operations, a Felling Licence should be sought from the Forestry Commission (FC). As part of the process the FC will alert tree owners of the need to check with the Council whether trees scheduled for felling are protected by TPO or Conservation Area status. The FC are also responsible for investigating any felling work that may have required approval via a felling licence.

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Draft Action Plan

Section	Actions	Timescale	Resource	Cost estimate
TRDC Trees	Commission woodland inventory work to obtain data to feed into a district tree ecosystem services survey.	March 2022	Additional resource required	
	Review the Councils tree asset register and add any additional sites	December 2021	Existing Staff resource	
	Revise the current tree inspection zoning system prior to the start of a new 18 month inspection cycle	June 2023	Existing Staff resource	
	Set up annual safety inspection and recording process for Tree Officers	December 2021	Existing Staff resource	
	Set up tree database (Ezytrees) training for key users within the Council	June 2021	Funding for training	
	Organise basic tree safety training for relevant TRDC staff	June 2022	Funding for training	
	Establish a formal system of dealing with TRDC owned trees outside of normal office hours	December 2021	Existing staff resource	
	Establish process of annual checks of tree contractors health, safety and insurance details	March 2022	Existing staff resource	
	Prepare generic management plans for minor open spaces and woodlands	March 2025	Existing staff resource	
	Consult on the findings of the Biodiversity Opportunities Audit and develop a five year plan for new tree planting on minor open spaces	March 2022	New staff resource required	
	Consider recruiting a community / education officer to work with local communities on biodiversity and tree planting schemes on TRDC owned land	March 2022	New staff resource required	
	Investigate arboricultural training and development for a member of the ground maintenance team to specialize in tree establishment and early year's maintenance	May 2022	Funding for training	
	Develop plans for specific locations and tree varieties for new memorial / sponsored tree planting and publicise opportunities to encourage support	December 2022	Existing staff resource	
Protected Trees	Undertake desk top review of existing TPOs and identify those that may require up dating	March 2022	Existing staff resource	
	Develop a capital bid to fund resurveying and serving of replacement TPOs where necessary	June 2023	Additional resource required	
	Migrate TPO data to Ezytrees portal to enable public access to TPO information	December 2021	Existing staff time	
	Review the council's TPO making process and make changes and improvements, if necessary.	March 2022	Existing staff time	
Planning	Review existing standard tree & landscape conditions and make revisions if necessary	March 2022	Existing staff time	
Trees in the District	Update the Tree & Landscape section of the TRDC website to provide more	March 2022	Existing staff time	

	information and guidance on third party owned trees			
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