

Notes of a Meeting of the Tree Task and Finish Forum held at Knowle, Sidmouth on 26 January 2015

Present:

Councillors:

Mike Howe (Chairman)
David Atkins
Roger Giles
Tony Howard
John Humphreys
David Key
Brenda Taylor
Claire Wright

Officers:

John Golding – Strategic Lead – Housing, Health and Environment
Charlie Plowden – Service Lead – Countryside and Leisure
David Colman – Senior Arboricultural Officer
Stuart Baker – Arboricultural Officer
Diana Vernon – Democratic Services Manager

The meeting commenced at 9.30 am and ended at 10.55 am

7. Introduction and welcome

The Chairmanship of the Forum and its scope had been agreed at the meeting of the Overview and Scrutiny Committee on 22 January. Councillor Mike Howe, Chairman of the Forum, welcomed those present, advising that the Forum would meet the scope by looking at how best to protect trees within the East Devon landscape.

8. Notes of previous meeting

The notes of the meeting held on 5 December 2014 were received.

9. Public speaking

Diana East of the Sidmouth civic arboretum brought the Forum's attention to the Trees and Design Action Group (TDAG) [Trees in the Townscape – a guide for decision makers](#). She quoted from this - on the important role of trees to residents' and visitors' quality of life. She advised that the publication regarded trees as an asset which needed to be well managed. Included was a Bristol Council case study which she supported. Bristol had adopted a tree policy which recognised the importance of the tree canopy and the need to replace a felled tree with a tree or trees which provided a similar canopy.

10. Declarations

Councillor Claire Wright declared a personal interest as Devon Tree Champion for the Woodland Trust.

Councillor Brenda Taylor declared a personal interest as when she was mayor of Exmouth Town Council she had been involved in a major tree planting programme at the old tip site, Exmouth (9.5 acres).

Councillor John Humphreys declared a personal interest as tree surgery was an element of his working life.

Councillor David Key declared a personal interest as the Upton Parish tree warden.

11. Exclusion of the public

There were no items which officers recommended should be dealt with in private session (Part B).

12. Protected trees

Members were asked to consider a publication of the Department for Communities and Local Government: Protected trees – a guide to tree preservation procedures. The publication included a helpful list of frequently asked questions with answers and information on where to find further information.

The Strategic Lead - Housing, Health and Environment advised that it was within the scope of the Forum to look into tree preservation order (TPO) processes in some detail and consider the practical day-to-day work carried out by officers. The heavy workload of the team was acknowledged; the Forum could look at how their work might be prioritised. Various questions were put to the Arboricultural officers and the Service Lead Countryside and Leisure. Points made included:

- Area preservation orders were still used. Best practice guidance was to use these orders on a temporary/interim basis as a way of expediting the issue of more specific orders based on specimen trees, groups of trees or woodlands. For a range of reasons, but mainly workload, around 350 area orders were still in existence; there were examples of these covering acres of land. The area orders only applied to trees growing within the identified area at the time that the order was made. There were some cases of 40 year old orders. These raised problems of enforcement - it is hard to accurately gauge the age of trees and confidently confirm which are included within the order. The team recognised established best practice but extensive work was needed to go back over the area orders and work out which trees needed to be identified as worthy of an individual or group order.
- A tree officer had been appointed in 2003/04 to deal with this work but the volume of day-to-day reactive work has been given priority. Although the present situation of historical area orders is not ideal, a number of authorities are in a similar position.
- The area order puts a control over a specified site and will include saplings and veteran specimens. Prior to confirmation of the order the site should be reassessed and the order modified to identify the trees as individuals, groups or woodlands.
- There is no time limit on the historic area orders – they do not lapse. There is no requirement from government to review the area orders but there is encouragement to do so.
- Under the current TPO regulations all provisional orders must be confirmed within 6 months of the date the order was made. After that time unless the order has been confirmed the order is no longer valid.
- The systems thinking work being undertaken within the service should identify what additional resources are needed.
- A special item request has been included for consideration in the draft 2015/16 budget – a Tree Inspections Officer to manage the Council's own responsibilities – trees in Council-owned parks, nature reserves and housing land. The intention is to recruit for a flexible resource but for the officer to have specialist arboricultural knowledge.

- Comparatively, East Devon has a high number of TPOs - this reflects the number of valued trees within the district and the drive to protect them.
- If an area of woodland does not have an order, there would still be protection under the Forestry Act which controls felling in woodland.
- Not all trees can be protected, not all are worthy of protection and some die or become dangerous. There is an argument for protecting young trees so that they can replace the older ones.
- The guidance notes of the Department for Communities and Local Government on protected trees are considered to be a good guide.

13. Forestry Commission case for trees

Members considered a publication of the Forestry Commission England – The case for trees in development and the urban environment. This highlights the value of trees and the drive to increase planting within the built environment. Reference within the document is made to the positive effects of trees in respect of increasing resilience to climate change, the significant environmental contribution and the direct and indirect benefits of trees to any area and community. The publication includes planning policy within the national context and model policies and strategies for local authorities. The section on the practicalities of trees and planning gives a check list of useful tips and key regulations. Comments made by members of the Forum included:

