

## Consultation response

# Tree and woodlands: introducing measures for felling street trees

Defra

27.02.19

Response submitted via online form: <https://www.gov.uk/government/consultations/tree-and-woodlands-introducing-measures-for-felling-street-trees>

Consultation question	LI response
<b>Section 1</b>	
<b>Q1. Should a duty for local authorities to consult on the felling of street trees be introduced? Please give reasons for your response.</b>	<p>No, not as currently drafted. We believe there are better ways to achieve the stated aims.</p> <p>We support the principle behind the proposed duty: the public should be consulted on any major changes to the places where they live. This is especially important when these changes involve trees, given the many environmental and social benefits they have, and the way in which trees can shape people's emotional connection to a place.</p> <p>However, we believe that the proposed duty will have – at best – a marginal impact on this, at the cost of an overly bureaucratic and onerous duty on local authorities. Furthermore, a duty to consult is redundant without an equivalent duty to enact the result of that consultation.</p> <p>We believe a better solution is to ensure all local authorities consult on an up-to-date Tree Strategy – to ensure that the right policies are in place – and then to have access to skilled professionals who can advise on</p>

	<p>individual cases. Maximising public engagement in wider planning policies and decision-making is also essential.</p> <p>As well as their many environmental benefits (biodiversity, carbon sequestration, etc.) trees have a positive impact on people's self-reported feelings about their local area. The majority of people are generally in favour of more trees in the urban environment, not less. Local authorities have a vital role to play in enabling this and should be encouraged to think proactively in terms of how trees can be used to contribute towards wider public aims, such as health and wellbeing.</p> <p>Councils should be aiming for a net environmental gain, and existing trees should not be cut down unless there are very good reasons for doing so. Most of these reasons are already identified as exemptions in the consultation: for instance, because a tree is deemed to be dangerous or diseased. These decisions should be taken by a skilled professional (most commonly a Tree Officer within a local authority) based on agreed local policies. Reaffirming the public's approval of trees on a case-by-case basis should not be a necessary step, assuming these things are in place.</p> <p>In the absence of these things, a duty on local authorities may help to prevent unpopular tree felling in some marginal circumstances. However it is a case of treating the symptom, rather than the cause, and a more strategic, less siloed approach is preferable.</p>
<p><b>Q2. Do you agree with the proposed scope of the duty to consult? Please give reasons for your response.</b></p>	<p>No, for the reasons given above.</p> <p>The proposed scope covers only a very small number of trees, even within urban environments. It is unclear why this duty merits applying to street trees but not to trees in public parks, for instance.</p> <p>Trees along highways are more likely to be felled for good reasons (for instance because they pose a significant danger to road users). In the absence of these "good reasons" (which would be exemptions under the duty anyway) then street trees should theoretically be under no greater risk than any other type of tree.</p>

	<p>It is also potentially unclear what “managed” means in this context, and whether this would include trees which are not owned or directly managed by the local authority.</p>
<p><b>Q3. Do you agree with the government’s preferred approach of a closed consultation with trigger point? Please give reasons for your response.</b></p>	<p>No.</p> <p>As drafted, Option C is likely to be the most costly and time-consuming option, given that a negative public response would cause two consecutive consultation periods (four weeks closed consultation plus a further four weeks open consultation).</p> <p>Furthermore, the proposed spatial element of the closed consultation is overly prescriptive. A 100m<sup>2</sup> box may work in some circumstances, but not in others – depending on housing densities, transport patterns, canopy cover, etc. At the least, a circle is preferable to a box (all points equidistant from the tree).</p>
<p><b>Q4. In what circumstances do you think a tree should be exempt from the duty to consult? Please give reasons for your response.</b></p>	<p>We support all the exemptions listed in the consultation, with amends.</p> <p>It would be more consistent to base the approach to young failed trees on stem diameter defined criteria, rather than a blanket age approach.</p> <p>It would be helpful to add the words “...where this cannot be mitigated by reasonable management measures, such as pruning or appropriate works of construction or repair” to the relevant exemptions. In cases of root damage to footpaths, it is often possible to retain the tree, whilst relaying a flexible surface possibly in combination with minor surface root pruning. The option of work to structures and paving should be considered alongside works to the tree, especially where structural remedial or repair works will be required in any case.</p>
<p><b>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</b></p>	<p>In principle, we agree that greater care is needed when dealing with trees that have special historic or cultural significance, and that a rigorous consultation process is appropriate for any plans to remove such trees.</p> <p>However, the criteria are unclear as they are currently drafted, as is the process for decision-making. It is unclear how this sits alongside the criteria for determining ancient and veteran trees outlined in national planning policy, or indeed with the criteria for granting Tree Preservation</p>

