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CPRE Sussex response, submitted on-line, 19 February 2019, to the:

Department for Environment, Food and Rural Affairs (Defra)

Protecting and enhancing England's trees and woodlands. Consultation, December 2018
(Consultation closes 28 February 2019)

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

Yes. It is CPRE Sussex's view that a statutory duty for local authorities to consult on the felling of street trees should be introduced, for the following reasons:

- a. Street trees contribute significantly to the character of town and city landscapes, enhancing the quality of public spaces for residents and visitors and also their quality of life and sense of place, and are very important for biodiversity. They are an important Natural Capital asset.
- b. They are beneficial to public health and general wellbeing; see for example the research-informed reports and publications among those listed, for example, at: <https://nhsforest.org/evidence-benefits> and the Forestry Commission's 'Health Benefits of Street Trees', The Research Agency of the Forestry Commission, Vadims Sarajevs (2011), and <http://www.cityoftrees.org.uk/why-trees-in-our-cities-and-towns> and www.gov.uk/guidance/urban-forestry
- c. That urban communities value trees is indicated by the high levels of public outrage caused by the extensive and unnecessary felling of healthy street-trees in Sheffield, exacerbated by the council's disregarding residents' strongly felt concerns and opposition to the felling of what they considered to be their trees, the community's trees – and Sheffield's communities were excluded from the decision-taking process.

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

No, it is CPRE Sussex's view that the duty to consult should also apply to other trees in urban areas, including those in parks and public spaces, and also open-access woodland owned by councils, as for example, Stanmer Wood (Brighton & Hove) where trees have recently been extensively clear-felled, apparently without public consultation.

All trees, including those in parks and public spaces and woodland owned by councils, contribute significantly to the character of town and city landscapes and sense of place, and

biodiversity, and are beneficial to public health and wellbeing. They are an important Natural Capital asset.

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

No, of the three options for consultation, CPRE Sussex prefers 'Option A: Full Consultation: Consult on every tree proposed for felling during a four week consultation period. A notice inviting consultation to be placed on the tree, letters sent to local residents in close proximity to the tree (100m²), and a notice published in the town hall and online'.

(Nb 100m² = 100 x 100 metres = 10,000metres = 10km. Presumably, you mean within 100 metres of the tree?)

This is because of the three options Option A is the most likely to inform and engage with the largest number of people.

We ask that notices inviting consultation should also be published in local newspapers to better facilitate communication.

It is our view, too, that consultations should be held, irrespective of the proportion of objections received. Public consultations are platforms for public debate that enable members of the public, who might otherwise be undecided to consider arguments for and against.

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

Only where there is a threat to public safety, as for example trees rendered structurally unsound by storm damage.

Q5 Do you think it is appropriate that trees of special historic or cultural significance are subject to a more rigorous consultation process?

Yes, it is CPRE Sussex's view that it is appropriate that trees of special historic or cultural significance – and also ancient and veteran trees, be subject to a more rigorous consultation process. Unfortunately, details of what would constitute 'a more rigorous consultation process' are not given in the consultation document.

Do you agree with the criteria for designating a tree of special historic or cultural significance?

Yes.

Are there any other categories which should be included?

Ancient and Veteran trees and any other trees that are of importance for biodiversity and ecology (lichens, invertebrates, wild birds and bats), should be included.

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

No, it is CPRE Sussex's view that the duty to consult will NOT have any negative impacts on development.

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

It is CPRE Sussex's view that consultations should be done on an individual basis, including where, for example, trees are planted in the same location.

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

Yes, it is CPRE Sussex's view that a duty should be placed on local authorities to report on all tree felling and planting, and tree management, including for example pollarding, for the following reasons:

- a. Trees contribute significantly to the character of town and city landscapes, enhancing the quality of public spaces for residents and visitors and also their quality of life and sense of place, and are important for biodiversity in built areas.
- b. Trees are beneficial to public health and general wellbeing. They are an important Natural Capital asset.
- c. The cost of felling, managing and replacing trees is met from the public purse, therefore paid for with tax-payers money

Reports must be publicly available – and readily accessible.

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

All trees, regardless of species, should be reported on because trees contribute significantly to the character of town and city landscapes, enhancing the quality of public spaces for residents and visitors and also quality of life and sense of place, and are very important for biodiversity. They are a Natural Capital asset.

Q10 What information do you think local authorities could gather and hold? Please explain the reasons for your answer.

- a. In respect of tree felling, reports should contain details of the tree itself, including species, age, location and the reasons for felling and whether replaced with same species, and if not, why not – and also details of the consultation held before the tree was felled.
- b. Reports on tree planting should contain details of each tree, including date of planting, species, age and location and also the measures that will be taken to ensure that each newly planted tree is established successfully, for example by regular watering.
- c. Details of how each tree is to be nurtured and maintained, e.g. the 'management plan', should also be included in reports.

d. Periodic inspections of trees would be beneficial. Data recorded should include observations on the health of the tree, details of associated flora (e.g. lichen) and fauna (birds, bats, invertebrates), and also the girth of each tree measured and recorded.

e. Local people or groups with requisite knowledge could and indeed should be asked to assist. Community engagement and involvement is an essential-for-success requisite.

f. Data thus obtained would over time enable local authorities to take informed decisions and shape their strategy for how best to manage, and when necessary replace trees, or plan to plant trees in locations where trees are not present.

g. Data would need to be stored in an appropriate data base, and robustly backed-up to prevent loss of data. Print-outs should be made available to the public on request.

