

REPORT FOR: **CABINET**

Date of Meeting:	19 March 2015
Subject:	Arboricultural Services
Key Decision:	Yes
Responsible Officer:	Caroline Bruce, Corporate Director of Environment and Enterprise
Portfolio Holder:	Councillor Varsha Parmar, Portfolio Holder for Environment, Crime and Community Safety
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Appendix A – Tree Strategy Appendix B – EqIA Appendix C – Consultation Feedback

Section 1 – Summary and Recommendations

This report presents the Tree Strategy 2015-2018 for approval.

The Tree Strategy is fundamental to the effective workings of the Arboricultural Services. It provides the framework which details the council's approach to the management and enhancement of its tree stock. It outlines the mechanism by which the council will achieve its vision:

“To protect, improve, increase and sustain the tree population of Harrow for the benefit and enjoyment of current and future generations”.

It sets out what activity the council will carry out and how this will be monitored. Having a formally adopted Tree Strategy helps to set out the approach that the council will take to resolve tree issues and the level of service that can be expected from the council. It reinforces the council's vision for trees in Harrow, clarifies works that the council will and won't do, and explains additional tree services the council can offer.

Recommendations:

Cabinet is requested to:

- a. Approve the Tree Strategy for adoption.
- b. Note the activity outlined in the Strategy.
- c. Delegate authority to the Portfolio Holder for Environment, Crime and Community Safety to make amendments to the Strategy.

Reason: (For recommendation)

To ensure the council fulfils its statutory responsibilities to maintain trees across the borough. To ensure that Members and the public are aware of what level of service will be delivered including additional tree services the council can offer. To make public how this delivery will be monitored.

Section 2 – Report

1. Introduction

- 1.1 On a national level the Government recognises the value of trees and the need to plan for a sustainable future, particularly in an urban context. It encourages local authorities to produce long term plans for the care of their trees. Harrow Council has a legal responsibility for the management of all trees on council owned land including trees on the public highway and trees in parks and open spaces.
- 1.2 Harrow Council is committed to the high quality and proactive management of its tree stock. The Tree Strategy spans 2015-2018 and details the council's approach to tree management and maintenance across the borough as well as tree planting programmes and tree protection. The Strategy includes details of how it will be monitored together with an action plan. Extensive consultation has taken place on the Strategy and the findings used to shape the Strategy.
- 1.3 Trees provide a range of environmental, economic and social benefits. On a practical level trees help to mitigate and adapt to climate change and improve air quality. Generally they have a positive impact on those living and working in urban areas.

1.4 The residents of Harrow are fortunate to have a significant amount of mature tree cover across many parts of the Borough. Throughout the Borough residents are enjoying the foresight of previous generations of public spirited citizens who planted trees in streets and public spaces. Trees make a significant contribution to the quality of life and they provide character and many environmental benefits. The trees that are now dominating and shaping the character of Harrow are legacies left by Victorian, Edwardian and post-war designers.

1.5 This Tree Strategy is aimed at providing the framework which details the council's approach to the management and enhancement of its tree stock. It outlines the mechanism by which the council will achieve its vision:

“To protect, improve, increase and sustain the tree population of Harrow for the benefit and enjoyment of current and future generations.”

1.6 The Strategy sets out how the council will fulfil the following commitments:

- Maintain the managed tree stock on the highways, within school boundaries, housing estates and woodlands on a proactive cyclical maintenance regime to ensure that trees are in a safe and healthy condition.
- Limit the felling of trees to those circumstances where it is essential or advisable.
- Undertake pruning works following best arboricultural practice and where possible for this to be scheduled, so as not to be detrimental to the tree species affected.
- Increase the role of street trees and woodland in minimising the impacts of and adapting to climate change.
- Encourage sponsors to support planting schemes on council land.
- Offer a commemorative tree planting service.
- Undertake the phased removal and replanting of street trees to ensure the safety of trees and diversity of the age and species of trees to encourage future sustainability and biodiversity.
- Provide public information in advance of planned tree works and in advance of planting schemes.
- Continue to create a varied and sustainable tree population in the council's Parks.
- Develop Woodland Management Plans for all Harrow's woodlands.

- Carry out emergency inspections of trees where necessary after scheduled inspections
- Use current planning legislation to protect those trees it considers are threatened or that it values. Applications to carry out work to protected trees will be evaluated carefully before permission is given.

