

Policy Framework Strategy Development Proposal

Overview	
Title:	Tree Strategy
Lifespan:	10 years (2020-2030)
Opening Statement & Summary:	<p>A Tree Strategy document is being proposed to shape the management of the tree stock and urban forest in Blackpool and ensure a detailed tree planting scheme is developed which highlights the 'right tree for the right place' approach.</p> <ul style="list-style-type: none"> • The current tree strategy is a draft version from 2016 and therefore, needs updating and formalising. • Create a tree strategy that enables Blackpool Council to achieve its tree targets within the Blackpool's Green and Blue Infrastructure Strategy 2019 – 2029. • There is currently a national and worldwide emphasis on increasing tree numbers to aid in combating climate change, however, in addition to the increasing awareness of trees and their ability to affect the climate. There are many benefits on a smaller scale within built up areas and open spaces, which have been known and documented for many decades. These benefits include clean air, providing oxygen, provide a cooling effect, increasing mental wellbeing, increasing property value, reduce UV-B exposure by about 50% and provide food to local wildlife and people etc. <p>Councils have a legal responsibility under the Occupiers' Liability Act 1957 & 1984 to take reasonable steps in order to make their land safe for trespassers and visitors. In practice, if a tree fails and causes damage to a person or property, then the owner of the tree is liable. Therefore, it is in the Local Authority's best interest to make sure our tree stock is safe and well maintained.</p> <p>Many issues arise due to properties and land boundaries near trees. Therefore, creating an up to date strategy will provide clear direction on how to manage our current tree population. The tree strategy will also deal with tree protection, tree preservation orders (TPOs), conservation areas, felling licenses, restrictive covenants, woodlands and amenity enhancements.</p> <p>Due to the increasing housing developments within Blackpool, it has the potential to decrease our existing tree stock numbers. Therefore, mitigation needs to be put in place to make sure that protected trees and trees that conform to the 'A' and 'B' categories within BS 5837 are retained within development sites. The categorisation of trees needs to be applied to the tree strategy, the planning system and planning conditions, to increase best practice and conform to the British Standards, whilst moving forward to make trees at the forefront of everyone's mind.</p>
Lead Department:	Leisure, Parks and Catering Services
Lead Officer:	Annie Heslop, Green Infrastructure Development Manager
Is the strategy being developed in	The tree Strategy is primarily a Council document, although it is relevant to any external organisations and individuals that deliver and aid in the management of our tree stock. In

partnership with other organisations?	addition, developers will be required to follow our tree strategy as part of the planning system and conform to planning conditions in line with the tree strategy.
Timeline for Development	
Approximate timescale for development:	Draft document to be developed for consultation by May2020, which will be wrote by Paul Hodgson <i>RFS Cert Arb, FdSc Arb, MArborA following consultation with stakeholders.</i>
Anticipated date of refresh:	This strategy will expire in 2030. This strategy will be subject to annual monitoring and updates in line with British Standards, Arboricultural Association guidance and industry best practice i.e. HSE, AFAG, NTSG etc.
Policy Framework and Routes of Approval	
Is this strategy part of the Council's Constitutional Policy Framework, as set out in the Constitution?	No
Which Council committee or group will provide final approval?	Executive
Links with Council Plan and other Strategies, Policies or Plans	
Which Council Priorities does the strategy support?	<p>There are currently key activities and priorities within the tree strategy plan, which align to both Priority 1 'Economy' and Priority 2 'Communities'. The biggest impact will fall upon communities.</p> <p>This strategy will support the people of Blackpool by having safe and well managed trees within green spaces and street trees, benefiting mental and physical wellbeing and Increasing community engagement by creating high amenity areas for the public to use.</p>
Which other strategies, policies and plans does the strategy link to?	<p>National</p> <p>A Green Future: Our 25 Year Plan to Improve the Environment 2018 The government's 25 Year Plan to Improve the Environment sets out actions to meet the government's ambition to be the first generation to leave our environment in a better state than we found it. It calls for an approach to agriculture, forestry and land use that puts the environment first. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf</p> <p>Tree Health Resilience Strategy 2018 This strategy sets out plans to reduce the risk of pest and disease threats. It also sets out how we will strengthen the resilience of our trees to withstand threats. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/710719/tree-health-resilience-strategy.pdf</p> <p>Town & Country Planning Act 1990 (as amended) The Town & Country Planning Act 1990 places a duty on Local Planning Authorities to protect trees and woodlands through the creation of Tree Preservation Orders (TPOs) and the application of conditions when granting planning permission. http://www.legislation.gov.uk/ukpga/1990/8/contents</p> <p>Town & Country Planning (Trees) Regulations 1999 (Part VIII Sections 197 – 214)</p>

