



Cabinet

Tuesday, 10 October 2023

Adoption of Tree Management and Protection Policy 2023 - 2028

Report of the Director – Development and Economic Growth

Cabinet Portfolio Holder for Planning and Housing, Councillor R Upton

1. Purpose of report

- 1.1. In January 2022, the Growth and Development Scrutiny Group resolved to 'support the drafting of a Tree Protection Policy and Tree Management Policy setting out the Council's role, function and priorities, including appraisal of planning applications and the investigation to strengthening protection and enforcement.'
- 1.2. The purpose of the Tree Management and Protection Policy 2023-2028 is to provide guidance on how the Council will manage its own trees, respond to requests for work to trees from members of the public, and how the Council deals with its statutory duties in relation to trees, hedgerows and planning applications.
- 1.3. The purpose of this report is to recommend that the Tree Management and Protection Policy is adopted and published on the Council's website, along with a revision to the Council's points-based assessment that is used to assist when deciding whether trees are suitable to be protected by a Tree Preservation Order.

2. Recommendation

It is RECOMMENDED that Cabinet:

- a) approves adoption of the Tree Management and Protection Policy 2023 – 2028, and.
- b) approves the use of the amended Conservation Area Tree Notification and Tree Preservation Order evaluation sheet.

3. Reasons for Recommendation

- 3.1. If adopted, the Policy will set out guidance for officers, Councillors and the public in relation to a range of common tree issues and statutory obligations. The Policy should provide a useful guide to the management of Council owned trees along with the protection of trees within the Borough until 2028, when it will be reviewed and updated.

- 3.2. The legislation covering Tree Preservation Orders allows for significant discretion when deciding whether or not trees warrant protection. Officers rely on the Council's Corporate Strategy, Government policy and their own professional training when considering these issues. It is often useful to document and record the thought process when protecting trees and the Council uses a points-based assessment to do this. Feedback from the Growth and Development Scrutiny Committee was that greater consideration needed to be given to the wildlife value of the trees and the updated assessment gives additional weight to this.

4. Supporting Information

- 4.1. The Policy is split into two sections. The first covers the management of Council owned trees and gives consideration as to how the Council will respond to common complaints and requests to work relating to trees. The Policy takes a pragmatic approach and recognises that the Council aims to be a 'good neighbour' when its trees border residential properties or businesses, but the work will need to be prioritised and scheduled accordingly, and residents ideas of what constitutes good management may not accord with the Council's. For example, height reduction of trees can often be counterproductive as it results in increased growth.
- 4.2. The second part of the Policy considers the Council's statutory duties in relation to tree and hedgerow protection, planning matters and also the less desirable effects of trees and vegetation, such as high hedge complaints due to loss of light, or where residents are concerned trees could cause damage. The Policy flags up key pieces of Government advice whilst also specifying the Council's own interpretation of this and how it will be used.
- 4.3. At the 2022 scrutiny meeting, officers advised that the primary purpose of a Tree Preservation Order was to protect trees, which enhance the public realm, and this was primarily through their visual appearance, but Government advice was that "where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order". Feedback from the scrutiny group was that greater consideration should be given to the wildlife value of trees when considering making Tree Preservation Orders.
- 4.4. The current point-based assessment considers the aesthetic value of the tree, its condition, the impact on the public if removed and the proximity and effect it will have on buildings, along with a consideration to the health and safety risk if a tree were to fail. A reference to wildlife value is made, but there is no provision for this to affect the scoring.
- 4.5. The revised assessment adds more detailed descriptions to the scoring for aesthetic value, condition, impact on the public if removed and the proximity and effect on buildings to try and ensure consistent scoring and a better understanding of how and why it is applied. The updated assessment also

revises the health and safety assessment with a view to it again being more specific and based on how often the adjacent land is occupied or used, rather than any specific evaluation of the tree. Finally, the assessment allows ancient, heritage or native species trees appropriate to the local landscape character to be given an additional point. Non-native trees outside of Conservation Areas are considered to be neutral, whereas non-native trees in Conservation Areas, unless it is a heritage or ancient tree are deducted a point.

- 4.6. The overall changes to the assessment should make it easier to protect native trees and slightly harder to protect ornamental or non-native trees in Conservation Areas unless it is a heritage or ancient tree, for example, Wellingtonia or Cedars were often planted in the past as status symbols in Halls or Manor Houses and have value despite them being non-native.

5. Alternative options considered and reasons for rejection

There is an alternative points-based assessment that was developed by Forbes-Laird Arboricultural Consultancy Ltd. The use of this was considered, but it could not be amended to take into account the Council's Corporate Priorities in relation to the protection of trees.

6. Risks and Uncertainties

The Policy covers the main issues that affect our trees but there is a risk of new disease and pests becoming prevalent before it is reviewed in 2028, but this would not prevent the Council reacting to future challenges accordingly.

7. Implications

7.1. Financial Implications

There are no direct financial implications for the Council arising from this report other than the officer time in preparing the relevant documents and publishing them to the website. The changes to the assessment of trees with a view to making Tree Preservation Orders should even itself out as it will make it easier to protect native trees whilst making it harder to protect more ornamental or non-native trees in Conservation Areas.

7.2. Legal Implications

There should be no direct legal implications as the Policy acknowledges all current legislation relating to trees and hedges.

7.3. Equalities Implications

There are no direct equalities implications arising from matters covered in this report.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no direct community safety implications arising from matters covered in this report

7.5. Biodiversity Net Gain Implications

There are no direct biodiversity net gain implications arising from matters covered in this report.

8. Link to Corporate Priorities

Quality of Life	Trees make an important contribution to the character of the Borough and studies have shown that human interaction with trees and open space can have physical and mental health benefits
Efficient Services	There are no links to efficient services in this report bar the fact it will guide officers' decisions
Sustainable Growth	The Policy gives consideration to protecting trees in relation to planning applications
The Environment	The protection and management of trees is intrinsic to maintaining the environment of the Borough

9. Recommendation

It is RECOMMENDED that Cabinet:

- a) approves adoption of the Tree Management and Protection Policy 2023 – 2028, and
- b) approves the use of the amended conservation area tree notification and Tree Preservation Order evaluation sheet.

For more information contact:	Leanne Ashmore Director of Development and Economic Growth LAshmore@rushcliffe.gov.uk
Background papers available for Inspection:	Growth and Development Scrutiny Group - Wednesday, 26th January 2022, 7.00 pm Tree Preservation Orders and trees in conservation areas - GOV.UK (www.gov.uk)
List of appendices:	Appendix 1. Tree Management and Protection Policy 2023-2028 The original tree assessment is contained with Appendix A of the Policy. The revised assessment is contained in Appendix B.