1.7 The council intends to respond to queries, complaints and service requests on a timely basis with acknowledgement of queries within 5 working days and a follow up after action/inspection within 15 working days.

2. Options considered

2.1 The Strategy is needed to facilitate the effective management of trees across the borough.

Option 1- Do nothing

2.2 Continuing to carry out tree works and planting without a Strategy would mean that there is a continuing lack of clarity and limited understating of the council's tree maintenance responsibilities. It would also mean that works will continue to be reactive with only short term planning for new tree planting.

2.3 This option is rejected.

Option 2 – Prepare a Tree Strategy reflecting current practice

2.4 Having a formally adopted Tree Strategy helps to set out the approach that the council will take to resolve tree issues and the level of service that can be expected from the council. It reinforces the council's vision for trees in Harrow, clarifies works that the council will and won't do, and explains additional tree services the council can offer.

2.5 This option is preferred.

Resources

2.6 The council's tree management service is funded from a number of sources as follows:

- The revenue budget covers cyclical, routine maintenance as well as emergency and reactive works
- The capital programme covers the cost of tree replacement and new planting
- Section 106 contributions covers specific projects in geographically restricted areas as part of Green Grid Programme

- Successful externally provided grants help to top up the tree planting programme
- 2.7 These funding arrangements will not be changed as a result of adoption of the Tree Strategy. The council will seek compensation from any external organisation responsible for significant damage to or removal of any council owned tree(s) to the value as calculated by Capital Asset Value for Amenity Trees (CAVAT).
- 2.8 Current staffing will be used and there is no requirement for additional staffing. The service will continue to be delivered by officers and the appointed contractor. They will deliver the regime included in the Tree Strategy.

3. Community & Consultation

- 3.1 People generally like to have trees in their street; they soften the landscape, are attractive in the summer and provide habitats for wildlife. We understand that removing trees can cause upset so communicating our decisions regarding tree management is important.
- 3.2 The council will provide public information in advance of planned tree works and planting schemes. To encourage community involvement in planting schemes, the council will encourage sponsors to support planting on council land. In addition to this, the council will continue to offer a commemorative tree planting service (a tree and memorial plaque will be provided).
- 3.3 The success of the Tree Strategy will be greatest if it has the support and involvement of the community in its implementation. Consultation on the strategy has been undertaken both internally and externally and the feedback received incorporated in the Strategy as appropriate. The following summarises the measures proposed to promote community engagement and involvement in the Tree Strategy:
- Inform residents via the council website of the new aspects of the Strategy and consult on future revisions.
 - Work with the Harrow Nature Conservation Forum in promoting greater community involvement in the management of Harrow's woods through the Tree Warden scheme.
 - Provide a commemorative tree planting service
 - Encourage sponsors to support tree planting on council land
 - Provide public information in advance of planned tree works and planting schemes

4. Performance Issues

- 4.1 As the Council did not have a pruning regime neither as part of the previous tree strategy nor before the start of the new contract, there was a backlog of 6,040 pruning and maintenance related work requests. These are being dealt with as a priority.
- 4.2 Monitoring will be carried out to allow the success of the Tree Strategy to be assessed and to assist in identifying areas where new or amended tree policy is necessary. A series of performance indicators have been identified to facilitate this monitoring and are detailed below:
- Number of new trees successfully established each year.
 - Net increase of the tree population year on year
 - Number of vacant tree pits
 - Number of management plans produced and successfully implemented for woodland sites.
 - Number of trees inspected every four years
 - Numbers of parks and open spaces sites in which trees have been inspected and database updated.
 - Number of insurance claims successfully defended and amount spent on insurance claims.
 - Number of trees removed or permitted to be removed by the council.
 - Number of requests/complaints/queries responded and actioned within the agreed timescales.

5. Environmental Implications

- 5.1 The Strategy that is seeking approval will have a positive environmental impact. It recognises the value that trees bring to the borough as well as committing to effectively managing the tree population over the forthcoming years.
- 5.2 The environmental benefits of trees include playing a crucial role in mitigating climate change by absorbing carbon dioxide and increasing biodiversity by providing natural links with parks and open spaces and allowing for the movement of wildlife.

6. Risk Management Implications

- 6.1 This Strategy is not included on the Directorate or any other corporate risk register.
- 6.2 The Strategy is introduced to minimise legal risk. It helps to ensure that the council meets its statutory obligations in relation to the management of trees.

