

Protecting and Enhancing England's Trees and Woodlands

Response to Defra consultation by Wildlife and Countryside Link
February 2019

Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 49 organisations to use their strong joint voice for the protection of nature. Our members campaign to conserve, enhance and access our landscapes, animals, plants, habitats, rivers and seas. Together we have the support of over eight million people in the UK and directly protect over 750,000 hectares of land and 800 miles of coastline.

This response is supported by the following Link members:

- *A Rocha*
- *Bat Conservation Trust*
- *Butterfly Conservation*
- *Campaign to Protect Rural England*
- *National Trust*
- *Open Spaces Society*
- *Plantlife*
- *Rewilding Britain*
- *RSPB*
- *The Wildlife Trusts*
- *Woodland Trust*

Before responding to the specific consultation questions, we would like to underline that trees in urban landscapes are of immense value. With 83% of the UK population living in urban areas, they are the main element of green space that most people interact with on a day to day basis. The ecosystem services they provide offer major, long-term benefits to both people and place, including homes and food for wildlife, cooling and shading in built-up areas, noise abatement, air quality improvement and helping flood water retention.

In this context, everything possible should be done to protect and enhance England's trees and woodlands, and we endeavour in our response to help explain how the consultation proposals could be reinforced to achieve this aspiration.

Link top-line position on specific consultation questions

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

We support a duty to consult, giving the public power to influence street tree management decisions - but only if government provides adequate resources for local authorities to deliver it.

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

We do not agree with the proposed scope of the duty to consult, or the proposal of closed consultation with a 'trigger' point – the scope is too narrow and doesn't adequately reflect the significance that some trees have beyond immediate residences.

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

We do not support broad brush exemptions. For example, dead trees have wider benefits to biodiversity, landscape and amenity and so should not be exempt from the duty to consult.

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?”*

We agree it is appropriate that trees of special historic or cultural significance are subject to a more rigorous consultation process. Additionally, we recommend that considerations for special significance should also include a category for environmental significance. We also wish this to apply to trees that are important to a landscape’s character, which could be identified within a local Landscape Character Assessment, neighbourhood plan or on a county/region/protected landscape scale.

Q6. *“Do you think that the duty to consult will have any negative impacts on development?”*

We do not believe that the duty to consult will have negative impacts on development.

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

We think consultations should be done on an individual basis AND also for groups of trees, depending on context.

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

We support placing a duty on local authorities to report on tree felling and planting activity. The government must provide resources to facilitate reporting of this information, and collect and use this data for monitoring, publishing and to inform where resources and support are targeted.

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.”*

We agree that tree and woodland strategies help local authorities and the public to manage their trees and woodlands. These should align with and contribute to a national strategic approach to meeting woodland expansion targets and work cohesively with spatial planning for the creation of a Nature Recovery Network.

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

We do not agree that best practice guidance would be sufficient for local authorities and the public. Support and advice from government is also necessary.

Q15. *“Do you think any other measures are necessary to combat illegal tree felling?”*

There needs to be a realistic number of Forestry Commission enforcement officers to identify illegal felling and ensure it can deliver on the ambition of protection. More consideration is needed of the role of the proposed felling controls in securing permanence of woodland under the Woodland Carbon Code.

Over recent years, there has been a significant increase in public awareness and concern over urban tree management. The objectives behind the interventions proposed by government in this consultation are intended to address this concern while promoting transparency, good practice, meaningful data, and empowerment. However, we have specific concerns about the scope of the proposals; what they will mean in practice for those delivering urban tree management, and critically, how the objectives can actually be met without accompanying innovation, guidance and adequate resourcing.

There is a real need to improve England’s network of urban forests – through increased management, planting, public engagement, and better protection for trees and woods. It is important that the focus be on native planting, supporting a net gain approach, and that planting be in keeping with places of character. Many local authorities still deliver good practice in the face of significant budgetary constraints. Without the resources to reverse these constraints, we believe the proposals – in their current form - will prove too burdensome and would likely have a negative impact on the future of sustainable urban forestry. We welcome the government’s intention, and its stakeholder engagement. This is an opportunity to develop and enhance the proposals, to provide a system that works for both local planning authorities and the communities they serve.

