

Protecting and enhancing England's trees and woodlands Consultation

Newark & Sherwood District Council's Response

Duty to consult

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

The District Council is not a highways authority and therefore is not itself responsible for street trees, it is however responsible for administering the system of Tree Protection Orders and considering the impact of the felling of trees in Conservation Areas. Therefore whilst the District Council would not be planning or proposing the felling of street trees itself it would become involved if the County Council were proposing such actions.

The District Council recognises the importance of trees as part of a quality street scene and supports their retention in such locations. If a duty of consultation was introduced the District Council would want to ensure that this consultation was carried out by the County Council as the body proposing the work in the circumstances that the tree was TPO protected or in a Conservation Area. This would ensure that the public would have a chance to comment before a formal application/notification were to occur and not confuse the different processes.

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

The District Council questions the term 'urban settlement' trees in villages and hamlets and alongside roads in the countryside are of equal importance.

Q3. Do you agree with the government's preferred approach of a closed consultation with trigger point? Please give reasons for your response.

The District Council agrees with the government's preferred approach.

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

The District Council agrees with the government's proposed exemptions.

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?

The District Council agrees with the government's proposed wider consultation for trees of special historic or cultural significance. The government should ensure that regulations

clearly set out what approach should be taken if a trees wider significance emerges during a consultation process.

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

The District Council believes that it is unlikely that carrying out consultation on street trees in any of the ways proposed will have any impact on additional development in existing settlements. If a street tree needs to be removed to facilitate development a delay of four weeks, when compared to other statutory processes that need to be undertaken, will have limited impact. It may be that if it is identified that a street tree will have to be removed to facilitate a planned development that any tree consultation is twin-tracked with the planning application.

What does concern the District Council is that in largescale new developments the addition of new regulatory requirements may lead to the highways authority resisting the inclusion of street trees in the design.

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

It would make sense to consult on groups of trees together using the accepted grading of importance, maturity and setting.

Reporting on felling and planting of trees by local authorities

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

The District Council is supportive of an approach which gives the public more information on the felling and planting of trees and would support this approach particularly in relation to activities on Local Authority land including in our parks and open spaces which we manage. The proposals also anticipate that this information would be collected on trees in relation to planning and trees in relation to Tree Preservation Orders. The District Council will be able to collate information on planning consents which relate to trees in new schemes it is difficult to see how the District Council would be able with current resources to monitor the full implementation of them including the status of individual trees given that most planning consents have a three year life time. Once work has commenced in some circumstances the schemes will take decades to conclude.

Similarly the Council will be able to provide full details of works consented as part of the tree preservation order process it does not have a record of whether the work is actually carried out. Consents for TPO works last two years.

Therefore in order for the system to work effectively the District Council believe that consents should be recorded and publically available. This would empower citizen participation in ensuring that new development protects and enhances trees.

The District Council also believe that Town & Parish Councils and Church authorities should be obliged to report tree felling and planting as they often have significant responsibility for public open space and cemeteries. It is also potential desirable to consider the inclusion of statutory undertakers and utilities companies, who have certain rights to fell trees as part of their responsibilities.

Consideration should also be given for the reporting of hedgerow removal notices within the same information.

Q9. Which trees would it be useful to report on? Please explain the reason for your answer.

The District Council agrees with the government proposals on scope of trees to be reported on.

Q10. What information do you think local authorities could gather and hold? Please explain the reasons for your answer.

As set out above Council's will be able to provide information on the felling and planting of trees in our own estate, along with information on relevant consents should provide a robust set of data to monitor trees within the District.

Q11. How could local authorities present this information? Should national government play a role in collating and managing information?

It would make sense that the recording of felling and planting was recorded in a common format to allow wider than Council area interrogation of data. This is particularly the case where two or three local authorities operate in one area.

Tree & Woodland Strategies

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.

The District Council does not currently have a Trees & Woodland Strategy but is resolved introducing one because it believes in the importance of setting out a long term strategy for managing the trees and biodiversity of the District. The District Council believe that it can only be aided in its work of producing such a strategy by the provision of best practice guidance.

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

In general the areas covered in the consultation are supported; however the District Council is keen to ensure that the strategies not only focus on the trees in our ownership but also set an appropriate context for wider tree management in the district including funding for tree planting and intervening in the landscape to increase tree coverage (where appropriate). Similarly trees should be seen in the wider context of management of the natural environment, including hedgerows

Forestry enforcement measurements

Q14. Do you support these measures?

The District Council is supportive of any measures which combat illegal tree felling.

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

None.

General Comments

The District Council would be keen to see a more comprehensive approach to the subject area – including a national strategy encompassing better management of trees and woodland, increasing tree coverage and tree planting and encouraging biodiversity. This would encompass encouraging trees in new development and methods for securing their inclusion. Such an approach would need to be included within updated national planning policy.

There would also be an opportunity to explore whether the current arrangements for protecting trees are fit for purpose.