These regulations put into place procedures that enable Local Planning Authorities to make, confirm, vary and revoke Tree Preservation Orders (TPOs) and for processing applications for works to trees protected by TPO and notifications for trees protected by Conservation Areas under the Conservation Area General Regulations 1992.

<https://www.legislation.gov.uk/uksi/1999/1892/contents/made>

Forestry Act 1967 (as amended)

This Act is primarily aimed at commercial forestry & woodlands, controlling the felling and subsequent replanting of trees; however, the felling of trees outside of woodlands is also controlled by the Act. A felling licence is required to fell 5 m³ or more of timber in any one calendar quarter unless the work is part of an approved Forestry Commission scheme. Certain exemptions apply, which includes trees in domestic gardens and public open space, amongst others.

<http://www.legislation.gov.uk/ukpga/1967/10/contents>

The Wildlife & Countryside Act 1981

This Act prohibits the intentional or reckless destruction of certain plants and animals including all wild birds, their nests, or eggs. For example, it is an offence to disturb bird-nesting sites and bat roosts. Offences committed under the Act are investigated and enforced by the Police.

<http://www.legislation.gov.uk/ukpga/1981/69/contents>

The Natural Environment & Rural Communities Act 2006

The NERC Act places a duty on public authorities, including Councils and Local Planning Authorities to conserve biodiversity when exercising their functions.

<http://www.legislation.gov.uk/ukpga/2006/16/contents>

Conservation (Natural Habitats & c) Regulations 1994

This regulation puts into place a European Union Directive that protects European protected species, such as bats and their roosting sites.

<http://www.legislation.gov.uk/uksi/1994/2716/contents/made>

Hedgerow Regulations 1997

These regulations are made under Section 97 of the Environment Act 1995. They prohibit the removal of most countryside hedgerows (or parts of them) unless a hedgerow removal notice is submitted to the Local Planning Authority (LPA) and the LPA consents to the removal. Removal includes acts which could result in the destruction of a hedgerow.

If the hedgerow is classed as 'important' in accordance with criteria set out in the Regulations, the LPA may prohibit its removal by issuing a retention notice within 42 calendar days from receipt of notification. The LPA can also require replacement of a hedgerow removed in contravention of the Regulations. These regulations do not cover hedgerows that form the boundary of a garden.

<http://www.legislation.gov.uk/uksi/1997/1160/contents/made>

Highways Act 1980

Section 154 of this Act gives the Council powers to deal with trees and vegetation considered to be a danger to highway users.

<http://www.legislation.gov.uk/ukpga/1980/66/section/154>

Local Government Miscellaneous Provisions Act 1976

This Act gives discretionary powers to the Council to deal with dangerous trees located on private land. Trees are the responsibility of the person who owns the land on which they are growing. However, if a tree on private land becomes dangerous in a way that could harm someone else or their property and the owner does not appear to be doing anything about it, the Council can act to make the tree safe. This can be by serving a notice on the owner to make the tree safe or, in exceptional circumstances, the Council can deal with the tree themselves and recover costs from the owner. These powers are used as a last resort and are only intended for

situations when there is an imminent danger.

<http://www.legislation.gov.uk/ukpga/1976/57/part/I/crossheading/dangerous-trees-and-excavations>

Health & Safety at Work Act 1974

This Act places a duty on employers and employees whilst carrying out their work duties to take reasonable steps to avoid incidences that would be harmful to themselves or other people. This includes the prevention of the foreseeable failure of trees and tree surgery works undertaken by the Council.

