

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 4 December 2018

Recommendation from the Environment Overview and Scrutiny Committee on
24 September 2018:-

25. TREES AND WOODLANDS STRATEGY - POLICY 2:

The report of the Corporate Director (Public Protection, Planning and Governance) set out the responses to six principles that could be incorporated into the Tree and Woodlands Strategy, as Policy 2, to improve the balance between the preservation of trees and resident living conditions. The draft Tree and Woodland Strategy, less Policy 2, was adopted by Cabinet in April 2018.

The principles related to street lights and CCTV cameras, light into living rooms, native trees, a presumption to prune rather than remove, the views of close neighbours and an appeals mechanism.

The Committee praised Officers for the thought that had gone into developing the policy.

Principle 1: When a street tree significantly interferes with light from a street light or the sightline of a Council CCTV camera, the presumption should be to prune the tree.

The Committee agreed with the principle.

Principle 2: When the effect of a tree is to make a resident want to keep a light on for the majority of the day to ensure sufficient light to a living room, then the presumption should be to prune the tree.

Officers proposed that, in the absence of guidance on what might constitute an acceptable light level in living rooms, where a request is made then a tree officer should visit the external garden of the property to make a reasonable judgement based on the orientation of the house, the proximity of the tree and any other relevant factors. Officers clarified that the size and depth of the room and size of the windows would also be taken into account.

The Committee agreed with the principle.

Principle 3: When the tree is a rare example of a native tree or makes a significant contribution to the landscape, the presumption should be to preserve the tree.

The Committee agreed with the principle.

Principle 4: In all cases the presumption should be to prune the tree, not to remove it, unless absolutely necessary.

The Committee agreed with the principle.

Principle 5: If the decision is likely to be to allow significant pruning or removal of a tree, other than one which is dying, the views of close neighbours should be sought before a decision is reached.

Officer considered that this principle should only apply on occasions where pruning or removal of a tree related to a “lack of light” request. Consultation would take place for at least two weeks and Officers would draft a short report to justify their decision.

It was noted that this would have financial implications, due to the demands on Officer time as well as the possibility of an increase in requests for service by residents.

The Committee agreed with the principle.

Principle 6: There should be a mechanism for appeal against a refusal to prune or remove a tree.

Officers proposed an Officer appeal panel to comprise of the Corporate Director (Public Protection, Planning and Governance) and two Heads of Service from within that Directorate to be convened as necessary, probably monthly. The panel would consider all appeals, not just those relating to lack of light situations. The panel could have financial implications, due to demands on Officer time, and would be met by the tree budget.

Members agreed with the principle.

Officers assured the Committee that those on the panel would not be involved in the first decision of refusing the tree work in order to maintain fair and balanced decision making.

Members were keen to have involvement with the appeal process, with the following suggestions put forward:

- Members could form part of the panel itself, but some Members suggested that there could be a conflict of interest if those appealing a decision lived in the ward that a Member represented.
- That Members could act as “champions” for the residents and could assist in drawing up their appeals.
- That Members ought to receive support with regards to the policy, in particular a formal guidance note to ensure that Member’s remit was clear.

Agency Agreement with Hertfordshire Highways

Members noted that any amendments to Policy 2 would need to be discussed with Hertfordshire Highways (HH) Currently, the Council carried out work to HH trees as part of an agency agreement and in accordance with Policy 2. Moreover the majority of tree work requests were for trees owned by Hertfordshire Highways. Therefore the Council would need HH consent and possibly the agreement of new fees.

The Committee noted that Policy 2 would be reviewed in a year following implementation.

Members were pleased that the Committee had influenced the final outcome of the policy thus improving the outcome for residents and demonstrating the success of the scrutiny process.

RESOLVED:

- (1) That the Head of Planning, in consultation with the Executive Member for Environment, be given delegated authority to amend the Trees and Woodlands Strategy to incorporate all of the six principles.
- (2) That Cabinet receive the amended Trees and Woodlands Strategy for adoption.
- (3) That the Head of Planning, in consultation with the Executive Member for Environment, be given delegated authority in respect of any administrative arrangements to enact the proposals for Policy 2.
- (4) That Members receive a guidance note with regard to Principle 6 and the appeals panel.
- (5) That Hertfordshire Highways be consulted with regards to the proposals for Policy 2 and any new fee structure agreed.