

## **Association of Tree Officers (ATO)**

### **Comments on the England Tree Strategy Consultation Sept 2020.**

ATO is a member organisation representing Tree Officers from Local Authorities across the UK. ATO also has close connections to the majority of the tree officer groups & forums in the UK, with individual tree officer contacts in Southern & Northern Ireland, Isle of Man and the Channel Islands.

Our members work within District, Borough and County Councils in both urban and rural areas.

#### **Overview**

ATO is pleased to provide comments. Representatives of ATO have been involved with the England Tree Strategy, early in the process attending meetings with Sir William Worsley and attending a round table with Zack Goldsmith. ATO has had a representative on a two of the virtual workshops that have been run as part of this process.

However, ATO is disappointed in the consultation document and fears that it limits meaningful feedback to inform the creation of a useful workable document. **It is imperative that stakeholders get the opportunity to be consulted on the full draft strategy.**

ATO is of the opinion that the format of multiple-choice questions is limiting, and it is hard to see the benefit of ordering priorities and preferences, however the workshops have been useful.

To have the title England Tree Strategy will mean that its scope is broad, and it may need to be broken down into smaller strategies. ATO is of the opinion that a separate Urban Tree Strategy is required and a separate strategy to meet government planting targets.

To truly be the 'strategy for all of England's' trees it will need to cover nursery tree production, trees in commercial woodlands, trees in non-commercial woodlands, trees in hedgerows and fields, trees in towns and cities, trees on private land, trees on public land and trees in food production. The list goes on and the proposed strategy does not seem to take much of this into account.

Such a strategy would need to be a holistic vision that drives forward forestry and tree management in all its guises, capitalising on the multiple benefits trees can provide for the public and nature conservation. It should not be a construct to persuade landowners to apply for grants under the new ELM scheme.

#### **Views and comments on consultation**

##### **Expanding and connecting our woodlands.**

ATO feels that is unlikely that Local Authorities will play a major role in providing land for the increase in woodlands particularly in urban areas. Local councils simply do not have large tracks of land to convert into woodlands.

Farmers are most likely to be able to plant new woodland. A grant scheme will make planting, and more importantly establishment, viable. It should encourage the planting of woodland and the establishment and protection of hedgerow and field trees.

The Woodland Trust could be another option for increasing woodland, consideration needs to be given on how funding could help such an organisation to purchase land and establish woodland.

The encouragement to plant woodlands should not be to the detriment of landscape, ecology and other important habitat, and should have a positive influence on the landscape and environment.

The strategy would also need to consider the production of planting material to undertake the government's planting aspirations. For woodland creation and for the urban environment the requirements are quite different. Consideration should also be given to natural regeneration to create woodland.

This is a great opportunity to expand and improve the British nursery industry, and the strategy needs to include investment into the industry so that we can be bio secure and avoid importing pest and diseases.

### **Protecting and improving our woodlands.**

Probably one of the biggest threats to our woodlands is neglect and lack of understanding as to what is good woodland management.

An education package should be produced to help educate woodland owners of the importance of woodland management along with educating members of the general public as to why woodland management takes place. This needs to cover a cross section of woodlands from the large commercial forests, farm woodland to local authority urban woodland.

Funding needs to be available so that management works can be undertaken to our improve woodlands and make them more resilient.

Strong Biosecurity measures are needed to prevent the introduction of pest and diseases and well-funded research to help tackle pest and diseases is needed.

Most of our members will rely on Tree Preservation Orders to protect trees.

Local planning authorities can make a Tree Preservation Order (TPO) if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

Government guidance sets out how to assess amenity and determining expediency, but 'Amenity' is not defined in law, so authorities exercise judgment when deciding whether it is within their powers to make a TPO. Factors include visibility and the public impact of removal. Tightening the criteria for TPOs could improve consistency in the application of the policy and provide the opportunity to include more relevant factors to the environment, such as carbon sequestration.

Feedback from stakeholders has shown us that TPOs are valued as a way to protect trees, but work is needed to bring the system up-to-date and ensure they are applied and enforced with consistency. Greater clarification of the criteria for making a TPO, including consideration of ecosystem service values, would be helpful.

### **At Question 17 the ETS asks:**

17. Which actions would be most effective to increase protection for trees and woodland from unsustainable management? (Select up to three options)

g) Refining the process of making Tree Preservation Orders, and clarifying the criteria to improve consistency in application of the policy across local authorities

A multiple-choice ranking response to Q17 is not appropriate.

Amendment to the system of making TPOs requires greater justification than 'Feedback from stakeholders has shown us that TPOs are valued as a way to protect trees but work is needed to bring the system up-to-date and ensure they are applied and enforced with consistency'. As key stakeholders, ATO have not been consulted to date, but we would value engagement on this matter.

Making TPOs where they are expedient in the interests of amenity has been long established in law, and criteria are suitably clarified in current MHCLG guidance under the headings 'what does 'amenity' mean in practice', and 'what might a local authority take into account when assessing amenity value'. Tightening the criteria is not necessary to improve consistency of application, but inclusion of a criterion based on ecological and /or nature conservation values would be welcomed.

