

NAME OF COMMITTEE	Economy and Environment Scrutiny Panel
DATE	13 November 2014
REPORT TITLE	Trees and Hedges Update
REPORT	Ross Kennerley. Natural Environment and Recreation Manager
WARDS AFFECTED	All

Summary of report:

In November 2013 the Council adopted a Tree and Hedge Policy, including a requirement for an annual review. This item brings Members up-to-date on implementation by the Council and includes an update on current operation.

Financial implications:

No direct financial implications.

RECOMMENDATIONS:

That Members consider the report and

- 1. Review current delivery and identify any matters for further action**

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1. BACKGROUND

- In November 2012 the E&E Scrutiny Panel received a report on tree and hedge work at the Council. This included a recommendation to develop and adopt a clear and updated policy for Council work in relation to Trees and Hedges. A Task & Finish group was formed and following review of the work a detailed policy was presented to Economy and Environment Scrutiny Panel on 14th November (EE30/13) and was subsequently adopted by Executive (minute number E48/13). The approval included requirement for an annual review.

2. The adopted *Tree Protection, Inspection and Management :Policies and Procedures* includes the following
- i. The Management of Trees on Council Land (incl Tree Risk Management Procedure & Management of Council Trees leaflet)
 - ii. The protection of Trees on Private Land (incl TPO assessment Procedure & Management of Protected Trees leaflet)
 - iii. The Protection of Trees on Development Sites (incl Validation Guidance)
 - iv. Trees and the Community
 - v. Protection and management of hedgerows

2 MATTERS FOR CONSIDERATION

- 2.1 **Implementation of Policy and Procedures.** Implementation has been undertaken and a summary is given in the table below

Work Area	Update
The Management of Trees on Council Land	<p>Tree Risk Procedure implemented with programme of pro-active surveys and inspections underway and procedure for re-active survey and works in place.</p> <p>Greenspace Team undertaking some inspection and works having taken on "Tree Works" budget and increased training and capability.</p> <p>Previous recording software no longer supported. Awaiting new software. Increasing risk around managing inspections, record keeping and defending claims if damage occurs.</p>
The protection of Trees on Private Land	Tree Preservation Order assessment procedure implemented. Used successfully to differentiate between trees worthy of TPO and trees not worthy of TPO.
The Protection of Trees on Development Sites	New procedure for ensuring correct information accompanying Planning Applications incorporated into "Validation Checklist"
Trees and the Community	South Hams Tree Warden Scheme supported Community Tree Planting Projects supported
Protection and management of hedgerows	Continues under existing legislation. No changes to procedure.

- 2.2 **Current Situation.** The previous Tree Officer left the Council in April 2014. In anticipation of new working practices within the T18 model an interim working practice has been implemented which includes retention of a private consultancy for specialist advice. Members are invited to assess effectiveness of the following approach which recognises the emerging T18 model and continues to align work to the new structure

- As before this area of work is overseen by the Landscape Officer (Alex Whish) – to whom Tree Officer previously reported.
- Council owned trees. The increased tree inspection capability within the Green Space delivery team has broadened the Councils ability to respond to requests to work on Council trees. Ad hoc queries are now referred, in the first instance, to the Green Space Team for assessment – and if necessary works agreed and undertaken in house. The Council retains additional consultant support to maintain its planned programme of inspection and provide technical support to the Green Space Team where detailed additional inspection is required. Lack of suitable hardware and software is a constraint on efficient working and record keeping.
- Tree Protection Tree and Hedge Applications. These continue to be case managed by Claire Palmer. Where necessary they are referred to retained consultant for onsite inspection. The Council continues to issue decisions in a timely manner and has won the two TPO Appeals lodged since the new arrangement came into place
- Requests for new TPOs. The Council has received an unprecedented number of requests for new TPOs to be served – both from the public and in relation to new development sites. These requests are managed by Claire Palmer. Requests are assessed on site by the consultant using the recently agreed TPO Assessment Procedure and a decision made to either issue a TPO, or decline the request, is based on this assessment.
- Enforcement Cases are managed through the normal DM procedure as before. Where site inspection or evidence gathering is required Alex Whish, Ross Kennerley or the retained consultant provide this. The number of reported cases has increased markedly.
- Trees on Development Sites. Cases are dealt with alongside other DM consultations. No specific issues.
- Trees and Community. Tree Wardens continue to be closely involved in, and consulted on, tree protection matters
- Hedgerow cases. Stable application workload but increasing demand year on year for active intervention in enforcing High Hedge cases
- General tree and hedge queries. As previously these are received by Customer Services and Assets Business Support staff. Where possible they are dealt with directly – but where they are more complex they are logged and referred to Alex Whish. This approach is allied to increased map and text based information on the website to improve the ability of enquirers to find answers directly. Lead in Assets Business Support Unit continues to be Jane Hoff