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

The information should be made available and accessible to the public on-line via a portal hosted by the government, and updates undertaken regularly.

Summary reports giving details of tree felling, planting and management should also be included in Authority Monitoring Reports/Annual Monitoring Reports issued by local planning authorities, which are available to the public on-line.

We agree that national government should play a role in collating and managing the information in question

This would enable standardised recording, and provide a national data base that could be used, for example, to monitor the incidence of tree-disease and harmful invertebrate infestations and climate-change impacts.

Q12 Do you agree that Tree and Woodland Strategies help local authorities and the public to manage their trees and woodlands?

No. To determine the extent to which existing Tree and Woodland Strategies help local authorities and the public to manage their trees and woodlands – and crucially whether their ‘strategies’ are beneficial/have been beneficial to woodland biodiversity and ecology, can only be determined by research.

Would best practice guidance be sufficient for local authorities and the public? Please give reasons for your response.

Whether best practice guidance would be beneficial to woodland biodiversity and ecology and sufficient for local authorities and the public to manage their trees and woodland would be dependent on content and the willingness of local authorities and owners of woodland and trees to comply with the guidance.

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

No. CPRE Sussex is concerned that the Core Topics covered by the Best Practice Guidance Tree and Woodland Strategies (detailed at page 12 of the consultation document) do not

include an explicit requirement for woodland to be managed in ways that are beneficial to woodland biodiversity and ecology, including, for example, in ways that would reverse the decline of woodland birds.

The requirement for woodland to be managed in ways that are beneficial to woodland biodiversity and ecology, including measures needed to reverse the decline of woodland birds, should be included as a 'Core Topic',

We suggest that it would be beneficial for the Guidance to be updated periodically to take in to account the results of research undertaken, for example by the Forestry Commission, Woodland Trust and Oxford University Wytham Wood project and other organisations undertaking woodland/arboriculture research.

Q14 Do you support these measures?

Yes, CPRE Sussex supports each of the nine new measures proposed and detailed at page 13 of the consultation document, to enable the Forestry Commission to address illegal felling.

Q15 Do you think any other measures are necessary to combat illegal tree felling?

It is CPRE Sussex's view that the Forestry Commission should be given statutory powers to apply and enforce the measures needed to ensure that felling is not harmful to woodland biodiversity and ecology.

During 2016, Pondtail Wood, Poynings, Mid Sussex District, West Sussex, which comprised planted Ancient Woodland and is located within the South Downs National Park (SDNP), was clear-felled.

Local people raised concerns in March about the felling work, but it was not until May that the South Downs National Park Authority (SDNPA) issued a temporary stop notice to prevent any further work, by which date some 13 acres of woodland had been felled.

This delayed response appears to have been in large part due to confusion on the part of the SDNPA, Forestry Commission and Mid Sussex District Council, as to who should intervene and also the grounds for intervention – and the lack of preventive statutory regulation, other than the Forestry Act 1967, which provides only limited protection.

Clearly there is an urgent need for appropriate statutory regulation, and also for co-operation between the Forestry Commission and local planning authorities - and for guidance from central government to ensure that woodland, especially irreplaceable Ancient Woodland, is robustly protected.

CPRE Sussex is concerned that

- a. The Forestry Act 1967 is a tool to regulate the commercial felling of timber that takes no account of woodland ecology or habitats.
- b. A Felling Licence does not require the owner to manage woodland in ways that would benefit wildlife and flora.
- c. Once the Forestry Commission has issued a Felling Licence, it has little or no legal control over the timing or quality of the work, irrespective of the harm done to flora and fauna and woodland ecology.
- d. Although the Forestry Commission can attach a management plan incorporating conservation requirements to a Felling Licence, the owner need not adhere to it. Even when an

owner is in receipt of a grant from the commission, and conditions including conservation requirements apply, monitoring during felling operations to ensure adherence is often perfunctory.

It is CPRE Sussex's understanding that the Forestry Commission is responsible for ensuring that woodland, including designated Ancient Woodland, is managed in ways that are sustainable, including managing woodland ecosystems, and therefore woodland biodiversity and ecology – in accord with 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services'.

Accordingly, it is CPRE Sussex's view that the Forestry Commission should be given statutory powers to enable them to apply and enforce measures needed to ensure that felling, including time of year, is not harmful to woodland biodiversity and ecology.

For example, the issuing of Felling Licences should be conditional on the trees to be felled being surveyed for bats by a qualified ecologist and the results submitted in a report together with the application. Felling should only be authorised outside of when woodland birds are breeding and nesting.

In addition, woodland management plans issued by the Forestry Commission should be informed by best practice to ensure that net gains are achieved for woodland biodiversity and ecology. Monitoring during felling operations should be mandatory.

Dr Roger F. Smith
For and on behalf of CPRE Sussex

19 February 2019