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| <br><b>Brent</b> | <b>Cabinet</b><br>11 December 2017  |
|   | <b>Report from the Strategic Director<br/>of Regeneration and Environment</b> |
| <b>Tree Management Policy</b>   |   |

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| <b>Wards Affected:</b>            | All   |
| <b>Key or Non-Key Decision:</b>   | Key   |
| <b>Open or Part/Fully Exempt:</b> | Open  |
| <b>No. of Appendices:</b>         | 1   |
| <b>Background Papers:</b>         | Brent's Tree Management Policy 2007<br>Housing (Formerly BHP) Tree Management Policy  |
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## 1.0 Purpose of the Report

- 1.1 Brent Council is committed to managing the Borough's tree stock successfully. The revised Tree Management Policy has been developed to consider the benefits and importance of maintaining our trees. It aims to raise the profile, value and appreciation of trees in the borough, to improve understanding of tree issues, manage expectations and to meet the challenge of adapting to climate change in the coming decades.
- 1.2 The policy also recommends a risk management-based approach to mitigate against insurance claims arising from damage to property and/or personal injury caused by trees.
- 1.3 The report also draws together all relevant services to provide a single comprehensive policy covering the management of trees that fall within service areas of: Street Trees; Parks & Cemeteries; Planning; Highways & Infrastructure; and Housing Management.

## 2.0 Recommendation

That Cabinet agrees to:

- 2.1 Approve the Council's revised Tree Management Policy, set out as the Appendix to this report.

### **3.0 Detail**

- 3.1 The Council recognises the value of trees and the need to plan for a sustainable future, particularly in Brent's urban context. Brent Council has a legal responsibility for the management of all trees on the public highway, on council-owned land and for trees in parks, open spaces, cemeteries and allotments.
- 3.2 The Council is committed to sustainable development and improving the environmental wellbeing of the borough. Brent's Corporate Strategy commits us to improving the quality of life, becoming an exemplar for environmentally sustainable activity and making sustainability a central issue through initiatives such as the Climate Change Strategy, the Carbon Management Strategy & Implementation Plan, and the Energy Statement & Strategy.
- 3.3 Brent has many parks, green spaces and tree-lined streets. These features offer not only aesthetic and wildlife value but many environmental, economic and social benefits too. The revised policy has been developed to ensure Brent's trees contribute positively to the quality of the local environment; do not pose a risk to health and safety, or of damage to property; and are protected from unnecessary harm. The policy acknowledges the high level of interest shown in our trees by all who live, work and visit Brent.
- 3.4 The revised Tree Management Policy sets out how the council will fulfil the following commitments:
- Maintain the managed tree stock on the public highway, housing estates, parks, cemeteries and allotments; on a proactive cyclical maintenance regime to ensure that trees are in a safe and healthy condition, and minimising the risk they may pose to property, residents or the public highway.
  - Limit the felling of trees to those circumstances where it is essential or clearly advisable.
  - Undertake pruning works following best arboriculture practice, and where possible for this to be undertaken on a scheduled basis. In addition, the council will also carry out reactive and emergency inspections as and when they are deemed necessary.
  - Manage residents' expectations by listing circumstances in which the Council will not intervene, to provide clarity on an impartial basis to all residents.
  - Enhance the role of street trees in mitigating and adapting to climate change by maintaining and, where possible, increasing tree cover across the Borough.
  - Encourage tree adoption and sponsorship to support planting schemes on council land.
  - Consider replacement, where appropriate, of specific mature lime trees to mitigate against the concerns they may pose.
  - Provide public information in advance of planned tree works, including new planting or removal schemes.
  - Work closely with services to identify areas to plant new trees, in particular during regeneration and major resurfacing works.
  - Use current planning legislation to protect threatened trees, and those of particular value such as those in conservation areas or protected by Tree Preservation Orders

- Take action against perpetrators who cause wilful damage to trees

Delivery of these commitments will be matched against the necessarily constrained resources available to undertake tree maintenance activities.

- 3.5 A number of policies and plans have informed our approach, such as: *London Tree and Woodland Framework* (2005); *The London Plan* (2011); *National Planning Policy Framework* (2012); and *England's Trees, Woods and Forests* (2007).

- 3.6 Section 3.5 of the policy sets out a clear policy on communication with residents where specific individual trees are considered for removal:

The Council will seek to inform the public of any proposed tree removals by placing a notice on the tree at least ten (10) working days in advance of the felling date. The notice will give additional information on the council's sponsorship scheme for replacement and new trees.

Where possible, the Council will notify the public of its intention and the reasons for removing established trees. Exceptions to this are:

- Trees that have become dangerous and need to be removed urgently
- Young trees that have failed to establish properly and have died
- Trees that are already dead

- 3.7 Cabinet has previously considered the potential for replacing groups of mature lime trees on a planned basis. This activity would only take place if secure funding is available to replace all the lime trees proposed for removal, and following targeted consultation with residents.

#### **4.0 Financial Implications**

- 4.1 There are no direct financial implications as the proposed activities in the Policy will be contained within the current budgets of the relevant services.

- 4.2 It should be noted that each year, council managed trees are implicated in insurance claims relating to possible or actual subsidence of properties or personal injury. When an enquiry relating to alleged tree damage to a building is received, council officers will seek to request relevant reports and monitoring information to ascertain the facts concerning the issue. It is anticipated that the revised Tree Management Policy, will facilitate a reduction in the Council's expenditure on trees-related insurance claims of at least £55k p.a.

- 4.3 The council will seek compensation from any external organisation or private individual responsible for significant damage to, or removal of, any council owned tree(s).

#### **5.0 Legal Implications**

- 5.1 The Policy covers the overall management of trees in the borough, and the legislation covering the management of trees applies. This includes Tree Preservation Orders (TPOs) and the law relating to Conservation Areas.

- 5.2 A TPO is an order made by the planning authority under Town and Country Planning Act 1990 (“the Act”), the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and amending legislation to include s192 of the Planning Act 2008 and Part 6 of the Localism Act 2010. 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 wilful 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 decides whether or not to make the TPO. Where there is an immediate danger to trees the Council can make an emergency TPO.
- 5.3 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.

## **6.0 Equality Implications**

- 6.1 No diversity implications have been identified.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 The Lead Member for Environment has been consulted throughout the process. The policy would apply borough-wide and therefore specific ward-level consultation was not considered appropriate.

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 None.

### **Report sign off:**

**AMAR DAVE**

Strategic Director of Regeneration and Environment