

## **Confor response to Defra consultation: protecting and enhancing England's trees and woodlands**

Confor is the not-for-profit organisation for sustainable forestry and wood-using businesses in the UK. We have more than 1,500 member companies representing the whole forestry and wood supply chain. Confor focuses on the strategic issues that are vital to the success and sustainable future of the sector. These include helping to build the market for wood and forest products, creating a supportive policy environment and helping members to become more competitive and successful.

### **Summary**

Confor broadly welcomes the four proposals in this consultation, which are timely and largely well considered.

Some details of the proposals merit further development, including:

- How will failure by local authorities to consult be enforced?
- Trees in urban parks should fall under the same scope as street trees.
- Exemptions to the duty to consult should only apply to diseased, dying or dead trees.
- Adequate resource must be given to local authorities to develop reporting and strategies; this might best be done centrally via Forestry Commission.
- Opportunities should be taken to use reporting and strategy development to work with a wide constituency of the community, not simply consult with them.
- Guidance for developing urban tree strategies should be directed towards strategic action, rather than a list of topics.

## **1. Duty to consult**

### **Q1. Should a duty for local authorities to consult on the felling of street trees be introduced? Please give reasons for your response.**

Yes. Street trees are one of the most valuable pieces of urban infrastructure. They remove air pollution, slow floodwater, capture carbon, improve mental and physical health, enhance the streetscape and increase property values. Moreover, a mature street tree is irreplaceable: once removed, it will take a century or more for a replacement to grow. The duty to consult will give pause to any removal, and provide the opportunity for the local community to make the case for retention.

It is not clear what penalties are incurred if a local authority fails to consult, or to whom such activity should be reported. Does this constitute illegal felling, enforced by the Forestry Commission?

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

No. Urban trees require a distinct approach from other trees and woodlands, and it is correct to design these closely. However, the pressures surrounding trees in urban parks are very similar and the scope of these regulations should be extended to these trees, without straying beyond the urban boundary eg. into green belt land. It might be best to align trees covered by the duty to consult and to report (below).

It is correct to exclude trees alongside roads not in urban settlements.

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

Yes. Where felling is uncontentious or welcomed by local residents, it should not become the subject of online campaigns.

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

Exemptions should only apply to trees which are diseased, dying or dead.

Healthy mature urban trees are so valuable, that where these are considered to be dangerous or damaging, consultation should be undertaken and local authorities required to demonstrate that no mitigating action is feasible, for example, re-paving or re-routing the footway or utilities.

**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?**

This issue is important, but the proposals are rather vague. Consideration might be given to dealing with this issue as part of an overhaul of the Tree Preservation Order system, to avoid creating too many categories of protected tree under too many different regulatory bodies.

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

No. Better protection for urban trees will have a positive impact on development. Studies of the economic effect of street trees have found

that they add around 10% to property values.<sup>1</sup> Once removed, mature trees cannot be replaced.

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

A consultation might be done on a group of trees, so long as a clear distinction is drawn between trees in a street or formal park context, and woodland (including urban woodland). In woodland, the mechanism for management is the felling license: if this is made more onerous, woodland management will decline.

## **2. Reporting on felling and planting of trees**

**Q8. Should a duty on local authorities to report on tree felling and planting be introduced? Please explain the reasons for your answer.**

Yes. As the consultation document notes, these trees currently fall outside the felling license system and therefore data on urban tree cover is patchy and inconsistent.

However, the system for reporting should be designed and managed centrally by Forestry Commission Forestry Statistics, both to ensure consistency, and because a requirement on local authorities to design their own systems would place an unreasonable burden on already overstretched tree and woodland budgets. New funding should be provided to develop this system.

**Q9. Which trees would it be useful to report on? Please explain the reasons for your answer.**

Ideally it should cover all trees within the urban area, both on local authority and private land.

**Q10. How could local authorities present this information? Should national government play a role in collating and managing information?**

Yes, Forestry Commission have done substantial work on measuring urban trees. The information should be collated by them as reported as part of Forestry Statistics.

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<sup>1</sup> <https://smartgrowth.org/value-street-trees/>

The Urban Forestry and Woodland Advisory Committee Network (UFWACN) will be key partners in this work, <sup>2</sup>

Consideration should be given to working with experienced partners to develop a 'crowd sourcing' approach to developing urban tree datasets, enabling members of the public can report and verify the presence, age and species of trees. Designed correctly (for example by giving greater weight to participants who have a track-record of submitting accurate records), crowd-sourced approaches can result in the rapid collation of accurate data which is kept up-to-date. This approach would also have high public engagement value.

Local authorities could present this information as they wished; it is to be hoped many would find it a valuable resource.

### 3. Tree and woodland strategies

**Q12. Do you agree that Tree and Woodland Strategies help local authorities and the public to manage their trees and woodlands? Would best practice guidance be sufficient for local authorities and the public? Please give reasons for your response.**

Yes, strategies can be a valuable tool. However, too many urban tree and woodland strategies result in a paper exercise hidden on a website. It will be important that:

- the process of writing the strategy helps embed consideration of trees and woodlands across council departments
- the information contained in the strategy is useful for decision-making and presented in an easily accessible form
- the targets for future work in the strategy are specific and achievable, not merely a wishlist.

**Q13. Do you agree with the suggested content for best practice guidance for Tree and Woodland Strategies? Please give reasons for your response.**

The suggested content at present is a rather miscellaneous set of headings. The strategy should provide a clearer route from assessment to action, for example:

1. Value the current tree stock (carbon, air quality, water management, biodiversity, health, property values, and cost of tree management) This should include a standardised financial valuation, but also highlight examples of trees or woodlands of special value.

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<sup>2</sup> <https://www.gov.uk/guidance/urban-forestry>

2. Assess the risks to tree stock (climate change, biosecurity, age profile, species diversity, past failures in tree or woodland management, trees of particular value whose loss would be of great significance).
3. Identify the greatest opportunities for adding value to the tree stock (new planting, management, protection, community engagement).
4. Based on this assessment, present a five-year budgeted action plan, with a limited number of achievable targets for developing a more resilient and valuable tree stock, with possible in collaboration with community groups and organisations.

## **4. Forestry enforcement measures**

### **Q.14 Do you support these measures?**

Yes, the felling licence system is adequate but its enforcement is not. These measures to provide the Forestry Commission with greater powers to tackle illegal felling are welcome.

### **Q.15 Do you think any other measures are necessary to combat illegal tree felling?**

As noted above, the introduction of greater regulation around local authorities' trees raises the question of how this should be enforced. There is already a confusing situation in which Tree Protection Orders and trees in conservation areas are dealt with by planning authorities. There would be merit in reporting all offences relating to damage to trees to the same authority, whether these fall under felling licence regulations, planning regulations or the new regulations laid out in this consultation.

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