

LGA response to Consultation: Protecting and enhancing England's trees and woodlands

February 2019



About the LGA

The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government.

We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

The LGA welcomes the opportunity to respond to [this consultation](#) from Defra.

Summary

Councils work hard to protect and maintain the natural environment, including urban trees. That is why many councils have set out their long term vision for trees and are seeking ways to increase tree planting, for example by working with local volunteer groups to promote trees and woodlands.

Environmental threats from disease and climate change are making it harder to maintain a healthy population of trees. For trees to thrive it is vital that councils have adequate resources to maintain them. Between 2010 and 2020, councils will have lost almost 60p out of every £1 the Government had provided for services¹. Councils are being pushed to the brink by this unprecedented loss of funding and an ongoing surge in demand for some legal duties, in particular to protect children, provide adult social care support and homelessness services. Giving councils a sustainable financial settlement is the long term solution to protecting and enhancing trees in public spaces, and this must be addressed in the forthcoming Spending Review.

We do not support the proposal for a new duty requiring councils to consult residents on tree felling. Councils are already accountable to residents for their actions and it is right that they decide locally how best to engage residents on tree felling.

If Government introduces any duties for councils on tree management they must be treated as a new burden and given adequate funding.

¹ <https://www.local.gov.uk/spending-review-2019>

Consultation questions

Q1: Should a duty for local authorities to consult on the felling of street trees be introduced?

Councils are accountable to their residents and it is right that council should continue to decide locally on the process of engagement in tree felling.

Tree preservation orders provide an established route for protecting trees as part of the local environment. Trees in conservation areas also benefit from protection in law.

There is no evidence to suggest that removing street trees without good reason is a widespread practice in local government.

If the proposed duty to consult is introduced it should be treated as a new burden on local government and fully funded.

Q2. Do you agree with the proposed scope of the duty to consult? Please give reasons for your response.

The scope excludes urban trees in parks and other public spaces. Extending the scope beyond street trees in urban areas would increase the burden on councils, and would therefore require a full assessment of the additional cost.

Q3. Do you agree with the government's preferred approach of a closed consultation with trigger point? Please give reasons for your response.

The Government's preference is to require a consultation on every tree proposed for felling, with a four week closed consultation period.

This would consist of a notice placed on the tree, and letters sent to local residents in close proximity to the tree (100m²). If more than 50% of respondents in the closed consultation disagree with the proposal this will trigger a full public consultation².

This appears to be an onerous process and does not allow for any flexibility.

We do not agree with the proposed options. Where and how to consult residents should be a local decision.

Q4. In what circumstances do you think a tree should be exempt from the duty to consult? Please give reasons for your response.

If the new duty is introduced it will be necessary for councils to have a workable set of exemptions so they can protect the public from harm and act quickly to prevent the spread of pests and disease.

² Option C, Defra consultation paper
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The proposed exemptions from the duty are sensible but Government may wish to consult further with local government and tree professionals.

Q5. Do you think it is appropriate that trees of special historic or cultural significance are subject to a more rigorous consultation process? Do you agree with the criteria for designating a tree of special historic or cultural significance? Are there any other categories which should be included?

It is not clear from the consultation paper how trees of cultural significance would be identified, or what a more rigorous consultation might consist of. This idea needs further testing if it is to be taken any further.

Q6. Do you think that the duty to consult will have any negative impacts on development?

Occasionally, street trees have to be removed in order to permit a development to proceed, for example to give access to a new housing development.

This would be covered by a full consultation with statutory bodies and local people about a planning application and this would include whether it is necessary to remove any trees.

Introducing an additional requirement for consultation on tree felling would duplicate this process and add an unnecessary burden.

Q7. Should consultations be done on an individual basis or in groups of trees where, for example, trees are planted in the same location?

This question suggests that some flexibility is required at a local level. If there is a risk that the new duties will be cumbersome or bureaucratic then an alternative solution should be sought.

Q8. Should a duty on local authorities to report on tree felling and planting be introduced?

No, as it is not clear what the proposed new duty to collect and publish data is seeking to achieve. It appears to be a new requirement to provide data to central government, without a clear articulation of the benefits to communities.

If the new duty is introduced it should be treated as a new burden on local government and fully funded.

Q9. Which trees would it be useful to report on?

See our answer to Question 8.

Q10. What information do you think local authorities could gather and hold?

Individual councils will answer this question. Government may also wish to ask about the cost and practicality of collecting information.

Q11. How could local authorities present this information? Should national government play a role in collating and managing this information?

Government should review the cost and value of the new duty before considering any further requirement.

Q12. Do you agree that Tree and Woodland Strategies help local authorities and the public to manage their trees and woodlands? Would best practice be sufficient for local authorities and the public?

Putting local government on a sustainable financial footing would make the most significant contribution to the future of trees and woodlands. This will give councils the confidence to invest in the long term management of trees and woodlands.

Any new requirement to produce a strategy would be a new burden on local government and should be fully funded.

Good practice material could help councils tackle some of the diseases facing trees and woodlands from diseases, such as ash dieback and processionary oak moth. It could also help address some of the practical challenges in selecting varieties of trees for replanting that can withstand disease, climate change and fit into an urban environment. However, councils will place more value on practical, financial support from government.

Councils have highlighted the important role that local volunteers play in promoting trees and woodlands. Government may wish to consider support for councils and volunteers to expand this work as an alternative to mandatory requirements.

Forestry enforcement measures

The LGA does not have a view on the proposals that relate to the Forestry Commission.