7. Legal Implications

- 7.1 The Strategy covers the overall management of trees in the borough. Therefore, the legislation covering the management of trees applies. This includes Tree Preservation Orders (TPOs) and the law relating to Conservation Areas.
- 7.2 A Tree Preservation Order is an order made by the local planning authority (usually a local council) under Town and Country Planning Act 1990 (“the act”) and the Town and Country Planning (Tree Preservation) (England) Regulations 2012. A TPO is made to protect specific trees or a particular area, group or woodland from deliberate damage or destruction in the interests of amenity. TPOs can prevent the felling, lopping, topping, uprooting or otherwise willful damaging of trees without the permission of the Local Planning Authority, although different TPOs have different degrees of protection. TPOs can be made by making the TPO and giving persons with an interest on the land to make representations on the order before the Council decide whether or not to make the TPO. Where there is an immediate danger to trees the Council can make an emergency TPO in less than a day.
- 7.3 The law relating to Conservation Areas (C A) is contained within the Planning Act (Listed Buildings and Conservation Act) Act 1990. The legislation relating to trees within a conservation area that are subject to a TPO are protected by that order. Where a tree in a conservation area is not subject to a TPO it is protected by section 211 Town and Country Planning Act 1990. Conservation Areas are areas of special architectural or historical interest of which it is desirable to preserve or enhance. They are designated by Local Planning Authorities. Other features including trees may contribute to the special character of the C-A.
- 7.4 Section 154 of the Highways Act 1980 gives local authorities’ powers to deal with trees in private ownership that are overhanging or are endangering or obstructing the highway.
- 7.5 In addition, the following policies should be noted:
 - A Strategy for England’s Trees, Woods and Forests – DEFRA 2007
 - Independent Panel on Forestry: Final Report, July, 2012

- Connecting Londoners with Trees and Woodlands: A Tree and Woodland Framework for London, March 2005, Greater London Authority
- Branching Out: The future for London's street trees, April 2011, Greater London Authority
- Clearing the air: The Mayor's Air Quality Strategy, December 2010, Greater London Authority
- Harrow's Sustainable Community Strategy - Working together and working with you 2009-2020.
- Harrow Biodiversity Action Plan, 2008.

8. Financial Implications

- 8.1 The proposed activities in the Strategy will be contained within budgets outlined in paragraph 2.6.
- 8.2 It should be noted however that each year, council managed trees are implicated in insurance claims relating to possible or actual subsidence of properties. When an enquiry relating to tree damage to a building is received, council officers will seek to clarify the technical issues and request for the relevant reports and monitoring information to ascertain the facts concerning the problem. This requires close co-operation between the council's insurance section, arboricultural section and structural engineers to resolve any issues in an expedient manner. It is anticipated that, following a successful implementation of the Tree Strategy, the Council's spend on trees related insurance claims can be kept to the minimum as far as possible.
- 8.3 The council will seek compensation from any external organisation responsible for significant damage to or removal of any council owned tree(s) to the value as calculated by CAVAT.

9. Equalities implications / Public Sector Equality Duty

The Equality Act 2010 outlines the provisions of the Public Sector Equality Duty which requires public authorities to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.

The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.

The EqIA carried out is attached to this report. The EqIA did not identify any potential for unlawful conduct or disproportionate impact and that all opportunities to advance equality are being addressed.

The Strategy addresses equalities and ensures a fair, balanced approach in line with statutory requirements and guidance.

Council Priorities

The council's vision:

Working Together to Make a Difference for Harrow

The Strategy supports all of the council corporate priorities. In particular:

Making a difference to communities: The Tree Strategy fundamentally, links into this priority, by addressing effective tree management across the borough.

Section 3 - Statutory Officer Clearance

Name: Jo Frost	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 9 March 2015		
Name: Elaine Bell	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 9 March 2015		

Ward Councillors notified:	NO, as it impacts on all Wards
EqIA carried out:	YES
EqIA cleared by:	Hanif Islam – EqIA Lead

Section 4 - Contact Details and Background Papers

Contact: Hanif Islam, Policy & Performance Manager, 020 8424 1548, Hanif.islam@harrow.gov.uk

Background Papers: None.

Call-In Waived by the Chairman of Overview and Scrutiny Committee	NOT APPLICABLE <i>[Call-in applies]</i>
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