

BACKGROUND PAPER

WHBC'S PROPOSED REPLIES TO DEFRA CONSULTATION – PROTECTING AND ENHANCING ENGLAND'S TREES AND WOODLANDS.

Q1. Should a duty for local authorities to consult on the felling of street trees be introduced? Please give reasons for your response.

There should be a duty for local authorities to consult on the felling of street trees. As a local authority we wish to make it clear why tree removals are being undertaken and give an opportunity for those effected by the works to comment and ask further questions.

Q2 Do you agree with the proposed scope of the duty to consult? Please give reasons for your response.

No. It was considered that the some of the most important and significant trees are often located with parks and public opens spaces within urban areas. The document does not consider New Towns or Gardens Cities where significant trees are planted in planned open spaces within the urban areas. The inclusion of trees within parks and open spaces would be welcomed.

Q3 Do you agree with government's preferred approach of a closed consultation with trigger point? Please give reasons.

(The proposed options are:

- ***Option A: Full Consultation; Consult on every tree proposed for felling during a four week consultation period. A notice inviting consultations to be placed on the tree, letters sent to local residents in close proximity to the tree (100m²), and a notice published in the town hall and online.***
- ***Option B: Closed consultation; Consult on every tree proposed for felling during a four week closed consultation period. A notice inviting consultation to be placed one the tree, letters sent to local residents in close proximity to the tree (100m²).***
- ***Option C: Closed Consultation with trigger point; Consult on every tree proposed for felling during a four week closed consultation period. A notice inviting consultation to be placed one the tree, letters sent to local residents in close proximity to the tree (100m²). If more than 50% of respondents on the closed consultation disagree with the proposal this will trigger a full public consultation. (This is the governments preferred option).***

There are concerns about the resources required to administer Options C as this is a two phase process. This approach would require significantly more amount of officer

time and may considerably increase the time taken to consult. The preferred option is Option A which notifies the wider public from the outset.

Q4 In what circumstances do you think a tree should be exempt from the duty to consult? Please give reasons for your response

Dead and Dangerous trees.

Responding to a pest or disease instance.

Young trees damaged or failed.

The above options require a quick response and will need to be removed regardless of any consultation.

Q5 Do you think it is appropriate that trees of special historic or cultural significance are subject to a more rigorous consultation process? Do you agree with the criteria for designating a tree of special historic or cultural significance Are there any other categories which should be included?

A more rigorous process is considered appropriate for significant and/or historic as these may have local, regional and national importance.

The criteria proposed for designating a tree of special historic and/or cultural significance is considered appropriate.

Further categories for consideration are: trees which are rare because of their species and/or size.

Q6 Do you think the duty to consult will have any negative impacts on development?

It is not considered that the duty consult will have a significant effect on major developments. There may be some minor issues where access is required across a highway verge in which trees are growing.

Q7 Should consultations be done on an individual basis or in groups of trees where, for example, trees are planted in the same location?

Where there are groups of trees to be removed it is considered appropriate to consult on the groups rather than each tree individually. This would optimise officer time and be more efficient.

Q8 Should a duty on local authorities to report on tree felling and planting be introduced? Please explain the reasons for your answer.

Yes, for urban trees that are managed by the local authority. However it would be very difficult to monitor and report on felling as a result of planning decisions and felling as a result of interventions on trees with Tree Preservation Orders. Often planning/TPO consent is given which includes the removal of trees and is not carried for some time after the decision notice. In addition landscape schemes may be conditioned and not be finalised or complete until several years after the approval has been given.

Q9 Which trees would it be useful to report on? Please explain the reasons for your answer.

Trees in urban areas managed by the local authority. The local authority can easily monitor its own tree stock.

Trees on private land, those removed/planted as part of a planning consent or TPO application are very difficult to monitor and would require more resources. It is considered that these trees should not be include in the duty to report on tree felling and planting.

Q10 What information do you think local authorities could gather and hold? Please explain the reason for your answer?

Date of felling/planting

Location of tree

Job number

Species of tree

Reason for felling

The above information is considered sufficient to assess the amount of planting and felling being carried within a borough or district.

Q11 How could local authorities present this information? Should national government play a role in collating and managing information?

As a local authority we capture tree information, of the trees we manage, via a specific tree database (Ezytreev). It is easy to extract the information required from database and present it serval formats.

It would be useful to have some guidance from national government as to how they would like the information presented.

Q12 Do you agree the Tree and Woodland Strategies help local authorities and the public to manage their trees and woodlands? Would best practise guidance be sufficient for local authorities and the public?

As a local authority with an adopted Trees and Woodland Strategy we agree that it is a helpful management tool and sets out clear policies on how trees and woodlands are managed.

It is consider that there should be a requirement/duty for those authorities without a tree strategy to produce in strategy in accordance with any national guidance.

Q13 Do you agree with the suggested content for best practice guidance for Tree and Woodland Strategies? Please give reasons for your response.

The content suggested for inclusion for best practice guidance for a strategy is considered sufficient to enable appropriate tree and woodlands management policies to be implemented.

It would however be useful to include the health and wellbeing benefits of trees and woodland within the general benefits of trees and woodlands.

Q14 (Forestry enforcement measurements) Do you support these measures?

Yes

Q15 (Forestry enforcement measurements) Do you think any other measures are necessary to combat illegal tree felling?

It is considered that the no other measures are necessary to combat illegal felling.