

January 2019

PROTECTING AND ENHANCING ENGLAND'S TREES AND WOODLANDS

Defra Consultation (December 2018 - February 2019)

Response by: **PETERSFIELD SOCIETY Green Infrastructure Group**
Prepared by: **Melanie Claire Oxley BSc MSc**

Our response is in three sections.

SECTION 1: OUR INTEREST AND COMMENTS

Petersfield Society is a Civic Society and a member of Civic Voice (previously the Civic Trust). We are an independent charity led by volunteers working with the community to conserve and enhance the special character of the town and its surroundings. **We support the Government's encouragement for Local Authorities to produce local Tree and Woodland strategies and look forward to working with this proposal in our local area.**

Tree and Woodland Strategies will provide a route for Local Authorities to set out their tree policies clearly to the public and to civic groups, as well as increase transparency and accountability to the public. We especially welcome the drive to “ensure that local residents are fully involved in shaping and benefiting from the green spaces they live, work, and play in”.

We strongly agree that trees are valued by local communities as they “contribute to the character of a place and offer high public amenity value, in addition to the ecosystem services they provide”. We therefore support the Government's commitment to placing a duty on Local Authorities to consult before felling street trees. In addition, we believe Local Authorities should explain their rationale and criteria for conducting management activities on street trees and public land, even when carried out as part of “maintenance management activity”.

Petersfield is fortunate to be located within the South Downs National Park, an inclusion for which we campaigned strongly. We are pleased to work closely with SDNPA which pursues a high level of public consultation and transparency.

Our i-Tree Eco Survey of Petersfield's trees was carried out with the encouragement and support of South Downs National Park Authority, East Hampshire District Council, Petersfield Town Council, Forestry Commission's Forest Research, and, importantly, Petersfield community. The results are published in 'Petersfield's Trees - their value and importance'. A copy was given to Defra's Lord Gardiner and Thérèse Coffey MP when they visited Petersfield to discuss the Survey. We are delighted that CPRE Hampshire awarded the Society its 2018 Community & Voluntary Countryside Award for the project last September. The report recommends that Local Authorities take a long-term, strategic approach to street trees, trees in public spaces, and privately owned trees and that, to this end, a Tree Strategy be developed for the town. We have prepared a Project Plan for developing the Strategy, which has recently been approved by Petersfield Town Council and South Downs National Park Authority.

Given our extensive experience over several years of working with Local Authorities and other relevant bodies, we have the following particular concerns not directly addressed by this consultation:

Tree Officers:

We are concerned that current budgets may be curtailing training and limiting continuing professional development. Moreover, the Arboricultural Association has found instances where Tree Officers are not being employed by LPAs. Its survey of June 2017 also reported that 83% of Tree Officers said they were concerned that ongoing austerity measures had adversely affected their ability to do their job well. See:

<<https://www.trees.org.uk/News-Blog/News/UK-Tree-Officer-Survey-shows-need-for-government-a#results>>.

We know of Tree Officers who decide whether specified works can be carried out, including felling trees, based solely on the minimum legal requirement. Even then, these decisions are made on whether the tree is considered healthy and, if so, the trees are worthy of TPOs. Tree Officers appear to be involved only when trees are protected by virtue of TPOs or their location within Conservation Areas. Special investment will clearly be required to resource Tree Officer for training regarding new requirements, such as assessing the historical, cultural, ecological and amenity value of a tree.

Presumption against felling:

We hold that felling should be regarded as a last resort in all cases. There is almost always an alternative to felling, such as crown reduction, limb removal, root trimming, feeding, etc.

Public amenity value in the landscape/townscape:

This needs a definition, and a 'test' or measurement system to determine the level of amenity value provided by trees and woodlands in towns and the local district. We suggest the use of Capital Asset Value for Amenity Trees (CAVAT) as used in our i-Tree Eco Survey. The National Association of Tree Officers (NATO) supports the use of CAVAT and undertakes training for Tree Officers. It is unfortunate that, although EHDC is a member of NATO, it does not support or use CAVAT.

Resources:

How will Local Authorities be resourced to accomplish the work required? With severely reduced budgets it is hard to see how Government can expect investment in this work without providing ring-fenced funding for it.

Legal teeth:

Will the duty to consult and report become enshrined in law? If not, how will Government provide incentives for Local Authorities to adhere to a new process?

SECTION 2: OUR ANSWERS TO CONSULTATION QUESTIONS

Please note that our numbering follows the pdf version of the consultation which is different to the numbering online.

2 DUTY TO CONSULT

Q1 (Online Q5): Duty to Consult

Yes, there should be a duty on Local Authorities to consult fully on applications to fell trees. The arguments for and against permission to fell, including any scientific evidence, should be set out clearly and unambiguously, so that consultees are fully informed of all factors involved.

In our locality, there is a brief window in which objections against an application to fell can be made, and the concerned public has to jump through hoops in order to make their views known within the Public Access pages of the SDNPA website (which requires registration). Even having got this far, evidential documents can be missing, or inaccessible. Local groups find the process frustrating.

