



## Report of the Cabinet Member for Climate Change & Service Transformation

Cabinet - 17 February 2022

### Tree Management Strategy

<b>Purpose:</b>	To adopt a strategy for the management of trees on/affecting land/property in Council ownership and setting out the Council's duties in relation to protected trees.
<b>Policy Framework:</b>	Town and Country Planning Act 1990 and Trees Regulations 1999; The Forestry Act 1967; The Hedgerow Regulations 1997; The Well-being of Future Generations (Wales) Act 2015; Environment (Wales) Act 2016; Future Wales - The National Plan 2021; Planning Policy Wales 2011; Technical Advice Note 10- Tree Preservation Order 1997; Swansea Corporate Plan 2018-2022; Swansea Local Development Plan 2019; Trees , Hedgerows and Woodlands Supplementary Planning Guidance 2021; Swansea Central Area – Regenerating our City for Wellbeing and Wildlife, 2021.
<b>Consultation:</b>	Access to Services, Finance, Legal, Parks, Highways, Housing, Corporate Property and Environmental Health.
<b>Recommendation(s):</b>	It is recommended that:  1) The Tree Management Strategy is agreed.  2) A mapping exercise is carried out to identify potential sites/zones for planting on Council owned land subject to future funding and maintenance availability.
<b>Report Author:</b>	Paul Meller
<b>Finance Officer:</b>	Aimee Dyer
<b>Legal Officer:</b>	Jonathan Wills
<b>Access to Services Officer:</b>	Catherine Window

## **1. Introduction**

- 1.1 Preparation of this Strategy was a recommendation of the Tree Scrutiny Panel in 2017, and its production is an action of the Natural Environment Scrutiny Inquiry in 2018 and a Corporate Plan Natural Resources and Biodiversity objective.
- 1.2 The aims of this Strategy in relation to Council owned land/property are to:
  - Ensure risks from and to trees are adequately managed
  - Ensure the Council meets its biodiversity duties in respect of trees
  - Conserve trees of value
  - Maintain and expand tree canopy cover
- 1.3 Adoption of this Strategy will address an identified risk on the corporate risk register in relation to trees on Council owned land.
- 1.4 The Strategy was agreed by Economy, Environment & Infrastructure PDC on 16<sup>th</sup> December 2021 and referred to Cabinet for approval.

## **2. Background and Context**

- 2.1 Trees positively contribute to the scenic character and diversity of the landscape in and around the County, and have a vital role to play in promoting sustainable communities. They are important in the creation of 'Place', provide vital habitat for dependant wildlife populations and substantial environmental and health benefits, such as attenuation of noise and improving air quality.
- 2.2 Trees are also of vital importance in addressing climate change and nature emergency through carbon sequestration and the creation of more resilient ecosystems.
- 2.3 Responsibility for the management of the Council's tree stock falls to each department/service area that has trees on its land including individual schools. This Strategy has therefore been produced to ensure a consistent approach to dealing with tree related matters across the Council and compliance with legislation relating to the protection of trees.
- 2.4 As at 2021, around 43,000 individual trees in Council ownership have been surveyed with more than 1439 woodlands and tree groups plotted and surveyed containing an estimated 100,000 additional trees. However significant areas of Council land ownership remain to be surveyed including the two biggest woodlands – Lower Swansea Valley and Clyne Country Park estimated to contain 250,000 trees between them.
- 2.5 The Council has responsibility for the management and maintenance of all these trees in addition to those trees which are protected under legislation - there are over 50,000 protected trees throughout the County – and duties and aspects of responsibility for trees that are privately owned.

