

**Name of meeting:** Cabinet  
**Date:** 14<sup>th</sup> November 2023  
**Title of report:** Council Owned Tree and Woodland Management Policy

**Purpose of report:** For Cabinet to consider:

- Formally adopting the new, replacement Council Owned Tree and Woodland Management Policy
- If adopted, to delegate authorisation of future updates to the Service Director for Highways and Streetscene.

<p><b>Key Decision – A key decision is an executive decision to be made by Cabinet which is likely to result in Council spending or saving £500k or more per annum, or to have a significant positive or negative effect on communities living or working in an area compromising two or more electoral wards. Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</b></p>	<p><b>Yes</b></p> <p><b>If yes give the reason why</b></p> <p>Affects all wards</p>
<p><b>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u></b></p>	<p><b>Key Decision – Yes</b>  <b>Private Report/Private Appendix – No</b></p>
<p><b>The Decision - Is it eligible for call in by Scrutiny?</b></p>	<p><b>Yes</b></p>
<p><b>Date signed off by <u>Strategic Director</u> &amp; name</b></p> <p><b>Is it also signed off by the Service Director for Finance?</b></p> <p><b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b></p>	<p>David Shepherd, Strategic Director, Growth &amp; Regeneration, 30/10/23</p> <p>Isabel Brittain, Interim Service Director – Finance, 24/10/23</p> <p>Julie Muscroft, Service Director - Legal, Governance and Commissioning, 26/10/23</p>
<p><b>Cabinet member <a href="#">portfolio</a></b></p>	<p>Cllr Y Hussain, Culture &amp; Greener</p>

**Electoral wards affected:** all

## 1. Summary

A review of the Council's existing tree and woodland management policy identified that it now requires reviewing, updating, and redesigning. This review work resulted in a redevelopment of the existing documents to provide a new progressive policy.

Engagement and consultation has been undertaken with the new document package drawn together into a finalised draft. Including Policy Statements, an updated Risk Framework, Management Standards and Service Standards.

This new, replacement policy suite now requires consideration and a decision on:

- If the policy should be formally adopted
- If adopted, delegating the authorisation of future updates and revisions to the Service Director for Highways and Streetscene to allow the document to be kept up to date and aligned with any changes to national or local policies, legislation, and guidance during its life cycle. As per the review schedule set out at section 13 of the new policy document suite.

## 2. Information required to take a decision

Trees are an important part of the district offering a range of valuable benefits to our communities.

Research has shown that trees provide important benefits to a district, ranging from:

- Wellbeing and mental health
- Supporting biodiversity
- Climate change, pollution absorption, carbon capture
- Beautification - economic uplift

BlueSky GIS data estimates that there are approximately 190,000 trees on Kirklees owned land, across parks, open spaces, grounds of Kirklees owned buildings etc. This excludes trees in the highways network.

There are then 450 miles of classified A, B and C roads, with a further 1500 miles of none classified roads where the Council has duties and management responsibilities over trees that are under Council ownership within the highway's curtilage. However, duties also expand to private trees where they may present an immediate risk to the public highway network. Using the Capital Asset Valuation for Amenity Trees (CAVAT) methodology the Council's stock of urban street trees alone, has an estimated value as an asset of £51,000,000.

The Health and Safety at Work Act, and the Occupiers Liability Act place a duty on the Council to manage its trees to reduce any risk they may pose to an acceptable level. The Highways Act also places a duty on the Council, as the Highways Authority, to ensure the safety of road users and to clear obstructions to the highway network. In terms of trees this must include a cycle of inspections to identify, and respond to any obvious hazards, disease, or significant defects that develop with regards to trees that the Council are responsible for.

The Environment Act (2021) and recent associated changes to the Natural Environment and Rural Communities Act (2006) then place duties on the Council in terms of area, such as increasing canopy cover, conserving and enhancing biodiversity.

The majority of management works to Council trees, including inspections, are undertaken by the Council's Arboricultural Team (formerly known as Forestry), the core of which is made up of: 8 Arborists, 4 Inspectors and a Business Support Officer.

In 2020 the Council adopted a Tree Policy, a Tree Risk Framework, and a Tree Management Guidance document. Which, as a suite of documents, sets out the Council's proposed method of managing its trees to discharge its duties, including a cycle of safety inspections.

This document suite now requires reviewing and updating to bring it in line with current national policy, best practice, to help focus service delivery and to allow more effective and strategically focused use of resources.

On this basis, officers have been working to redevelop the Council policy documents to provide a new progressive policy which is better aligned with new national policy, the Council's current commitments and Kirklees' corporate goals. A copy of which is included in the supporting papers.

