

WELWYN HATFIELD BOROUGH COUNCIL
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE – 26TH MARCH 2018
REPORT OF THE DIRECTOR EXECUTIVE (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

TREES AND WOODLAND STRATEGY

1 Executive Summary

- 1.1 A draft of the Trees and Woodlands strategy, revised for the period 2017 – 2022, was discussed at EOSC on 25th September 2017 and it was recommended that the draft be consulted on for a six week period between 2nd October and 13th November 2017.
- 1.2 The consultation has closed and the responses are attached.
- 1.3 That the Committee note the changes to the tree inspection regime in Policy 1 to reflect recent best practice guidance and case law.

2 Recommendation(s)

- 2.1 That the committee agree that the amendments proposed to the draft strategy as the result of the comments received through the consultation are accepted and should stand.
- 2.2 The committee agree that the amended draft is now the final version that is recommended to Cabinet for adoption.

3 Explanation

- 3.1 The Trees and Woodland strategy is a document that requires a revision every five years. The revision was presented at EOSC and from that meeting went out for consultation. The document was on the web site for a six week period and we contacted interested local groups to alert them to the fact that the consultation was open.
- 3.2 Fifteen people responded to the consultation, each with a range of points, some of which were duplicated.
- 3.3 A spreadsheet is attached to this report with the council's response to each point made. Some of the points resulted in the draft being amended. Where this has happened, the revised draft, also attached, is amended with text in red.
- 3.4 The most important addition to the draft strategy is the clarification of the inspection regime for trees that is now more clearly stated in Policy 1. The added clauses are;

- 3.5 **The Council will inspect trees within its management once within a three year rolling programme, a third of the trees inspected in year one, the second third in year two and the last third in year three. The first third are then inspected again in year four.**
- 3.6 In certain circumstances the council will increase the frequency of inspections to an annual inspection, in order to monitor the condition of certain trees more closely, especially those with fungal infections as the fruiting bodies are more visible in particular times of the year.
- 3.7 This revised inspection regime is the same as that followed by HCC Highways when both inspecting their own tree stock and as the required inspection regime within the Highways Agency agreement between ourselves and HCC Highways.

4 Legal Implications

- 4.1 There are no legal implications associated with the adoption of the strategy.
- 4.2 The lack of an up-to-date strategy may leave the council open to legal challenge in the event of a fatal or catastrophic incident. The strategy clearly defines the tree management process which, if adhered to, ensures the Council works to best practice to minimise risk.

5 Financial Implications

- 5.1 There are no additional financial implications. The strategy is currently funded through existing budgets, an agency agreement and grant aid. In the case of woodland work, a very small income is also generated through the sale of timber. These sources of funding are not currently expected to change.

6 Risk Management Implications

- 6.1 Failure to provide an adequate management regime leaves the Council open to risk or dereliction of duty of care, and any subsequent claim as a result of lack of management would be difficult to defend.
- 6.2 The lack of appropriate management of trees and woodland presents a reputational risk to the Council.
- 6.3 There is no proposed change to the Council's policy regarding claims of subsidence damage caused by trees.

7 Security and Terrorism Implications

- 7.1 There are no security or terrorism implications associated with adopting the draft strategy.

8 Procurement Implications

- 8.1 There are no procurement implications associated with adopting the draft strategy.

9 Climate Change Implications

- 9.1 The adoption of an up-to-date strategy will have a positive impact as the appropriate management of trees and woodlands will help mitigate the effects of climate change.

10 Policy Implications

- 10.1 This document is a revision to an existing policy document and, if adopted, will have implications. However, there are no major departures in this draft from the previous document and new initiatives will not have any financial implications.

11 Link to Corporate Priorities

- 11.1 The subject of this report is linked to the Council's Business Plan 2015-2018 and particularly Priority 1 to maintain a safe and healthy community and Priority 2 to protect and enhance the environment.

12 Equalities and Diversity

- 12.1 An Equality Impact Assessment (EIA) has been carried out in connection with the recommendations in this report. The EIA was completed on 30th August 2017. It found no negative impact on any of the protected groups under Equalities legislation and this position is unaltered by the outcome of the consultation.

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Background Papers:

Spreadsheet of consultation comments and responses
Amended draft Trees and Woodland strategy.

Appendices:

None.