

North Yorkshire Council

Transport, Economy, Environment and Enterprise Overview & Scrutiny Committee

17 October 2024

Development of a Tree and Woodland Policy

Report of the Corporate Director Environment

1.0 PURPOSE OF REPORT

- 1.1 To provide Members of the Transport, Economy, Environment and Enterprise Overview & Scrutiny Committee (TEEE O&S) a progress update on the development of North Yorkshire Council's (NYC) first Tree and Woodland Policy.

2.0 BACKGROUND

- 2.1 A new Tree and Woodland team was created within the Parks and Grounds service as part of the new North Yorkshire Council because of restructuring the previous legacy authorities' teams. This has created an integrated and coherent team that works across the disciplines of arboriculture, tree surveying, tree operations, and woodland creation.
- 2.2 Four of the previous legacy authorities had developed individual approaches to tree and woodland management, prior to local government reorganisation. These were Harrogate Borough Council, North Yorkshire County Council, Selby District Council and Scarborough Borough Council. These documents remain in place in the interim, however as a unitary authority, NYC has a unique opportunity to combine this knowledge and experience to develop a robust policy framework for the county.

3.0 DEVELOPING A TREE AND WOODLAND POLICY

- 3.1 Trees form a significant element of our urban and rural areas. They make an important contribution to the natural beauty, culture, and heritage of our landscapes, whilst providing a range of ecosystem services such as habitats for wildlife, pollution control, flood risk alleviation and mitigation from the impacts of climate change.
- 3.2 North Yorkshire Council has a legal duty and powers to manage the risk and to protect trees on the land that we manage (such as in open spaces, the highway and across property assets) and within the private realm. This should be reasonable and proportionate to balance the many benefits that trees and woodlands bring. Therefore, developing a county wide approach to policy is crucial to this undertaking and provides Officers, elected Members, and all other stakeholders with clarity on how this will be managed.
- 3.3 The expected themes to be covered in the Policy are set out in Appendix A to this report, but broadly cover how risk from trees will be managed, the inspection methodology, what operational works will be carried out and those that are generally avoided, and what the Council will do when a tree causes or is suspected of causing damage. The policy will also set out how legislative measures are applied, such as in the consideration of planning matters, the protection of trees, and in dealing with trees on private land that may cause an issue on the highway or other public land.

4.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 4.1 Benchmarking across the sector has identified two very helpful examples of tree and woodland policy and management from Durham County Council and Oxford County Council. These will be reviewed in detail and conversations held with Officers from those authorities.
- 4.2 However, key to the success of a NYC policy will be the recognition of the cross cutting nature of tree management across the wide portfolio of council services, their geographies and associated built and natural assets. In addition to working with members of the TEEE O&S Committee there will be a programme of internal consultation and engagement through this Autumn with at least the following services: Children and Young People Service, Planning, Highways, Housing, Bereavement, Countryside Access, Environment and Climate Change, and Insurance and Risk.

5.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 5.1 The development of a Tree and Woodland Policy is anticipated to strongly contribute to achieving the vision and ambitions around place and the environment, the economy, health and wellbeing, and people - as set out in the Council Plan 2024-2028. Good tree policy and management can support the Council's ambitions around carbon reduction through the protection and increased canopy cover of trees, whilst helping to mitigate climate impacts such as flooding and excessive heat. A well-managed tree stock provides for ecosystems services such as habitats for wildlife, pollution absorption, leisure sites for visitors and residents, and the raw material for goods. Through developing our monitoring systems and processes and having a clear policy on when intervention is required will ensure services are run efficiently and effectively.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 The option to not develop a new policy and to retain legacy policy and guidance in relation to tree management was considered. It is recommended that this option is rejected as the opportunity and benefits of a harmonised approach for the whole of North Yorkshire would be missed.

7.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 7.1 Close working across directorates will be required as outlined in paragraph 4. In addition, as a large unitary authority, North Yorkshire Council is emerging as a significant partner in the White Rose Forest partnership, that aims to work with communities and landowners to plant trees where they are most needed. A harmonised policy approach will strengthen NYC's engagement in this partnership.

8.0 FINANCIAL IMPLICATIONS

- 8.1 As this is a progress report, there are no specific financial implications arising directly from this report.

9.0 LEGAL IMPLICATIONS

- 9.1 Preparation of the Policy and procedures and the proposal updates is part of the Council's statutory functions. Consideration of whether any legal implications arise will be given as the proposed Policy progresses through the Council's formal procedure to adoption.