Simplification of the process of making TPOs would be welcomed especially with regard to making and confirming TPOs electronically.

Consistency of enforcement of TPOs is a matter of local authority resource and the evidential requirements of criminal prosecutions, neither of which require a change in the legislation or guidance. Enforcement is resource intensive, and greater funding from Central Government to local planning authorities, ring fenced for tree officers and enforcement officers to investigate and prosecute unauthorised tree works would be welcomed. The evidential requirement of 'beyond reasonable doubt' for a criminal offence for unauthorised work to a TPO-ed tree means that many potential prosecutions are not taken in view of public interest considerations, not least the prudent use of public funds.

### **Engaging people with Trees and Woodlands.**

This is probably the most relevant section to the majority of ATO's membership as the role of Tree Officers is about the management of the relationship between trees and people.

This section is lacking and feels like a confusion of thoughts put in at the end because there was nowhere else to put them.

It seems that the authors of this section had little understanding of the subject of trees and people, and that street trees are mentioned purely because of the issues in Sheffield with little thought of all the other trees that local authorities manage and influence.

**The subject of urban trees either needs to have its own strategy or have the same amount of importance as woodland creation and protection.**

### **Comments on questions**

**31.** Are any of the following significant barriers to securing and maintaining street trees?

Why the focus on street trees? What about all the other trees in the urban environment, trees in parks, housing, education, cemeteries etc.

**32.** How could government overcome barriers to securing and maintaining street trees you have identified?

Streets are hostile environments for trees, there is little space for trees both above and below ground.

A major barrier to planting trees on streets is underground services. The utility companies use the foot way, rather than the carriage way for their underground services. The utility companies often do not adhere to NJUG guidelines with regards depth and location. Utility

companies should be fined for such actions and the funds raised ring fenced for street tree planting and establishment.

Trees should be put on an equal footing with grey infrastructure placing them at the heart of the design process. New trees will greatly improve the local authority's ability to ensure worthwhile planting that could last for generations.

The risk of liability due to tree related subsidence can reduce the ability to plant trees in the urban area, new development should be constructed to allow for the planting of large canopy trees without the risk of subsidence.

Still today with growing evidence of the importance of trees, trees are still often thought of as a liability rather than an asset.

**33.** Which of these actions would be most effective in increasing the number/coverage of trees in and around urban areas?

Central Government funding for tree planting in urban areas, without community involvement being required, this would allow local authorities to get on with the job of planting trees.

The requirement for developers to make provisions for large canopy trees to grow to maturity.

Financially help local authorities to carry out a study to find out how much realistic potential space there is for tree planting.

**34.** Which actions would most help the preparation and implementation of local trees and woodland strategies?

The call for the preparation and implementation of local tree and woodland strategies is not generally coming from the trees and woodland officers themselves. It comes from organisations that have limited or no experience of being a tree and woodland officer, or the workings of a local authority. Tree officers have been successful at securing the planting of trees with limited budgets and protecting trees from removal due to the pressures of development. It is not the case that local councils have been poor at managing their tree stock and need local strategies to make them better.

**35.** Which actions would most effectively engage people in the management and creation of their local woodlands?

Over recent years the recruitment of tree officers has proved difficult especially from the BAME community. ATO would welcome government help in promoting the career of being a local government tree officer. Encouraging a career path to become a tree officer would result in a better resourced profession able to engage with local communities.

**36.** Which actions by government would be most effective in addressing barriers to people access to trees and woodlands?

Generally, throughout England there is no shortage of accessibility to trees, or woodlands for people to enjoy. People only need to walk down a street, visit a local park, local council woods, Forestry Commission land, Woodland Trust/National trust site, or use the extensive right of way network.

Supporting access infrastructure with car parks trails paths etc. would be welcomed, also promoting local accessible woodlands via a website so that people can easily find woodland that they can walk and cycle in. Hopefully things like forest schools will create a new

generation of woodland users, however research has shown that connection to nature drops through the teenage years and does not recover until late twenties to early 30s, so this is the age bracket that needs targeting.

What is probably more important to know is why people avoid accessing woodland that are available to them? What stops them entering woodlands particularly those from the BAME communities?

**37.** Which of the following do you most value about trees and woodlands?

ATO considers this to be a rather pointless question in this consultation. There is enough documentation and research that already shows people value trees and woodlands.

This can be seen by the public's reaction to the threat of selling the Forestry Commission and the public forest estate along with the protest to the removal of street trees in Sheffield.

**38.** Which of these actions would best address the funding challenge for the planting and ongoing maintenance of trees in urban areas?

Simply provide ease of access to more funding for local authorities to plant, establish and maintain trees.

The use of ELMs money - 'Public money for Public good'.

Require developers to compensate the Local authority for the loss of tree cover due to development, so that trees can be planted and maintained to compensate for the loss.

### **Final point**

**It is imperative that stakeholders get the opportunity to be consulted on the final draft of the strategy and continue to have input in the development of the strategy.**