

WELWYN HATFIELD BOROUGH COUNCIL
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE - 29 JANUARY 2019
REPORT OF CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

DEFRA CONSULTATION – PROTECTING AND ENHANCING ENGLAND’S TREES AND WOODLANDS.

1 Executive Summary

DEFRA are seeking views on the UK government’s proposals to introduce four new measures designed to increase transparency and accountability in the process of felling street trees and to strengthen the Forestry Commission’s power to tackle illegal tree felling.

The consultation period closes on 28th February 2018.

2 Recommendation(s)

That the committee comments on this report and then authorises the Head of Planning and Corporate Director (Public Protection, Planning and Governance), in consultation with the Executive Member for Environment, to respond to the consultation.

3 Explanation

The consultation contains four proposals, two of which introduce new duties on local authorities, which are:

- 1 a duty to consult on the felling of street trees
- 2 a duty to report on tree felling and replanting

The third proposal suggests the production of best practice guidance to support local authorities in the preparation of a Tree and Woodland Strategy.

The fourth and final proposal intends to give the Forestry Commission more powers to tackle illegal tree felling and strengthen protection of wooded landscapes.

We currently do much of what is being suggested in the draft best practice guidance, all of which is covered within the adopted Trees and Woodlands Strategy: 2017 – 2022. It may be that new best practice guidance will influence the revision of this document in 2022, or prompt us to an earlier revision if our strategy varies widely from the new standard.

However, the biggest issue is the requirement to consult on the felling of street trees. The government believes that there is a need for greater community

engagement in decision making affecting street trees and intends to introduce a duty on local authorities to consult.

The consultation closes on 28th February and invites written replies to fifteen questions. The questions and WHBCs proposed replies are attached as a background paper.

With regard to the Agency Agreement that exists between WHBC and Hertfordshire County Council, through which WHBC manages HCC Highway street trees, it will be important to establish with the County Council where the duty to consult lays. If HCC wish it to be within the Agency Agreement, then a revised agreement and a new financial allocation to the Tree Management Service must be negotiated.

4 Implication(s)

If the government imposes any duties as a result of this consultation, then there will be an impact on workload.

5 Legal Implication(s)

5.1 If these proposed duties are introduced there will be a legal requirement on the Council to implement them.

6 Financial Implication(s)

6.1 If any of the options in the consultation become duties it will have implications on work load. It may not be possible to handle the level of consultation and subsequent discussion with respondents with the current number of Tree Officers. Should a duty be imposed for the consultation on loss of privately owned trees through the planning system, then there could be an impact on the planning administration team.

7 Risk Management Implications

7.1 There are no risk management implications associated with this report.

8 Security & Terrorism Implication(s)

8.1 There are no security or terrorism implications associated with this report.

9 Procurement Implication(s)

9.1 There are no procurement implications associated with this report.

10 Climate Change Implication(s)

10.1 An aim of this consultation is the recording and maintenance of a percentage of urban tree cover in England. Trees help to mitigate against the impact of a rise in temperature in urban areas.

11 Link to Corporate Priorities

11.1 The subject of this report is linked to the Council's Business Plan 2018-2021 and particularly Priority 2 Our Environment to enhance our green spaces and manage the borough's parking.

12 Equality and Diversity

12.1 An Equality Impact Assessment (EIA) has not been carried out in connection with the proposals that are set out in this report.

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Background papers

WHBC's proposed replies to DEFRA consultation – protecting and enhancing England's trees and woodlands.