<http://www.legislation.gov.uk/ukpga/1974/37/contents>

The Occupier's Liability Act 1957 & 1984

These Acts impose a duty on landowners and occupiers to take such care as is reasonable to see that visitors to their land, including those who do not have permission to be there, will be reasonably safe. Regarding trees, this means that the risks associated with them is as low as reasonably practicable.

<http://www.legislation.gov.uk/ukpga/1984/3>

Anti-social Behaviour Act 2003 (Part 8)

Part 8 of The Anti-Social Behaviour Act (2003) enables Local Authorities to investigate disputes between neighbours relating to the height of an evergreen hedge.

The Act requires the complainant to have taken initial steps to try and resolve the dispute amicably before involving the Council. The local authority is not required to mediate or negotiate between the complainant and the hedge owner but to decide whether the hedge is adversely affecting the complainant's reasonable enjoyment of their property.

When adjudicating on high hedge complaints, the authority has to take account of all relevant factors from both parties and ensure a balanced decision is made.

<http://www.legislation.gov.uk/ukpga/2003/38/part/8>

Local

Work will be needed across departments to ensure the following strategies consider the need to manage or mitigate tree loss.

Blackpool Council motion of a climate emergency

Make the Council's activities net-zero carbon by 2030

Achieve 100% clean energy across the Council's full range of functions by 2030

www.blackpool.gov.uk/ClimateEmergencyDeclaration

Blackpool Green and Blue Infrastructure:

- New and improved parks and creative greening initiatives in the Inner Area, South Shore and the outer estates
- Increase tree canopy from 4% to 10%

<http://democracy.blackpool.gov.uk/documents/s40656/Appendix%20Green%20and%20Blue%20Infrastructure%20Strategy.pdf>

Blackpool Joint Health and Wellbeing Strategy for Blackpool 2016-2019: this strategy aims to sharpen our focus on tackling the main drivers of Blackpool's health issues

<https://www.blackpool.gov.uk/Residents/Health-and-social-care/Documents/HWB-Strategy-2016-19-final.pdf>

Blackpool Council Core Strategy 2012 – 2027:

Policy CS6 – Green Infrastructure: High-quality and well connected networks of green infrastructure in Blackpool will be achieved by Protecting existing green infrastructure networks and existing areas of Green Belt, Enhancing the quality, accessibility and functionality of green infrastructure, Creating new accessible green infrastructure, and Connecting green infrastructure with the built environment and with other open space.

Policy CS12 - Sustainable Neighbourhoods: Sustainable Neighbourhoods is to ensure future development and investment contributes to delivering sustainable communities, whilst focusing

regeneration and improvement in several identified priority neighbourhoods. The improvement of these neighbourhoods is fundamental to creating more sustainable communities.

<https://democracy.blackpool.gov.uk/documents/s11068/Appendix%20ci%20-%20Word%20Adopted%20Version%20Final%20Dec%202015.pdf>

Blackpool Active Lives Strategy (under development)

Increasing activity levels among Blackpool residents through increasing sport and physical activity and encouraging active transport methods.

Evidence Base

What evidence is there to justify the need for this strategy? How does this inform the strategic direction?

In order to maintain a safe and healthy tree stock, several legislations (as specified at 'Links with Council Plan and other Strategies, Policies or Plans') and documents enforce best Arboricultural practices such as:

- Management of the risk from falling trees or branches - https://www.hse.gov.uk/foi/internalops/sims/ag_food/010705.htm
- NTSG Managing trees for Safety – The publications helps to understand the issues around tree safety and comes to a balanced conclusion; one that ensures that trees, essential for the ecosystem and common good, can thrive in the UK, uncompromised by unnecessary safety management.

A number of organisations and charities have produced facts and figures in order to provide evidence of the benefits of trees, non-more so than the Woodland Trust and Forestry Commission.

Related published research reports include:

- Trees or Turf? – Which aims to objectively re-assess the cost comparison of managing woodland landscapes over the traditional grassland spaces and provide a summary of the benefits of woodland within the urban environments?
- Trees Improve Urban Air Quality – Describes how trees remove poisonous and harmful gases from our urban environment and which are the best species for the job.
- Trees in our Towns - This report focuses on the role of trees, tree planting and green space in managing water in urban areas.
- The role of urban trees and greenspaces in reducing urban air temperatures - This Research Note describes the negative impact that elevated urban temperatures can have on human thermal comfort and health and how urban green infrastructure can help lessen this impact.