In general tree work is an area where pressures are increasing as housing development picks up and the quantity of TPOs increases year on year. The continued general confusion amongst many landowners and neighbours about responsibility for trees also leads to a continued flow of ad-hoc and complex queries. The processes for dealing with these will be fully integrated into the T18 model – and will be informed by the current interim arrangement. It is recognised that there have been some limited delays – but this reflects spikes in workload as much as any bedding in of the interim arrangement.

3. LEGAL IMPLICATIONS

3.1 The Council has the following legal powers and responsibilities

- Powers and duties to protect trees of amenity value under the Town and country planning Act 1990
- A legal duty of care to manage trees on its land under the Occupiers Liability Acts and common law.
- Powers to plant and manage trees under the Localism Act 2011 and General Powers of Competence
- Statutory duty to have regard to biodiversity and protected landscapes. A duty to protect countryside hedgerows under the Environment Act
- A duty to resolve High Hedge disputes under the Anti Social behaviour Act
- Discretionary powers to intervene to make safe private trees under the Miscellaneous Provisions Act 1974

4. FINANCIAL IMPLICATIONS

4.1 There are no further anticipated costs generated from these proposals.

5. RISK MANAGEMENT

The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

6. OTHER CONSIDERATIONS

Corporate priorities engaged:	Conservation of the Natural and Built Environment Sustainable Communities
Statutory powers:	See above
Considerations of equality and human rights:	No issues are identified – although charged services would still need to be reasonably accessible to all.
Biodiversity considerations:	Protection, management and planting of trees have biodiversity benefits
Sustainability considerations:	Protection, management and planting of trees have sustainability benefits
Crime and disorder implications:	High Hedge procedures deals with neighbour disputes
Background papers:	TEMPO – Tree Evaluation Method for Preservation Orders BS 5837. Trees and Development 2012 Blue Book. A Guide to the Law and good Practice H & S Exec Tree Risk Management Tree safety council Good Practice Guidance
Appendices attached:	None

STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Tree protection Failure to meet statutory duties over tree protection	Process for serving and managing TPOs	3	1	3	↓	Robust policies and procedures implemented in accordance with legislation and guidance	RK
		Deal with applications for works in timely fashion	3	2	6	↓	Clear process for assessing and issuing decisions	RK
		Capacity to serve new TPOs in light of increased demand and significant increase in development sites	3	3	9	↑	Ensure adequate case management and support capacity in emerging T18 model	KC
		Capacity to investigate and enforce breaches	3	3	9	↑	Ensure adequate enforcement capacity in emerging T18 model	KC
2	Trees on Council Land	Policy for inspecting trees on Council land	5	2	10	↓	Appropriate tree inspection policy in place	RK
	Failure to manage trees on council land appropriately	Inspection procedures	5	2	10	↔	Pro-active and re-active procedures in place. Need to ensure good transfer of requests and case management	RK
		Record keeping and mapping	5	3	15	↑	Existing IT no longer adequate to record inspections and provide data. Need to incorporate in new IT system	MW
3	Countryside Hedgerows	Failure to implement regulations	3	3	9	↔	Implement robust policies and procedures in accordance with legislation and guidance	RK
4	High Hedges	Failure to implement regulations	2	4	8	↔	Provide appropriate service	RK

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5	Tree Planting and community projects	Opportunity to provide new trees and woodlands	2	2	4	↑	Support appropriate planting on council land and through community groups	RK
6	Arboricultural specialism	Need to ensure access to adequate expertise and capacity.	3	4	12	↔	Current arrangements have expertise available. Need to ensure adequate capacity and capability through T18.	KC

Direction of travel symbols ↓ ↑ ↔