- 9.2 The Town & Country Planning Act 1990 sets out the powers and duties local planning authorities have to manage and control development and which includes considering trees potentially affected by that development, or subject to tree protection. This includes legal protection for trees through Tree Preservation Orders as well as consideration of works within Conservation Areas and works requiring planning permission.
- 9.3 The Highways Act 1980 (HA 1980) provides the statutory framework for the Highway Authority in dealing with legal issues arising from trees within or affecting the highway. Highway trees are managed in accordance with the Highway Authority's policy for maintenance and inspections of highway trees.
- 9.4 It is noted the Tree and Woodland Policy is intended to be for information only and is not a comprehensive guide to the relevant legislation and does not provide legal advice.
- 9.5 Proper consideration as outlined in section 10.0 is being given to equalities issues that are pertinent to the policy.

10.0 EQUALITIES IMPLICATIONS

- 10.1 An initial equality impact assessment screening form has been completed and identified no adverse equality impacts.

11.0 CLIMATE CHANGE IMPLICATIONS

- 11.1 An initial climate change impact assessment has indicated significant benefits on our climate from the introduction of a Tree and Woodland Policy across most environment factors including greenhouse gas emissions, pollution, resilience to adverse weather, ecological effects, and the protection of heritage and landscapes. Therefore, a full Climate Change Impact Assessment will be developed alongside the policy.

12.0 REASONS FOR RECOMMENDATIONS

- 12.1 To provide a progress update to TEEE O&S Committee members and receive feedback on the scope of the policy.

13.0 RECOMMENDATIONS

- 13.1 To note the contents of this report and the summary of themes as set out in Appendix A.
- 13.2 That a full draft of the policy is submitted to a future meeting of TEEE O&S Committee for comment.

APPENDICES

Appendix A – Summary of themes

BACKGROUND DOCUMENTS: North Yorkshire Council: Our plan for the future of North Yorkshire (Council Plan 2024-2028)

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01 October 2024

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Presenter of Report Jon Clubb, Head of Parks & Grounds and Helen Arnold, Tree & Woodlands Manager

Summary of Themes

This appendix provides the likely contents of a full Tree and Woodland Policy for North Yorkshire. It is not intended to be exhaustive or final but is indicative of the breadth that a policy will need to cover.

Subject Area	Contents
Background	General introduction to the benefits of trees to society, but also some of the threats such as pests and diseases, soil compaction, pollution / contamination, and climate change. Will also consider common law concepts such as 'nuisance' and 'negligence', the role of existing legislation and local/regional/national policy and accepted arboricultural good practice.
Tree risk management	Commentary on good practice for risk based management of trees and proposal of the approach to be taken. This section will also explore different techniques such as passive and active assessments and the role of wider Council teams and the public working in tandem with arborists. Works orders and the method for prioritising these will be included in this section.
Tree inspections	Will set out the methodology for tree inspections across different typologies, such as urban areas, highways, schools and rural areas etc.
Managing trees	To set out the circumstances where statutory or essential tree maintenance work is necessary and how this will be managed. Commentary of the impact of pests and diseases and an NYC approach will be set out. An overview of NYC woodlands and partnerships will be included in this section.
Dealing with common issues raised	This section will deal with a NYC approach commonly raised issues such managing large trees, overhanging branches, obstruction of the highway, shade, loss of view, impact on utilities, and the application of common law.
Damage caused by trees	<u>Damage caused by trees:</u> Such as to property, gardens, boundary walls and fences, paths, driveways and patios, drains, public highways and footpaths etc. <u>Subsidence and damage claims:</u> Process for instigating insurance claims and the evidence required.
Planning and development	To set out how NYC will ensure where possible that adequate provision is made for the preservation or planting of trees in a development.
Conservation areas and Tree Preservation Areas (TPOs)	To describe the circumstances where a TPO would be expedient, how this is managed and what is required of landowners who wish to undertake works on protected trees.

APPENDIX A

Trees on private land	Trees on private land may cause a danger or obstruction on the highway or pavement and the local authority has powers under the Highway Act to take action.
Tree planting and pruning	Considerations of site selection and ensuring species selected are compatible with their surroundings. This section will also set out the British Standard for tree works and how this is implemented.
Anti-social behaviour (ASB)	To include approach where a tree or woodland is the focus on ASB, plus also what action the Council takes if trees are damaged. Confirmation of the process for dealing with 'high hedges' and the powers the Council has will be set up.