In general, the emerging draft document is made up of the following key sections:

- Revised policy statements, to provide a scaffold for the wider document and a foundation for the Council's management principles, aligned with existing wider national and local policies.
- A revised and updated risk framework, aligned with current industry best practise, taking account of recent case law and legislation. Setting a system of inspections and operational methods that meet the legal requirement, but which utilise current resources more effectively.
- Management Standards setting the council's detailed position on the maintenance and management of its trees. The situations where the Council will undertake work, and those areas where it cannot undertake works.
- New Service Standards setting out priorities, response time for enquiries received and timeframes for works to be completed in different situations. Along with setting proformas to be used for submitting enquiries, to ensure that they can be processed and prioritised efficiently in a standardised format.

These revised documents are key to setting consistent principles across the Council surrounding the management of Council trees. This new document suite also represents a messaging opportunity, allowing clear information for both officers of the Council and members of the public to be signposted to.

If adopted, it is intended that the provisions, and information, contained in this new policy document suite is used as the basis of an expanded web facility. To better communicate the Council's position, allowing service users to better self-help and engage with the Council's Arboricultural Team, streamlining the enquiry submissions and handling process.

The draft policy document has been through an engagement process with colleagues in Climate Change, Risk and Insurance, Planning- Conservation, Design, Trees and

Ecology and the Arboricultural Team. Along with a range of Service areas as interested parties, including Planning Policy, Highways, Homes and Neighbourhoods, Corporate Facilities Management, Kirklees Direct and The White Rose Forest as the regional Community Forest partner.

In January 2023, the initial draft was also taken to the Environment and Neighbourhoods public Scrutiny Panel for comment. With the comments received now addressed, see section 'e Engagement' below for more detail.

All the necessary amendments and revisions identified through the engagement process have now been addressed. The finalised draft policy now in a position to progress to consideration for adoption.

### **3. Implications for the Council**

Officers believe that continuing to rely on the current policy, with the gaps it now contains, would leave Kirklees out of step with the change in national and public position surrounding the trees leaving the Council open to challenge, and would result in continued difficulties and inconsistency with service delivery across Service areas preventing the Council from moving forwards with a progressive and strategically led management of its trees stock.

#### **3.1 Working with People**

The Council's management of its trees and woodlands portfolio affects all the communities that the Council serves. The safety of citizens is especially important and the new policy documents put the management of risk from Council trees to members of the public as a key factor benefiting residents and visitors to the district alike.

The value of the Council's tree stock and the benefits trees bring to the people in relation to climate change, health benefits, biodiversity value and economic benefits are also key aspects of the new policy to ensure the Council is managing its trees to increase the benefits they provide for current communities and for generations to come.

The new document suite will also allow for better information to be shared via a new web resource to facilitate service users being able to access better information to self-help and to access the Council's tree services more efficiently.

#### **3.2 Working with Partners**

The management of trees within the Kirklees district crosses over multiple service areas. Therefore, involving key interested partners at the early stages of drafting was key to ensuring the Council Owned Tree and Woodland Management Policy is fit for purpose and linked to other Council policies and commitments as necessary. See section 5. Engagement, below for further details.

#### **3.3 Place Based Working**

The new policy document takes account of the diverse district which the Council covers and allows for resources to be utilised in the best way possible to achieve the positive outcomes for all communities. By fostering a consistent joined up tree management approach across Kirklees services areas the policy uses intelligence and information to focus on wider community needs.

### **3.4 Climate Change and Air Quality**

Tackling the climate emergency, reducing emissions, and improving air quality are key long-term priorities for the Council to improve the quality of life for residents and create a borough that is healthier, more sustainable, and fairer for everyone.

These are key areas of the Council Owned Tree and Woodland Management Policy: Setting management principles that will capitalise on trees' ability to capture and store carbon; absorb and reduce air pollutants; reduce urban heating; slow run off of water thereby reducing the risk of flooding, and the proven benefits around increasing mental and physical health benefits of individuals, all of which will contribute to the Council's goals around tackling climate change.

### **3.5 Improving outcomes for children**

Managing the benefits trees bring to the district, via the new policy documents, will have a positive impact for future generations and children in the district today. Providing them with access to safe and healthy environments to live, and grow in, now and into the future.

### **3.6 Financial Implications for the people living or working in Kirklees**

The new Policy document will facilitate more efficient use of Council resource, allowing current resources to better deliver services to residents and communities.

### **3.7 Other (eg Integrated Impact Assessment/Legal/Financial or Human Resources)**

The management of the Council's trees is currently listed as high priority on the corporate risk register. The new Council Owned Tree and Woodland Management Policy documents, and the principles they contain, will be an important step towards starting to address, and reduce this risk rating.

The new document suite will allow the Council's Arboricultural Team to manage its resource more effectively and provide easier access to clear information for Council officers, service users and the wider general public, which is anticipated will reduce resource implications over the long term.

