

## POLICY AND RESOURCES COMMITTEE - 14 JUNE 2021

### LEISURE, ENVIRONMENT AND COMMUNITY COMMITTEE - 7 JULY 2021

#### PART I – DELEGATED

#### 5. THREE RIVERS DISTRICT COUNCIL - TREE STRATEGY 2022 -2027

##### 1. Detail

- 1.1 The purpose of this report is to summarise the content and implications of the draft Tree Strategy for the District, and recommend that the draft Strategy is released for a period of public consultation (Appendix A – draft Tree Strategy).

##### 2. Summary

- 2.1 The draft Tree Strategy is a new document for the Council, which will address the authority's approach to a range of tree issues within the District.
- 2.2 The strategy sets out the current approach the Council takes to tree issues; it summarises the Council's responsibilities as an LPA (Local Planning Authority); and it identifies areas where change may be required.
- 2.3 It also identifies a number of actions for the Council to achieve over the next five years to ensure it continues to fulfil its duties and responsibilities as a tree owner and LPA.
- 2.4 The strategy will be reviewed and updated in five years' time and any new actions identified.

##### 3. Draft Strategy

- 3.1 The draft strategy covers four main areas, as follows;
- the approach TRDC will take to the management of trees it owns;
  - TRDC's responsibilities regarding Protected Trees;
  - the role of TRDC in regards to trees and the planning process;
  - TRDC's involvement regarding third party owned trees in the district.
- 3.2 *TRDC owned trees*
- 3.2.1 The draft strategy sets out TRDC's approach to tree safety, regarding the frequency of inspection, prioritising of safety works, and reactive works.
- 3.2.2 The strategy outlines how TRDC will approach planned management of its trees and woodlands for recreation and biodiversity, including management planning according to best practice and achieving the best value for money for works.
- 3.2.3 It identifies key pests and diseases that are impacting TRDC trees, and describes how TRDC will deal with situations where its trees are implicated in damage, subsidence or nuisance issues.
- 3.2.4 The strategy also describes its approach to new tree planting, including the selection of species and identifying locations for new planting.

##### 3.3 *Protected trees*

- 3.3.1 The draft strategy outlines TRDC's role as a Local Planning Authority (LPA) in respect to statutory protections of trees.
- 3.3.2 The strategy describes the circumstances in which TRDC will consider making and serving a Tree Preservation Order (TPO) and how TRDC will manage applications to carry out works to trees protected by a TPO or Conservation Area status.
- 3.3.3 It also sets out the process by which TRDC will investigate alleged breaches of tree protection legislation and take enforcement action where trees have been destroyed or damaged without permission.

#### 3.4 *Trees and Planning*

- 3.4.1 The Tree Strategy outlines how TRDC, as the LPA, will consider trees and landscape issues as part of the planning process.
- 3.4.2 The strategy describes how the impact on trees resulting from development proposals will be assessed against national and local policy and guidance.
- 3.4.3 It outlines the advisory role of tree officers in the process and how guidance and support is provided to the Development Management.

#### 3.5 *Trees and the District*

- 3.5.1 The Tree Strategy acknowledges that the majority of trees and woodlands in the District are owned by others. Notably Hertfordshire Highways, farmers and within the gardens of private dwellings.
- 3.5.2 The strategy outlines the rights and responsibilities of tree owners and their neighbours, and describes the rights under Common Law that apply in relation to disputes relating to trees.
- 3.5.3 It outlines TRDC's role in respect to the High Hedges Act and the means by which this issue is addressed by both Environmental Health and Trees & Landscapes.
- 3.5.4 It also highlights other issues related to tree work, such as bird nesting, protected species (principally bats) and felling licences (in relation to woodland management) and the authorities who are responsible for these matters.

### **4. Consultation**

- 4.1 Following approval from the Policy & Resources Committee and Leisure, Environment & Community Committee, a period of public consultation would be carried out between 2 August and 20 September 2021.
- 4.2 *Post consultation* further edits would be made to the strategy, where appropriate, before the final version is presented to the Policy & Resources Committee on 24 November and the Leisure, Environment & Community Committee on the 6 December.

### **5. Outcomes/Recommendations**

- 5.1 That the Policy & Resources Committee and the Leisure, Environment & Community Committee approve the draft Tree Strategy for a period of public consultation for eight weeks between 2 August and 20 September 2021.

5.2 The full proposed Strategy can be viewed in Appendix A.

## **6. Options and Reasons for Recommendations**

6.1 To enable a wide range of stakeholders to consider the content and implications of the Tree Strategy it is advised that a draft version be issued for public consultation.

6.2 The results of the consultation will be used to inform any amendments or additions to be made prior to formal adoption by the Council of the final tree strategy.

## **7. Policy/Budget Reference and Implications**

7.1 The purpose of this strategy is to clearly set out the Council's approach to a wide range of tree issues, and identify areas for change and improvement according to best practice.

7.2 The proposed policy will impact on the following performance indicators:  
EP16 - Satisfaction with quality/provision of parks and open spaces;  
LL34 - To maintain accreditation for Green Flag;  
LL32 - To manage TRDC woodland estate to an assured standard (Year 1 to achieve UKFS Management Plans for woodland estate);  
LL35 - To ensure all of our key open spaces have a current management plan in place;  
and  
CO02 – Public perception of how well informed they feel about public services.