We are concerned that these proposals are restricted to urban settlements - there is no definition of what the ‘urban environment’ is within the scope - and it ignores trees and woodlands in rural areas which people care just as much about.

Detailed response

The ‘duty to consult’ locals about removing trees

We welcome the proposals to involve people in the future of street trees in their area. In many cases the people who benefit from trees and woods are not those responsible for their management. We cannot emphasise enough that undertaking this consultation is not an end in itself. It will only work if local planning authorities have adequate resources to deliver the proposed street tree management consultation and in turn act upon the results. While this proposal would certainly help bring citizens closer to the management of their street trees, it must be adequately planned and resourced or risk undermining the objective.

There is a need to avoid overstressing the limited resources that authorities already work with, which has already led to councils cutting back on notification procedures for planning applications: Camden Council for example no longer sends postal notifications to neighbouring properties and instead relies on email communication. The continued pressure on qualified and committed council officers managing trees is having an impact now. The duties in their current form risk further burden and loss of dedicated staff. If our towns and cities are going to have safe, sustainable and better urban forests in the future, a trend towards the loss of tree officers must be reversed with recognition that urban forestry should be a career choice for ambitious, innovative and talented professionals.

We call for:

- Additional resourcing that will enable local planning authorities to deliver such a commitment if it is to deliver improvements in community engagement.
- The government to define how the results will be enacted if the public are to have confidence that their own time and effort is both valued and in turn have influence.
- Any duty to be set within a wider engagement strategy (which should form part of a Tree Strategy), to help the public respond in an informed manner when consultations arise.
- Broadening of the proposed scope of consultation to include edge of town locations; new development in suburban, green and brownfield sites, and rural settlements. There also needs to be greater clarification on the definition of what a 'street tree' is. The public must easily understand the scope of this and know what they can expect to influence.
- More consideration on the significance or impact of a tree beyond the arbitrary margin stated of 100m, especially trees of local, regional and national significance. We also find it strange that a box is proposed as the residents receiving notification will vary depending on the precise orientation of this box, and suggest that it would be much easier for councils and enable a more consistent and fair approach if the boundary was a circle rather than a box.
- Exemptions that only apply where a tree is assessed according to an appropriate risk assessment framework. We do not support broad brush exemptions. For example, dead trees have wider benefits to biodiversity, landscape and amenity and should be judged on a case by case basis. Also clearer guidance on what constitutes a street tree which interferes with the maintenance of the highway.
- Appropriate guidance on defining the significance of a tree - to aid the definition of a consultation.
- The inclusion of recognised and appropriate stakeholders in a consultation process such as parish councils, established community groups, tree wardens, and specifically relevant organisations such as the Ancient Tree Forum.
- Broadening the scope for trees of historic, cultural, landscape or ecological significance beyond those that are 'also' street trees to include any that are under the jurisdiction of a Local Planning Authority. This should recognise the need for a considered management approach to tree health which recognises the habitat niches provided by deadwood, which can support a variety of hole-nesting birds, bats, which are protected species that regularly roost in living and dead trees in all categories including the urban environment, invertebrates, fungi, lichens, and other species. This is of particular relevance to the management of pest and disease outbreaks,

which must avoid knee-jerk reactions and ensure an appropriate and transparent management response that maintains or increases habitat availability wherever feasible.

- Additional categories of ‘Trees of Special Interest’, ‘valuable’ trees, and ‘significant trees of the future’ to be subject to more rigorous consultation.
- Further consideration on the feasibility to consult on individual trees and/ or groups dependent on circumstance. Consultation must be meaningful and appropriate if it is to avoid burdens and ‘consultation fatigue’ amongst tree officers and the public.

The 'duty to report' on tree planting and tree felling

We support the idea of standardised reporting, but it is important that Government leads this process by providing the framework and resources for delivery. Government agencies should also have a reporting duty, as local authority owned trees are only a small proportion of trees in the urban landscape. The planting and felling of all publicly owned or managed trees should be reported in a uniform way regardless of location.

