

## EXECUTIVE

### 25<sup>th</sup> August 2022

<b>Report Title</b>	<b>Tree Management &amp; Care Policy</b>
<b>Report Author</b>	George Candler, Executive Director for Place & Economy and Deputy Chief Executive
<b>Lead Member</b>	Councillor Harriet Pentland, Executive Member for Climate & the Green Environment

<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is the decision eligible for call-in by Scrutiny?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Are there public sector equality duty implications?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Does the report contain confidential or exempt information (whether in appendices or not)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972</b>	

### List of Appendices

#### Appendix A – Tree Management & Care Policy

#### 1. Purpose of Report

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- 1.1 To introduce a North Northamptonshire wide Tree Management & Care Policy for review and approval by the Executive.

#### 2. Executive Summary

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- 2.1 The Policy document in **Appendix A**, outlines the operational principles to be adopted in the management of North Northamptonshire's trees, to ensure the council adopts best practice and meets its duty of care, legal, and health & safety obligations. This Policy will form part of a wider Tree Strategy, which will be developed to include analysis of existing tree data on canopy cover and inspection surveys, along with considering how the Council will grow and improve its tree stock.
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- 2.2 The policy has been developed with consideration of the council's obligations under the Environment Act 2021, which includes provisions to strengthen and improve the duty on public bodies to conserve and enhance biodiversity and to produce a Local Nature Recovery Strategy by the end of 2023, and so will be compatible with these duties.
- 2.3 The detailed Policy is provided in **Appendix A**. It is intended that the policies in this document will be published on the council's website in a suitable format once it is adopted.

### **3. Recommendations**

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- 3.1 It is recommended that the Executive agree the Tree Management & Care Policy at **Appendix A**.
- 3.2 Reasons for Recommendation:
- A harmonised policy will offer one consistent approach to tree management across the council.
  - A harmonised policy will minimise current issues with different approaches to requests for work and enable the Council to meet its duty of care, legal and health and safety obligations.
  - The policy provides the basis for unifying the varying practices adopted by the legacy councils.
  - The policy supports the Council's key commitments to a greener, sustainable environment and the council's obligations under the Environment Act 2021, which includes provisions to strengthen and improve the duty on public bodies to conserve and enhance biodiversity and to produce a Local Nature Recovery Strategy by the end of 2023.
  - The council receives many queries from the public about its trees and there is a wide range of expectations about the council's responsibilities. The policy provides a clear statement to residents of how the council is seeking to manage its trees and a sound basis for officers to respond to queries.
  - The policy provides a foundation on which to develop a wider, comprehensive tree strategy which will include aspirational targets for planting and woodland expansion.
- 3.3 Alternative Options Considered: The only other option is to not have clear policies for tree care and management, delaying harmonisation of working practices and fragmented Policies across the separate service areas.
- 3.4 This is not an option that can continue to be maintained effectively over time.
- 3.5 The option to not to have a Council wide tree policy and to continue with management under existing practices and policies has been discounted in favour of harmonising working practices and Policies as soon as possible,

clearly establishing consistent guiding principles for the care and management of trees for North Northamptonshire Council and improving the service.

## **4. Report Background**

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4.1 North Northamptonshire Council, as a major landowner and Highway Authority is responsible for the care and management of thousands of trees, and for ensuring the safety of its residents. The different service areas and teams involved in tree work across the Council are in the process of integrating working practices and systems and this policy provides a unifying set of principles to work under.

4.2 The Policy attached at Appendix A gives clear unambiguous statements for officers with a responsibility for the management and care of trees to implement. This will help ensure that the Council meets its duty of care, legal and health and safety obligations whilst not exposing itself to any undue liability. All agents, partners and contractors of the Council will be requested to comply with these policies. Following consultation with an established working group, the policies have been collated into six policy statement areas:

- Over-arching Umbrella Policy
- Planting
- Maintenance
- Protection
- Subsidence
- Felling and Pruning

4.3 This Policy document will assist the Council to meet its key priorities including:

- Protect and enhancing the landscape of the towns, villages, countryside, and public open spaces.
- Enhancing the natural environment and ecology in accordance with the council's Local Nature Recovery Strategy commitments and other relevant council policies such as the Pollinator Policy.
- Developing a Tree Strategy to increase coverage and improve the long-term care of our tree stock.
- Realisation of the social, economic, and environmental benefits of trees, including as a means of carbon sequestration
- The sustainable increase of tree and woodland cover in the NNC area under the principle of 'the right tree in the right place'.

4.4 Policy outcomes:

- Increase overall tree and canopy cover.
- Maintain the tree stock in a safe condition.
- Maintain the tree stock to ensure maximum life cycles are achieved.
- Enhance the environment and associated amenity space.
- Reduce the number of foreseeable tree failures across the Councils landownership.

- Reduce the overall number of tree related insurance claims raised against the Council.
- Respond with consistency to requests for work to be undertaken to trees.