7.3 The impact of the recommendations on these performance indicator(s) is:

- To provide more information to the public on management of the Council's trees and woodlands, including new tree planting;
- To ensure all the Council's trees and woodlands are safe and managed in accordance with best practice;
- Sustainably managed woodland in accordance with the UK Forestry Standard;
- Support the production of new management plans for TRDC open space;
- An improved ability for the public to gain an understanding of the Council's approach to a wide range of tree issues in the district.

## **8. Financial Implications**

8.1 The cost of implementing the actions within the strategy will be dependent on development work and review of a number of areas of the Trees & Landscape work.

8.2 The majority of the development work and review would be carried out by existing Trees & Landscape staff and any additional resources required to implement the findings of this work would be costed and submitted as part of a growth bid or external funding opportunities for consideration.

8.3 The decision on whether to take these projects forward and allocate additional funding would be made at future Committees.

## **9. Legal Implications**

9.1 The strategy will help ensure that the Council is complying with its duties under the Town and Country Planning Act 1990, as amended, and the Town and Country Planning (Tree Preservation) (England) Regulations 2021, in respect of protected trees and planning.

- 9.2 It will also ensure it is meeting best practice in respect of Health and Safety legislation and its duty of care as a land (and tree) owner.

## 10. Equal Opportunities Implications

### 10.1 Relevance Test

Has a relevance test been completed for Equality Impact?	Yes
Did the relevance test conclude a full impact assessment was required?	No

## 11. Staffing Implications

- 11.1 There are no staff resource implications at present. The strategy will help guide the work of the Trees & Landscape department.
- 11.2 As mentioned in section 7, the findings of the development work and reviews may indicate that additional staff resource is required to implement changes.

## 12. Environmental Implications

- 12.1 The adoption and implementation of the strategy will help ensure the Council's trees and woodlands are managed to the highest environmental standards.
- 12.2 The strategy will ensure that tree protection in the District is maintained and enhanced and that trees are fully considered in the planning process.

## 13. Community Safety Implications

- 13.1 The modified tree safety processes outlined in the strategy will ensure that the Council has a robust and defensible tree safety strategy to minimise risk to its open space users, neighbours and the general public.

## 14. Public Health implications

- 14.1 Trees improve the air quality, give us heat-stroke protection, better breathing, stress relief, disease prevention and defence from depression. Trees and greenery may boost lifespan, this has been studied for 8 years by Harvard researchers and published in April Environmental Health Perspectives.  
[\(<https://health.usnews.com/wellness/articles/2016-12-09/the-many-health-benefits-of-trees>\)](https://health.usnews.com/wellness/articles/2016-12-09/the-many-health-benefits-of-trees)

## 15. Customer Services Centre (CSC) Implications

- 15.1 The strategy will assist CSC, providing call centre staff with clear guidance on the Council's policies regarding trees.
- 15.2 Information contained with the strategy will also be placed on the Council's website to enable residents to self-serve, rather than rely on CSC staff to answer queries.

## 16. Communications and Website Implications

- 16.1 See paragraph 15.2 above.

## 17. Risk and Health & Safety Implications

- 17.1 As described in section 12. The strategy sets out clear processes for tree safety.

17.2 It also sets out clear processes for dealing with subsidence and damage issues caused by Council-owned trees, so that the financial risk of trees is effectively managed.

<b>Nature of Risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response</b> <i>(tolerate, treat, terminate, transfer)</i>	<b>Risk Rating</b> <i>(combination of likelihood and impact)</i>
Council trees causing harm to people	Death or serious injury	Robust tree safety processes, based on industry best practice	Tolerate	6
Council trees causing subsidence or damage	Insurance claims and legal / financial cost to the Council	Clear process of timely inspection and remedial action to prevent damage	Tolerate	6

17.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

<b>Very Likely</b> ----- <b>Likelihood</b> ----- ▼ <b>Remote</b>	<b>Low</b>	<b>High</b>	<b>Very High</b>	<b>Very High</b>
	4	8	12	16
	<b>Low</b>	<b>Medium</b>	<b>High</b>	<b>Very High</b>
	3	6	9	12
<b>Low</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>	
2	4	6	8	
<b>Low</b>	<b>Low</b>	<b>Low</b>	<b>Low</b>	
1	2	3	4	



**Impact Score**

**Likelihood Score**

4 (Catastrophic)

4 (Very Likely (≥80%))

3 (Critical)

3 (Likely (21-79%))

2 (Significant)

2 (Unlikely (6-20%))

1 (Marginal)

1 (Remote (≤5%))

17.4 In the officers’ opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

**18. Recommendation**

That the Policy & Resources Committee approve the draft Tree Strategy for a period of public consultation subject to any comments from the Leisure Environment & Community Committee.

18.1 A final version will then be presented to the Policy & Resources Committee on 24 November 2021, and the Leisure, Environment & Community Committee on 6 December 2021.

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Data checked by: Ray Figg, Head of Community Services

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Data rating:

<b>1</b>	<b>Poor</b>	
<b>2</b>	<b>Sufficient</b>	✓
<b>3</b>	<b>High</b>	

**Appendix A – Draft Tree Strategy**