We call for:

- A standardised government model for reporting and presenting data.
- A central government database of this information with open access and mapping to enable monitoring, meeting open data standards such as used in Brownfield Registers.
- Compatibility with existing asset management software to facilitate data transfer.
- Provision made for those authorities that don't currently have asset management software.
- Monitoring and reporting of new tree planting, and losses, via the net biodiversity gain approach for new developments
- Stronger powers of enforcement of new tree planting, and losses, via the net biodiversity gain approach for new developments
- Government to take a lead role improving England's urban forest through informed support, guidance and indeed enforcement where it is needed. Priority given to dealing with areas where canopy cover reduction is identified and incentivised reaction and reversal program adopted accordingly.

Tree and woodland strategies

We believe most authorities do an excellent job of managing trees for the benefit of their citizens and the environment. We agree that Tree and Woodland Strategies help local planning authorities and the public to manage their trees and woodlands, but we do not agree that best practice guidance would be sufficient for local planning authorities and the public. Some best practice guidance is already available but is only followed by those authorities who choose to adopt it. There should be a national strategy and a template available for local authority adoption as well as central support (for example a Defra helpline), and training.

We call for:

- A national strategy, guidance and process for informing and delivering bespoke local and regional strategies. These should align with and contribute to a national strategic approach to meeting woodland creation and expansion targets, and work cohesively with spatial planning for the creation of a Nature Recovery Network.
- Inclusion of environmental issues in the local context such as flooding, air pollution, climate change mitigation.
- Strategies to consider the whole landscape, not just council-owned trees or council-owned land but to incorporate trees in private ownership.
- Strategies should also set out a timeline for a review process.
- Economic valuation should not be the sole driver for biodiversity decision-making, which must also recognise and reflect those values which are not easily quantified.
- In addition to biodiversity, other values should be assessed such as heritage, culture, landscape and amenity.
- The encouragement of local planning authorities to incorporate [Tree Charter](#) principles within their strategies, including recognition within the national strategy and guidance.

Illegal felling

We welcome support to help the Forestry Commission to do more in relation to tackling illegal felling. However, the measures proposed require further consideration and amendments. If the Forestry Commission is to deliver on these proposals there needs to be a sufficient number of enforcement officers to enable timely monitoring and action on illegal felling. The public should expect reported concerns to be investigated in a timely manner and while evidence is fresh.

We call for:

- Government to review the many existing exemptions and ensure they still meet requirements in an age where the value of trees is increasingly recognised far beyond their timber value.
- Better linkages between the felling licence system and the planning system: the two often operate in isolation and can allow unscrupulous land owners and developers to slip between the two.
- Land that is subject to a restocking notice to be clearly mapped and disseminated to local planning authorities so that it forms part of the planning process, without authorities having to search for this data.
- The unlawful felling of trees prior to the submission of a planning application to be viewed as a material planning consideration.
- Prevention of the sale of land where illegal felling has taken place, unless a signed agreement is obtained committing the new owner to restocking.
- Fines for illegal felling revised and increased to a level where they negatively impact the viability of any future scheme on the land.
- Adequate provision of resources to the FC to enable them to enforce new measures.

We also suggest:

- An anonymous reporting hotline and online resource so people can report concerns confidentially and feel protected and empowered when speaking out
- More interaction between Tree Preservation Order process and felling license procedures, particularly for trees of special interest
- More consideration should be given to linking land value to the level of fine imposed – if developers benefit from unlicensed removal of trees, then this should be reflected in the fine
- Revision of the TPO system to broaden the scope beyond amenity to include biodiversity, landscape and other ecosystem service provision.
- More consideration is needed of the role of the proposed felling controls in securing permanence of woodland under the Woodland Carbon Code. Felling controls within the Forestry Act (1967) have a key role within the Woodland Carbon Code in guarding against deforestation or the removal of woodland.

For questions or further information please contact:

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