

Name of meeting: Cabinet
Date: 28 July 2020
Title of report: Council Owned Tree and Woodland Management Policy; Tree Works on Council Owned Trees Guidance Document; Tree Risk Management Framework

Purpose of report: To seek approval for the new *Council Owned Tree and Woodland Management Policy* and for the implementation of the procedures outlined in the *Tree Works on Council Owned Trees: Guidance Document* and the *Tree Risk Management Framework*.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?	Key Decision - No Private Report/Private Appendix - No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name	Karl Battersby - 15.07.20 (Sue Procter on behalf of)
Is it also signed off by the Service Director for Finance?	Eamonn Croston - 15.07.20
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 16.07.20
Cabinet member portfolio	Cllr Rob Walker

Electoral wards affected: All

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered? Yes

1. Summary

The aim of the *Council Owned Tree and Woodland Management Policy* is to set out how the Council will effectively manage and enhance the trees and woodlands for which it is responsible, ensuring that they:

- positively contribute to the area and the achievement of the Council's corporate priorities, helping to create an attractive, healthy environment which maximises the quality of life of our citizens;
- maximising benefits to the wider environment, including contributing towards the Council's response to the climate emergency;
- meet legal obligations; and
- minimise conflict with the public and other land owners.

The accompanying documents *Tree Works on Council Owned Trees Guidance Document* and *Tree Risk Management Framework* provide further detail on how specific tree related issues will be dealt with by the Council, and how it will effectively manage tree related risk.

2. Information required to take a decision

The total area of woodland within the Kirklees district is approximately 6,199ha or 15.2% of Kirklees district's land area, higher than the national figure of 10.5%. Kirklees Council owned/managed woodlands cover over 600ha (approx. 10% of the woodlands in the district).

Increasing tree cover and effective management of its tree and woodland assets are a key component of the Council delivering its Corporate Plan, in particular *Clean and Green*: enabling both our built and natural environment to contribute to the quality of life of our citizens and making the district a more attractive place in which to live and invest; and helping to connect people and places, improve air quality and be resilient in the face of extreme weather.

There is increasingly strong evidence and a growing consensus that trees, woods and forests have a key role to play in climate change mitigation and adaptation, and in delivery of ecosystem services in both rural and urban areas. This policy aligns strongly with the Council's response to the Climate Emergency with an increase in tree cover across the district, as part of the White Rose Forest programme, a key recommendation in the climate emergency working party's report adopted in November 2019.

Several previous tree related policies have existed, but they have not been comprehensive. A previous version of the Guidance Document has been available on the Kirklees website for some time but some of the information is out of date and it was therefore timely to review this document in conjunction with the development of the main policy and risk management framework.

The *Council Owned Tree and Woodland Management Policy* sets out a number of policy statements relating to:

- proactive tree and woodland enhancement;
- the protection of existing tree and woodland assets;
- woodland management;
- risk management; and
- conflict and complaints.

The *Tree Works on Council Owned Trees Guidance Document* complements the main policy by giving more detail on how specific tree related issues and conflicts will be dealt with by the Council, and to clarify the Council's legal obligations in relation to such issues. This includes how trees will be maintained in different locations and with due regard to the protection of associated wildlife, how decisions relating to tree felling will be taken, and how requests for tree works not required by law will be assessed.

The *Tree Risk Management Framework* focuses specifically on tree related risk. This document aims to assist the Council in exercising its duty of care to both its employees and the public with

regard to the safety of trees, and proactively manage risk to its land and property, by maintaining a system of tree inspection and remedial works that is in line with the *Council Owned Tree and Woodland Management Policy* as well as with current nationally accepted standards and industry best practice. A management system is proposed which includes a zone-based inspection regime, both routine and reactive inspections, and a system for prioritising remedial works.

The premise of all three documents is that the Council supports the retention of trees on Council owned land wherever possible and will proactively work to increase tree cover across the district as part of its commitment to the climate emergency and the White Rose Forest programme. The policy is distinct from planning policy relating to trees and development which is already set out in the Local Plan.

3. Implications for the Council

- **Working with People**

The great majority of complaints relating to Council owned trees comprise requests for trees to be removed rather than complaints about unjustified removal. Whilst we appreciate that trees can be a source of nuisance the Council's priority is the retention of trees where their removal is not necessary for statutory, safety or tree/woodland health reasons. It is therefore not always possible to act in accordance with residents' wishes, however the Council will adopt a common-sense approach with regards to requests it receives for relevant, justifiable and necessary tree works. All requests will be considered individually, and the circumstances of the request will be balanced against any environmental impacts before a decision is made. The reasons for the decision will be fully explained to the customer. Where the decision is not to the satisfaction of the customer, the customer has the right to appeal against the action or decision, to which the Council will respond in writing. Requests received in the form of complaints will be dealt with in accordance with the Council's complaints procedures.

Where street tree felling is required for highways works this will not be undertaken without consultation with all elected ward members and residents on the street will be consulted as appropriate.

In bringing its woodlands back into active management and in planning tree planting programmes the Council will aim to work with elected members, local communities and partner organisations wherever possible to ensure they fit with local needs and to foster greater positive community engagement with and care for our woodlands.