- 2.6 This is not a strategy for managing all trees within the County as that is beyond the Council's remit. It only deals with those trees over which the Council has an element of control and does not seek to duplicate the provisions of other organisation's areas of control and responsibility such as Natural Resources Wales and the National Trust who own and manage extensive areas of woodland within the County. However it does contain good management practice that other land owning organisations may wish to adopt and apply if they do not already have their own strategies in place.
- 2.7 The Strategy does include some general guidance to be taken into account when considering tree planting proposals, but does not specify locations where trees may be planted. In the short term tree planting/replacement schemes need to be considered on their individual merits having regard to the particular circumstances of each proposal. Emerging work on ecosystem resilience mapping and habitat connectivity will help to identify locations where there could be potential for further tree planting as part of the preparation of the Council's forthcoming Green Infrastructure Strategy.
- 2.8 A mapping exercise is planned to be carried out during 2022 to identify potential sites/zones for planting on Council owned land subject to future funding and maintenance availability. It is the intention that this will be undertaken in a phased manner to complement existing ongoing nature recovery/green infrastructure work within parks, local nature reserves, etc, and the current enhancements to highways, housing and education land before considering wider landholdings. It should be noted that there is currently plenty of capital grant funding available for tree purchase, but limited revenue funding/resources for planting and future maintenance.
- 2.9 Any Council development proposals requiring planning permission that affect trees will need to follow policy set out in the Swansea Local Development Plan and the recently adopted Supplementary Planning Guidance (SPG): Trees, Hedgerows and Woodland. Furthermore, there is an expectation that all departments within the Council will seek to adhere to the Swansea Tree Replacement Standard set out in this SPG when undertaking projects involving tree felling that do not constitute development and are thus not enforceable by any legislation. The Tree Replacement Standard is appended to the Tree Management Strategy for reference purposes.
- 2.10 The Strategy outlines the various risks to and from trees to be taken into consideration when managing trees on Council owned land. These are risks which are equally applicable to trees on land across the County, including:
- Development
  - Disease
  - Conflicting Management
  - Lack of Resources
  - Land Disposal

- Regeneration Schemes
- Damage to Services/Infrastructure, and
- Tree Removal

2.11 The Strategy sets out various protocols for managing these risks, which includes proactive inspections, safety works, mitigation for protected species and the circumstances when lopping/felling may be necessary. It will supersede the Protected Tree Protocol adopted by Planning Committee in 2018 and clarifies how the Council will carry out its duties in respect of protected trees. It will be an essential reference document published on the Council's website for staff, councillors and members of the public to ensure a clear and consistent approach to dealing with tree management and any concerns in relation to the Council's trees.

2.12 Appended to the Strategy is background information on the benefits of trees; the legislative context; further details of current management and inspection practice; guidance on managing ash die-back; as well as a tree planting checklist ( Right Tree in the Right Place) and a consultation protocol to be followed when considering a tree planting programme or grant funded scheme.

### **3. Integrated Assessment Implications**

3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

3.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

3.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion,

carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

- 3.2 The Tree Management Strategy will ensure that all people and communities enjoy the full financial, social/cultural, economic and environmental benefits of sound and consistent management and maintenance of Council owned trees. Some groups including children, those with underlying health issues and future generations will enjoy the greatest benefits through the Strategy's role in contributing to the retention and expansion of tree canopy coverage within the County.
- 3.3 The Strategy has been produced collaboratively by the various service areas responsible for the management of trees and brings current best practice together in a single document for the benefit of those departments and sections that have trees on their land to ensure a consistent corporate approach for dealing with tree related matters. It will help to address the risks to trees from disease, development damage, etc, and the long term challenge of increasing tree canopy cover throughout the County working with partner/funding organisations and voluntary groups. It will also assist with local measures to tackle nature and climate emergency for the benefit of future generations.
- 3.4 Its production, in accord with the 5 ways of working in the Well Being of Future Generations Act, is a specific step of the Corporate Plan Objective for Natural Resources and Biodiversity. The adoption of this document will address the corporate risk of not having a Tree Management Strategy in place and will bring the Council in line with other local authorities in this regard.
- 3.5 The Strategy will support national and local policies for the protection of trees and emerging national and local plans and strategies for expanding tree canopy coverage in recognition of the vital role trees play in addressing climate change through carbon sequestration and the creation of more resilient ecosystems, as well as their significant health and well-being benefits.

#### **4. Financial Implications**

- 4.1 There are no financial implications associated with this report which outlines existing management practices. Any changes to these practices, such as amending standards that would require undertaking additional works, would have financial implications and need further resources to be identified to be able to achieve.

#### **5. Legal Implications**

- 5.1 The Council is responsible for the management and maintenance of trees on land in its ownership and has a duty of care to ensure risks both to and from the trees are managed in the interests of public safety and the health of the trees in carrying out its biodiversity duties.

- 5.2 The Council has a statutory obligation to manage trees that are within areas of its control; these are principally the Highways Act 1980 and the Occupiers' Liability Act 1957 & 1984.
- 5.3 Adoption of this strategy will inform members of the public, Councillors, staff and other interested parties about when, why, whether and how the Council will undertake works to its trees and woodlands.

**Background Papers:** None

**Appendices:**

Appendix A - Tree Management Strategy

Appendix B - IIA Screening Form