The Forestry Commission have produced several publications on the mental wellbeing that trees create within society e.g.

- Understanding the role of urban tree management on ecosystem services – Describes how Urban forests provide ecosystem services that contribute to human health, liveability and sustainability. The management of trees influences the delivery of these ecosystem services and thus helps determine the total benefit provided by an urban forest.
- NHS Greenspace in Scotland - Was developed in response to increasing evidence that public health can be improved using the outdoors for physical activity and contact with nature.
- Well-being for all? Social distribution of benefits from woods - <https://www.forestresearch.gov.uk/research/well-being-for-all-social-distribution-of-benefits-from-woods/>
- Woods for health - Aims to create new health promoting opportunities in our green environment, particularly trees, woods and forests, to improve the health and life expectancy of Scotland's people and reduce health inequalities in Scotland.

Is additional research planned or necessary to shape the strategic direction?	<p>Planned additional research will include:</p> <ul style="list-style-type: none"> • Desktop research of national, regional and intra-council plans and strategies to establish best practice and critical alignments. • Align the tree strategy to Blackpool's Green and Blue Infrastructure Strategy 2019 – 2029. • British Standards 3998 and 5837 will shape the strategic direction regarding tree works (3998) and any proposed developments (5837).
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Stakeholder Engagement

Which stakeholders will be affected and how can they influence the strategic planning?	<p>The strategy will impact upon local residents, developers, community groups and private businesses. In order to engage with these stakeholders, workshops will be held before the document is drafted and following draft creation.</p> <p>The strategy will impact upon a range of internal stakeholders, who will be involved at all stages of the process.</p> <p>The strategy will be shaped by arboricultural best practice, legislation, health and safety, Blackpool's Green and Blue Infrastructure Strategy 2019 – 2029, planning and climate/carbon offsetting research.</p>
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Who will be consulted on the strategic direction and when will this happen?	<p>Internal stakeholders include:</p> <ul style="list-style-type: none"> • Parks Services • Green and Blue Infrastructure Strategy working group • Highways • Active Lives working group • Public Health • Operational • Volunteer Sector <p>External stakeholders will include and are not restricted to</p> <ul style="list-style-type: none"> • Natural England, • River Rivers trusts • Fylde Bird Club • Groundwork. <p>Stakeholders will be involved in workshop before drafting commences to shape the direction of the strategy and again once a draft has been produced.</p>
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Budget and Resources

What finance or resources are required in order to deliver the defined activity?	<p>The tree strategy requires regular monitoring of the tree population with any identified works and ad-hoc works been carried out by our internal tree team and covered by Blackpool Council's operational budget.</p>
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Monitoring and Performance Measurement

How will the strategy be monitored?	<p>The tree strategy will be monitored by assessing tree works and removals, assessing development sites and through regular surveys throughout the 10 years. The strategy will be monitored on an annual basis to make sure that it is in keeping with up to date practice and current legislation.</p>
How will performance be measured?	<p>Trees will be assessed on safety and health through regular checks (open spaces, urban trees and existing/new trees on development sites) and tree work will be assessed against BS: 3998. Further tree assessments for developments will be assessed against BS: 5837.</p> <p>As tree health increases and tree population is increased, methods of data collection will be identified e.g. i-tree, which will be referenced, and action planned within the strategy. All data</p>

will be recorded and used to develop the following tree strategy.

Risks

What are the risks that might prevent the activity from being delivered?

- **Political:** Change in government policy direction, Change in local political direction or approach, Lack of buy-in from other Council services and partners.
- **Economic:** Insufficient funding for wider measures to manage our tree stock.
- **Sociological:** Lack of behaviour change to adapt to any challenging measures to deliver a healthy tree population.

Equalities

Is there any data or other reason to suggest that this strategy will have a disproportionately adverse impact on key protected equality groups?

None.