- **Working with Partners**

The three documents have been issued to partner organisations with expertise in tree and woodland management for peer review as part of the consultation process, including the Woodland Trust and the Yorkshire tree officers group.

We will work collaboratively with ward members and partner organisations wherever possible in implementing the policies and procedures outlined in these documents, in particular where decisions are required about the removal of trees for non-statutory or safety reasons and for significant planning tree planting and woodland management schemes.

- **Place Based Working**

As described above the policy and associated documents allow for ward member, citizen and partner engagement in decision-making about tree related issues where appropriate to ensure that outcomes are appropriate to the geographical area and community in question.

- **Climate Change and Air Quality**

This policy commits the Council to proactive woodland management, increasing tree cover and protection of existing trees on Council land, all of which will contribute actively to carbon sequestration. As such this policy contributes to the Council's response to the climate emergency and aligns with the adopted climate emergency working party report which in commits the Council to participation in the White Rose Forest programme, aiming to increase tree canopy cover across the district by 30% by 2045.

- **Improving outcomes for children**

The Guidance document recognises the value of all green spaces, including woodland, for adventurous play and the vital contribution this makes to children's physical, mental and emotional well-being and development. As such the use of Council woodlands for play is considered, in particular the construction of tree swings in tree houses and proposes that such items will be left in woodlands where they are considered to be safe for use. Any such items encountered in Council woodlands by officers during the course of their work, or reported to the Council by third parties, will be inspected and assessed for safety in terms of their location and construction. If considered dangerous or inappropriate they will be removed within one working day of this decision being made. Structures will only be left in situ if they are considered to be safe for use until the next scheduled inspection of that area in the forestry team's tree inspection programme, as the Council is not able to allocate additional resources to more frequent monitoring of such items. Any decisions made will be documented.

- **Other (eg Legal/Financial or Human Resources)**

All three documents have been reviewed and approved by the Council's insurance team in terms of all content that relates to risk management and potential claims.

Do you need an Integrated Impact Assessment (IIA)?

N/a

4. Consultees and their opinions

The three documents presented in this report have been developed by the park's development and forestry teams within Greenspace. They were subsequently reviewed by the insurance team, Tom Stevenson (Biodiversity Officer), the planning policy team and Councillor Rob Walker and amendments made. The documents were then submitted to Scrutiny for a panel discussion which took place on 10th October 2019.

The Scrutiny panel proposed a few small amendments which were made to the policy before it was issued for internal and external consultation. The three documents were then issued for consultation to the following:

Internal:

- Kirklees Neighbourhood Housing
- Planning & planning policy
- Corporate Facilities Management
- Corporate Strategy
- Guy Thompson, White Rose Forest partnerships manager

External:

- Woodland Trust
- Yorkshire tree officers' group
- Save Greenhead Trees/Save Kirklees Trees campaign group

Comments were received from the following:

- KNH: some amendments to the wording in the Guidance document around the treatment of trees in residents' gardens were discussed and agreed.
- Corporate Strategy: links to climate emergency strengthened and distinction between this policy and planning policy made clearer.
- Planning policy: some amendments made to make clear the distinction between this policy and planning policy relating to trees.
- Save Kirklees Trees campaign group: comments related mainly to planning policy tree issues which are beyond the remit of this policy but have been passed on to the relevant department.

5. Next steps and timelines

- A Kirklees White Rose Forest delivery plan has been drafted and submitted to the White Rose Forest partnerships manager to take forward this element of the policy. This includes possible mechanisms for delivering woodland management and planting going forward such as the creation of a social enterprise.
- Risk management: The forestry team will work with all affected services to begin the process of zoning trees and associated inspection levels in order to implement the new framework and agree details of recouping costs. A programme of basic training will be rolled out for grounds maintenance staff, housing officers and other staff as relevant to enable them to recognise obvious problems with trees which can be reported back to the forestry team.
- Communications: Tree related information provided on the Council website will be reviewed and updated, in conjunction with planning teams so that information is streamlined; this will include discussion of how we use the website to inform/engage the public in changes relating to trees both in terms of tree removal and planting.

6. Officer recommendations and reasons

Approve the adoption of the *Council Owned Tree and Woodland Management Policy* together with the *Tree Works on Council Owned Trees: Guidance Document* and the *Tree Risk Management Framework*.

Reason: to achieve effective management and enhancement of trees and woodlands under Council ownership

7. Cabinet Portfolio Holder's recommendations

The Cabinet Portfolio Holder, Councillor Rob Walker, supports the recommendations in this report and would ask Cabinet to resolve to agree to the recommendations as outlined in section 6 of the report.

8. Contact officer

Rob Dalby, Greenspace Operations Manager
rob.dalby@kirklees.gov.uk
(01484) 221777

9. Background Papers and History of Decisions

Scrutiny panel discussion, 10 October 2019:
<http://modgovdb01vm:9070/ieListDocuments.aspx?CId=572&MId=6132>

10. Service Director responsible

Sue Procter, Service Director - Environment, Economy and Infrastructure
sue.procter@kirklees.gov.uk
(01484) 221777