<p><b>categories which should be included?</b></p>	<p>Orders (TPOs) on non-local authority trees, and who is responsible for making this assessment.</p> <p>Assuming this designation is made by the local authority itself, and therefore that the council has already determined that a tree has particular significance, it is unclear what value is gained by statutorily requiring those councils to subsequently run a public consultation exercise.</p>
<p><b>Q6. Do you think that the duty to consult will have any negative impacts on development?</b></p>	<p>Yes: it is reasonable to assume that a statutory 4 (or 8) week consultation period for all street trees would have obvious knock-on effects for any related development.</p> <p>It would also represent a not-insignificant drain on local authority resources – most obviously, the time of Tree Officers – and it is not clear how this will be paid for. This has the potential to (further) engender a perception of street trees as liabilities rather than assets.</p> <p>Transparency, accountability, and public empowerment are all essential elements of good planning, and we support efforts to improve these. However, in this instance, it is not clear that the benefits outweigh the costs.</p>
<p><b>Q7. Should consultations be done on an individual basis or in groups of trees where, for example, trees are planted in the same location?</b></p>	<p>It is fine to consult on multiple trees at the same time.</p>
<p><b>Section 2</b></p>	
<p><b>Q8. Should a duty on local authorities to report on tree felling and planting be introduced? Please explain the reasons for your answer.</b></p>	<p>Yes, insofar as we welcome efforts to collect more robust national data on tree felling and planting.</p> <p>This duty should facilitate better decision-making around trees, but would need to be carefully designed to ensure it does not become overly onerous. National government should provide support to local authorities in this.</p> <p>Existing methodologies, such as i-Tree eco and CAVAT, can be helpful to quantify and account for the value of trees. These, and related citizen science approaches, can be cost-saving, and are often a useful platform to engage the public in the value of trees and placemaking more generally.</p>

<p><b>Q9. Which trees would it be useful to report on? Please explain the reason for your answer.</b></p>	<p>Theoretically, it would be useful to report on all trees which are felled or planted, however a proportionate approach is needed.</p> <p>Data could be collected on any tree for which a local authority has direct responsibility for management: assuming the information is readily available or collected as part of the activity.</p>
<p><b>Q10. What information do you think local authorities could gather and hold? Please explain the reasons for your answer.</b></p>	<p>We support collecting all the information identified in the consultation document. All of this information should ordinarily be collected as part of tree felling/planting activity anyway.</p>
<p><b>Q11. How could local authorities present this information? Should national government play a role in collating and managing information?</b></p>	<p>We support the use of existing tools, such as iTree eco. iTree eco presents the resulting data in a useful way. National government (or a responsible body, such as the Forestry Commission) can play a useful role in collating and managing this information, and providing guidance on its collection and submission.</p>
<p><b>Section 3</b></p>	
<p><b>Q12. Do you agree that Tree and Woodland Strategies help local authorities and the public to manage their trees and woodlands? Would best practice guidance be sufficient for local authorities and the public? Please give reasons for your response.</b></p>	<p>Yes, in principle. We are in favour of all local authorities producing Tree and Woodland Strategies to guide decision-making, and we believe best practice guidance can help with this.</p> <p>However, in isolation, guidance is unlikely to make a substantial impact on the number of local authorities producing such Strategies. Guidance has been produced in the past, but the number of local authorities who produce and use Tree and Woodland Strategies remains low.</p> <p>Many local authorities face skills gaps in related areas, alongside (and because of) huge resource challenges. Until this is resolved, non-statutory Tree and Woodland Strategies will remain a “nice-to-have” for many councils.</p> <p>Existing methodologies, such as i-Tree eco and CAVAT, can be helpful to quantify and account for the value of trees. These, and related citizen science approaches, can be cost-saving, and are often a useful platform to engage the public in the value of trees and placemaking more generally.</p>

<b>Q13. Do you agree with the suggested content for best practice guidance for Tree and Woodland Strategies? Please give reasons for your response.</b>	Yes. The list of suggested content is useful as a point of reference for local authorities.
<b>Section 4</b>	
<b>Q14. Do you support these measures?</b>	Yes
<b>Q15. Do you think any other measures are necessary to combat illegal tree felling?</b>	n/a