The Integrated Impact Assessment (Case ID IIA-547149095) undertaken to support the tree policy document has found that:

The policy will apply across all residents of communities equally and will not have any negative impact in terms of equality, diversity, and inclusion. Specialist advice was sought as required. As such the tree policy document reflects and is aligned with other service area policy commitments and Council goals.

Positive impacts were identified in terms of service users with improved Council officer access to the information to help resolve issues.

Positive impacts were also identified relating to environmental matters such as air quality, greenhouse gas emissions, biodiversity and nature and climate risk and vulnerability.

## **4. Consultation**

N/A

## **5. Engagement**

From the beginning of drafting the new policy documents engagement was, and has been ongoing with: Risk and Insurance, Planning- Conservation, Design, Trees and Ecology, Energy and Climate Change and The Arboricultural Team.

Further engagement was undertaken with: Highways, Planning Policy, Legal Services, Kirklees Direct, Homes and Neighbourhoods, Corporate Facilities Management, and the White Rose Forest as the regional Community Forest partner.

Comments received related to rewording, or amendments to specific sections, and addition of text to link the draft tree management policy to other areas, such as Planning Policy.

In January 2023, the initial draft was also taken to the Environment and Neighbourhoods Scrutiny Panel for comment. Comments provided by the Panel, and actions taken to address them in the finalised draft, are as follows:

- 1) "To add to the policy the aim to increase tree numbers and tree cover." *wording has now been clarified and expanded to better reflect the existing Council's commitment to the White Rose Forest regional planting targets.*
- 2) "For officers to speak to Councillor enquiries regarding the development of the proforma". *Officers have engaged with enquiry colleagues to further develop the enquiry proforma and processes.*
- 3) "The wording around removing deadwood in the policy be revised to reflect that deadwood would only to be removed when deemed hazardous". *Wording has now been amended to better reflect this position.*
- 4) "The wording on point 8.3 be revised to better reflect the procedure in relation to the right to light and the discretion around alleviating problems where funding was available." *Wording has been amended and expanded to better reflect the process around shade issues.*
- 5) "It was important to ensure the diversity of trees when growing and forming woodlands." *Wording has been amended, and text added, to link the current national standards for diversity of trees and woodlands. Specifically clearer links have made to documents like the UK Forest Standard that governs these areas.*
- 6) "The wording in the policy be amended to make clear that the procurement of trees was sourced locally through Leeds City Council". *Wording has been strengthened and better linked to legislation and national guidance relating to bio security and local provenance of tree material. However, specific reference to Leeds City Council as a supply has not been included. On consideration of this point, it was seen to be inappropriate to make reference, or commitment, to a specific supply within our policy. This is dealt with via our procurement procedures and may be subject to change within the lifetime of the Policy.*
- 7) "More information relating to Ash Dieback be presented to the Panel at a future meeting in relation to funding streams and resources". *This is being dealt with separately and more information relating to this will be presented at Scrutiny in due course.*
- 8) "The Policy be presented back to Scrutiny prior to Cabinet". *The final draft document has now been presented back to Scrutiny Panel.*

## **6. Next steps and timelines**

If adopted, the new policy documents and the provisions they contain, will be rolled out across the management of Council owned trees. Supported by a web facility to communicate the information more readily and allow streamlined access to the enquiries process set out in the new policies and service standards.

Allowing:

- Better control over service delivery with more efficient use of resources
- A consistent joined up approach across Kirklees' delivery of services
- Improved management of exceptions
- Better communication of the Council's position on tree management

## 7. **Officer recommendations**

Officers recommend that the new Council Owned Tree and Woodland Management Policy be adopted and that approval of future updates to this document be delegated to the Service Director for Highways & Streetscene.

## 8. **Cabinet Portfolio Holder's recommendations**

As Culture & Greener Portfolio holder, Cllr Hussain has set out that the replacement Council Owned Tree and Woodland Management Policy, provides important benefits through bridging gaps in current policy and utilising resource more effectively. The principles and standards set by the new policy clearly identifies the benefits to economy, climate change and public health. Along with contributing to our net zero aims for Kirklees Council, despite government's opposition to this. Councillor Hussain has no concerns or issues with the policy and recommends that Cabinet accepts / endorses the officer recommendations.

## **Contact officer**

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## 9. **Background Papers and History of Decisions**

- Council Owned Tree and Woodland Management Policy adopted July 2020
- Tree Works on Council Owned Trees, Guidance Document revised 2020
- Kirklees Council Tree Risk Management Framework, adopted 2020
- Report to E&N Scrutiny Panel, 10<sup>th</sup> Jan 2023
- The Integrated Impact Assessment (Case ID IIA-547149095)

## 10. **Service Director responsible**

Graham West, Service Director - Highways & Streetscene