- It was an aspirational document and a useful aide memoir.
- It would be useful to invite a representative from the Forestry Commission to the next meeting of the Forum to guide members through the publication and explain its intention.
- Planting in urban areas was welcomed but there had to be practical considerations. There were many examples of inappropriate planting and maintenance of trees (including the mature trees along the Avenues, Exmouth) where the tree roots have lifted pavements and disrupted service and drainage systems. During the 1960s, 70s and 80s a lot of species, inappropriate to urban areas, were planted relatively close to development. A useful TDAG document 'Trees in the Hard Landscapes' gives guidance on how to avoid problems of urban planting – including use of appropriate species. Not all trees planted in urban areas can be allowed to grow to maturity. Some urban spaces only have capacity for trees to grow for 40 years and then need to be removed.
- Devon Highways need to be aware of the guidance to avoid future problems.
- The Planning Policy team could refer the publication to communities considering developing a Neighbourhood Plan.
- Devon County Council has supported a motion recognising the value of trees. It agreed to ask its Cabinet Member with responsibility for the environment to explore opportunities for increased tree planting on Devon County Council owned land, and to give consideration to initiatives to encourage tree planting elsewhere in Devon.

RESOLVED

1. that a representative from the Forestry Commission be invited to the next meeting of the Forum to go through the publication - 'The case for trees in development and the urban environment' to highlight its intention, practical implementation and reference any similar publications and relevant case studies that would help the Forum in formulating its recommendations;
2. that a copy of the TDAG publication 'Trees in Hard Landscapes – a guide for delivery' be forward to members of the Forum for discussion at its next meeting.

14. Planning portal guidance

The Forum considered national guidance notes for applications for tree works (either works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in conservation areas).

The Forum felt that the document could be reviewed so that it could be better understood by the general public and contractors. Local guidance with examples would be more helpful.

In reply to a question about replacement planting and how this was monitored, the Forum was advised that when replanting was a condition of consent to fell a protected tree, applicants were given one planting season following the completion of works to carry out the planting. This was followed with reminders being sent out but currently the service did not have the capacity to fully follow up. It was suggested that parish councils and ward members could assist with monitoring.

The guidance should also give information about action taken in respect of illegal removal or lopping/topping of trees. Complaints on apparent illegal action are currently referred to the planning enforcement team which could then refer it to planning and involve the legal team.

RESOLVED:

1. that an EDDC planning officer be invited to a meeting of the Forum:
 - to explain how planning applications are dealt with to ensure that all relevant information in respect of trees is captured.
 - to discuss possible enforcement action and why concerns raised by the Tree Officers about illegal work on protected trees are not always progressed.
 - How could ward members and local councils be more involved in the monitoring process?
2. that consideration be given to reviewing the national guidance notes and advice currently provided on the Council's website to see if rewording could improve the way applications involving trees were submitted and to reduce the amount of 'preventable demand' due to applicants being unclear of what information should be included and how to proceed. The Forum to consider best practice examples from other authorities;
3. that a future meeting of the Forum considers:
 - looking at the creation of a suitable form for applicants to complete and submit when the required planting has been carried out,
 - how to effectively monitor tree applications, conservation areas and new developments to ensure that the planting and landscaping has been carried out and is being properly managed,
 - possible enforcement action in cases where conditions of permission have not been complied with.

15. Demand analysis

The Forum took note of a chart showing demand for the Council's arboricultural service. This was predominately tree work applications (33%) and planning applications/conditions clearance (44%). 11% demand was for TPO advice. It was useful to determine where demand came from. This pattern of demand was typical of that experienced in previous years. Much of current demand was in relation to planning and significantly the major development of Cranbrook and the wider Growth Point. However, the team could quickly switch its attention in cases of emergency, for example dealing with dangerous trees following severe gales. The limitations on resources in the arboricultural service were currently compounded with the loss of expertise of the Council's landscape architect who had left and had not yet been replaced. This vacancy was thought to be resolved through planning's restructure; in awaiting this outcome, the post had yet to be advertised.

RESOLVED

that the planning officer invited to the Forum also advise on the planning service restructure and plans to replace the expertise of the landscape architect.

16. Systems thinking review of service

Members noted the systems thinking review carried out in respect of the arboricultural service which started with the premise of the customer being the tree(s). The service's purpose identified through the review was to 'protect, manage and value our trees'. The review looked at demand for the service and whether the demand was value demand (that customers want to be addressed) or preventable demand that could be met in another way, for example with improved forms and providing information on the internet. The aim was to meet the value demand and to try to eliminate preventable demand to achieve best use of resources available. The Task and Finish Forum's work would help the process as there was some synergy between the aims of the review and the scope of the Forum, particularly in terms of identifying values and priorities from the customers' perspective.

Comments made included:

- There was value in looking for potential time saving to free up officers;
- Officers should be supported with robust enforcement arrangements in place.
- The tree surgeons listed on the Council's website are all Arboricultural Association approved; any concerns about the quality of the work of those included should be directed to the Association.
- The level of call-out in respect of illegal felling was very low. Most work carried out over weekends and evenings was on unprotected trees. Emergency out-of-hours service cover had been considered but would have a significantly heavy drain on the current resource. It was felt that the best approach was to work more closely with local councils and ward members. Useful information on the website could help to clarify what to do when perceived unauthorised works are being carried out. More contingency planning in place would help to deal with potential problems over the weekend – this was likely to be highlighted through the systems thinking process.
- The Taff did not in any way criticise the arboricultural team but recognised that they were struggling with workload and capacity.

RESOLVED

that enforcement be included as an item on the next agenda and a member of the legal team invited to assist with this deliberation.

17. Date of next meeting

The proposed date for the next meeting would be circulated to members of the Forum, based on availability of a representative from the Forestry Commission.