Q2 (Online Q6): Scope of Duty to Consult

We do not agree that Option C is sufficiently robust. To consult residents within a 100m radius might only comprise 3 persons if large properties are well spaced. It is acknowledged elsewhere in the consultation, that the amenity value of a tree, particularly an established street tree, will have relevance to (say) a whole street, if not neighbourhood. This visibility of a tree will affect not just residents, but the public also.

To our mind a 'Full Consultation' would comprise a notice on the tree, and letters sent to all residents in the street affected, and to others whose view is impacted by the tree, as well as civic groups, community groups and other interested bodies in the town.

Q3 (Online Q7): Closed Consultation with Trigger Point

Any consultation would have to be carried out rigorously, with the respondents clearly convinced that their views were taken into account. A consultation can often mean a process that does not deliver. The notion of a trigger point is interesting, but it could involve very few people, as mentioned above.

Q4 (Online Q8): Exemption from Duty to Consult

We cannot see any reason for any tree to be exempt unless it poses an evidence based danger to the public. Looking at this cynically, LA's could claim exemptions in many cases, simply to avoid the work required to conduct a proper review of a tree. For example, what would define "significant damage"? Such exemptions from consultation could result in enormous tree loss. It follows that what is currently defined as a "maintenance management activity" cannot be used on its own to justify the unnecessary felling of trees.

The removal of a failed tree under 15 years of age could be exempt, but we would hope a rigorous examination into why the tree failed, using 'right tree, right place' guidelines, could help result in fewer failures. In particular, there should not be an exemption for a dead tree unless it poses a real and present danger to the public. A dead tree can have great biodiversity and structural value. Building regulations do not apply to trees and hedges but foundations can be affected by the removal of trees. Reports by professionally qualified Structural Engineers with relevant experience should be required before any decision is made by Local Authorities on whether to approve the removal of a tree, living or dead.

Q5 (Online Q 9-11): Trees of Special Historical/Cultural Significance

Veteran trees have the highest biodiversity and natural capital values and should therefore receive the same or greater protection than a tree with a TPO.

The role of local Tree Council Tree Wardens is of paramount importance, not only in this instance, but in other instances where TPOs have not been applied to significant trees. A specialist-led process needs to be put in place to assess the historical and cultural significance of veteran trees in order to prevent overly subjective assessments being made by Tree Officers. For example, we question whether there is much awareness of the species age differences at which a tree might be considered 'veteran'.

The Petersfield Conservation Area Character Appraisal and Management Plan 2017 identifies some 60 plus important trees or tree groups within the Conservation Area many of which are not protected by TPOs. We see no evidence presently that these important and historic trees are being considered for TPOs.

Q6 (Online Q12): Negative Impact of Duty to Consult

Firstly, there will necessarily be differing views expressed and sometimes these can become polarised. This tends to happen when people are not informed of the facts, but instead hold to their subjective prejudices. Once people are informed, they are less likely to rely on their own private opinion. Secondly, we are concerned about the impact of the cost of such exercises and the expert resources that might be required. How will Local Authorities actually fund this duty?

Q7. (Online Q13): Consultation for Individual Trees or Groups of Trees

The answer to this question will depend on each application to fell and is therefore impossible to answer, save to say a full consultation should be followed in all cases.

3 DUTY TO REPORT

Q8 (Online Q14): Duty on Local Authorities

Yes, this should be introduced, but the duty should include a duty to share data, not simply to report on outcome. Such duties could act to minimise indiscriminate, poorly informed decisions and actions.

As the consultation document sets out, the activities of Local Authorities regarding the 'management' of trees, undertaken in-house or by a contractor, often cause concern amongst the public. Activities such as pollarding and coppicing can seem drastic to the uninformed, and the result can change a local landscape for a number of years.

Q9 (Online Q15): Report on Which Trees

The decision on which trees require a report should be made in partnership with local groups, Civic Societies and local Tree Council Tree Wardens. These bodies often include highly qualified individuals whose free advice should be regarded as an asset to the Local Authority.

Even in the absence of a report, the data gathered on any tree concerned should be made available to the public.

Q10 (Online Q16): Information Gathering

A great deal of data exists in many places and will require co-ordination of effort. The quality of such information will vary: who will judge the admissibility and weight to be given to data? This task could be monumental requiring resources not presently held by Local Authorities. The Forestry Commission might be best placed to co-ordinate such a project to source data to add to its own, for example from i-Tree Eco Surveys, Local Authority and National Park Planning Departments and from Communities. Alternatively this work could be undertaken by MAGIC at Defra.

Q11 (Online Q17): Presentation of This Information

Ideally, centralised datasets should be available online and their existence advertised in local papers, on local community websites and via printed leaflets. Mobile data could include the use of Tree ID Apps, such as that produced by The Woodland Trust. It would be possible to develop these in local areas to include other data on trees such as their ages, and their historical, cultural and ecological value to their area. In addition, the TiCLApp, used to create trails, could link to the available datasets. It could be invaluable to have a centralised system, or at least standardised methodology, in data-gathering.