## **5. Issues and Choices**

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- 5.1 How the Council manages its trees in towns, villages, and streets, in particular gives rise to a wide range of public enquiries and complaints. Many of these arise from lack of a clear understanding of the Council's responsibilities and policies in relation to trees. Clear policies published on the Council's website will help officers manage these enquiries effectively.
- 5.2 Whilst the Council has a legal duty to maintain its tree stock in a safe way, as a significant landowner across North Northamptonshire it has the ability to utilise its green space to enhance the environment for residents, and importantly support climate change mitigation and biodiversity improvement.
- 5.3 The proposed policy attached at Appendix A aims to strike a balance to the above competing objectives, by providing safeguards for tree and woodlands, and clearly setting out in what circumstance the Council will undertake works to trees, including felling and removal.

## **6. Next Steps**

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- 6.1 To formally adopt the policy and implement its use, including the following action plan:
- Publish the policy on the Council's website.
  - Continue the work of the Tree Management Working Group to reduce the division of responsibility for Council trees by integrating tree management.
  - Create a comprehensive web landing page for tree management information and guidance.
  - Develop a comprehensive Tree Strategy, including analysis of existing tree data on canopy cover and inspection surveys. This is vital before any meaningful management plans can be developed.
  - An action plan will be produced, setting out the Council's ambitions within a 5 and 10 year timeframe, divided into main objectives linked to existing Council Priorities and Policies, covering protection of existing trees, care of existing trees and planting and establishment of new trees.
  - Further detail on actions is provided within section 5.3 of **Appendix A**.

## **7. Implications (including financial implications)**

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### **7.1 Resources, Financial and Transformation**

- 7.1.1 There are no direct financial or transformation implications from the policy beyond the existing obligations already placed on the Council as landowner by law.

- 7.1.2 The Council's existing grounds maintenance revenue budget covers a tree planting programme. This budget is anticipated to cover the commitment to replace Council owed trees that have been felled. This budget is supplemented where possible by access to external grant funding, such as the Local Authority Treescape Fund.
- 7.1.3 Budgets exist for tree maintenance, typically covering safety works only. Works to trees can be expensive and resource intensive. As part of the further work to fully understand the councils tree stock condition it is anticipated that financial resource will be required. Any such requirement will be considered based on risk and liability, following the council governance process for securing finances.

## **7.2 Legal and Governance**

- 7.2.1 The adoption of the policy is an executive function.
- 7.2.2 The legal implications relate to the council's obligations relating to Landowner's duty of care to manage the risks posed by the council's trees.
- 7.2.2 Under Civil and Criminal Law there is a requirement to take responsibility for Health & Safety and a duty of care in relation to the Council's trees. The Tree Policy will assist the Council in meeting its duties under The Occupiers' Liability Act 1984, The Health and Safety at Work Act 1974, The Management of Health and Safety at Work Regulations 1999 and The Compensation Act 2006
- 7.2.3 The Council also has related duties under the Environment Act 2021, which includes provisions to strengthen and improve the duty on public bodies to conserve and enhance biodiversity and to produce a Local Nature Recovery Strategy by the end of 2023, and so the policy will be compatible with these duties.

## **7.3 Relevant Policies and Plans**

- 7.3.1 The adoption of this policy supports the Councils Corporate Plan 2021-25 priority of Greener, sustainable environment.

## **7.4 Risk**

- 7.4.1 The risks associated with tree management and their management, principally being risk of injury of people or property, are detailed within policy document.
- 7.4.2 The policy statements enable the Council to focus its resources on safety works that mitigate the risk of injury or liability for damage to property.

## **7.5 Consultation**

- 7.5.1 Statutory consultation is not required. Internal consultation has been undertaken with relevant services including Planning officers and the Council's ecologist.

## **7.6 Consideration by Executive Advisory Panel**

- 7.6.1 The draft policy was considered at the Climate Change, Environment and Growth Executive Advisory Panel on 4<sup>th</sup> August 2022. The Panel endorsed the policy and provided valuable feedback on the content, including encouraging provision within the policy to enable dead standing trees to remain in-situ where safe to do so in order to provide valuable habitat opportunities, and ensuring the policy provided provision for all parties to be prosecuted for damage to the council's tree stock. These points have been reflected with the policy document. Clarity on when the council will undertake works to trees in policies TP14 and TP15 was also welcomed, along with the opportunity for the Executive Advisory Panel to be involved in further development of the Tree Strategy.

## **7.7 Consideration by Scrutiny**

- 7.7.1 This policy can be considered by Scrutiny Commission as part of its work programme.

## **7.8 Equality Implications**

- 7.8.1 An Equality Screening Assessment has not identified any adverse impact on individuals with protected characteristics.

## **7.9 Climate and Environment Impact**

- 7.9.1 This proposal will have positive benefits for supporting carbon sequestration by increasing the amount of carbon stored in the Council tree stock, by providing safeguards for their unnecessary removal and protection. It also commits the Council to support the continued replacement of its tree stock by planting at least one tree for every one felled, providing positive environmental benefits.

## **7.10 Community Impact**

- 7.10.1 The community impact is expected to be positive resulting in more interesting, varied and wildlife rich green spaces accessible to local people.

## **7.11 Crime and Disorder Impact**

7.11.1 There are no Crime and Disorder issues arising directly from this report.

## **8. Background Papers**

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8.1 The Policy document and appendices refer to external legislation and website available to support applicants.