4 TREE AND WOODLAND STRATEGIES

Q12 (Online Q18): Benefit of Tree and Woodland Strategies

Whilst we wholeheartedly support the development of local strategies we have serious reservations about their deliverability. We say this from experience*. The resources required for this undertaking are large if the project is to be delivered within a short timeframe. A great deal of co-ordination, research, mapping and analysis will be needed, involving professionals from Town and District Councils, National Park Authorities, Environment Agency, Tree Council, Woodland Trust, Civic Voice and voluntary groups.

In Petersfield, our volunteer-led i-Tree Eco Survey will hasten this work in our town. We have said elsewhere that the need for a Petersfield Tree Strategy has been approved by the relevant public Authorities, with the work researching, co-ordinating, arranging meetings and site visits, etc, to be carried out by Petersfield Society and its volunteers.

After all this work, once produced, the new Tree Strategy could be in danger of joining other reports on the shelf. Nevertheless we believe these new duties could offer a means for the community to be further involved.

Q13 (Online Q19): Best Practice Guidance

The parameters and considerations for Tree and Woodland Strategies have been set out in the consultation document. These do not constitute 'best practice', which is an operational tool. We agree it would be desirable for plans to be produced following the same format. This will require an enormous amount of expert input. Other resources such as staff, money and time will be required to deliver such plans. Important voluntary groups such as the CPRE, Civic Voice, Tree Council, Woodland Trust, Wildlife Trusts and National Parks, local Civic Societies and Tree Wardens - to name a few - should be involved in their development, not merely consulted on the final draft.

5 FORESTRY ENFORCEMENT MEASURES

Q14 (Online Q20): Revamping the Forestry Commission

We do not find this question relevant to the rest of the consultation and prefer not to answer it. This is a matter upon which we expect to be consulted separately.

Q15 (Online Q21): Other Measures to Combat Illegal Tree Felling

Fines for illegal felling appear to be arbitrary and too low, given the importance of trees to our mental and physical well-being. We believe that heavier fines for such activity would help curb illegal felling - as would be an improvement in policing and enforcement. Subject only to forestry limitations we understand that owners of properties located outside Conservation Areas are entitled to fell any trees unprotected by TPOs on their own properties. This exemption should be examined, given the importance of trees for many environmental reasons.

SECTION 3: OUR BACKGROUND

Petersfield Neighbourhood Plan 2015, amended in January 2018, was developed by community volunteers including Society trustees. It was approved by public referendum and adopted by South Downs National Park Authority in January 2016. Its Natural Environment section was written by our chairman. It highlights the contribution that local community-based action can make towards conserving the natural environment. Further, it holds that proposals which result in a loss of biodiversity will not normally be permitted.

Petersfield Town Council Development Committee was established with Society representation to advise, guide and influence the implementation of the Petersfield Neighbourhood Plan.

Petersfield Conservation Area Character Appraisal and Management Plan 2017 was written by The Conservation Studio and Petersfield Society trustees on behalf of South Downs National Park Authority. Its Management Plan recommends that the Local Planning Authorities are to ensure that all new development in or on the edges of the Conservation Area protects or enhances existing views into and out of the Conservation Area within which the Plan identifies more than 60 important trees or tree groups.

Petersfield Town Design Statement 2010 was prepared by the Town Character Group in collaboration with East Hampshire District Council and with the extensive participation of the local community. Its production and publication was managed by the Society. It makes a number of recommendations including, in its section on the Natural Environment, that Town and District Councils and County Highways are to encourage the community, local groups, schools and employers to conserve and protect the natural environment and to undertake the planting of native species of trees and hedges.

Petersfield Town Joint Steering Group comprises representatives from Petersfield Town Council, East Hampshire District Council, South Downs National Park Authority, Hampshire County Highways and Petersfield Society. It was established early in 2016 to encourage the conservation and enhancement of the town's built and natural environment and to coordinate activities and projects to this end. Recognising that there was a lack of appreciation in some places about the value of Petersfield's trees for the mental and physical health and wellbeing of the community, the Group agreed that the first step should be a survey of the trees in the parish and that Petersfield Society should carry this out with the help of trained community volunteers.

The i-Tree Eco Survey of Petersfield's trees was carried out by Petersfield Society with the encouragement and support of South Downs National Park Authority, East Hampshire District Council, Petersfield Town Council, Forestry Commission's Forest Research, and, importantly, Petersfield community. The Society published the results in 'Petersfield's Trees - their value and importance'. A copy was given to Defra's Lord Gardiner and Thérèse Coffey MP when they visited Petersfield to discuss the Survey. The report can be downloaded from:

<<http://petersfieldsociety.org.uk/itree.pdf>>

It recommends that Local Authorities take a long-term, strategic approach to street trees, trees in public spaces, and privately owned trees. It also recommends that a Tree Strategy be prepared for Petersfield. The Society's Project Plan for developing the Tree Strategy has now been approved by Petersfield Town Council and South Downs National Park Authority.

<END>

Petersfield Society

Winton House Centre, 18 High Street, Petersfield, Hampshire, GU32 3JL

Registered Charity 213404

<enquiries@petersfieldsociety.org.uk> <www.petersfieldsociety.org.uk>

January 2019