

Defra

Protecting and enhancing England's trees and woodlands - December 2018

https://consult.defra.gov.uk/forestry/protecting-trees-and-woodlands/supporting_documents/TreeswoodlandsconsultdocumentRB.pdf

Historic England's submission 26 February 2019 ref ANON-44RQ-5U11-Q

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

Historic England welcomes the Government's recognition of the importance of street trees.

Street trees are important features in the public realm and often part of the historic character (as recognised in conservation area provisions relating to tree protection). Some street trees are of historic and cultural significance in their own right, as acknowledged in this consultation.

Street trees also need to be considered as part of a wider urban treescape that includes private gardens, commercial property, public parks, cemeteries, commons and as a network forming a critical part of the green infrastructure.

Historic England is not aware of any widespread need to introduce a duty that local authorities should consult on street tree felling. Measures to protect trees in the public realm would be welcome, but the benefits of this specific local authority proposal need to be carefully weighed against the additional burden on local authorities, and the details of any such proposal need to be carefully considered to ensure that they are proportionate, and the overall scheme deliverable. If this proposal is to succeed, it will be important to ensure each local authority has an expert tree officer to advise on street trees and other trees, including those in Conservation Areas.

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

A holistic approach to all urban trees, rather than just the street trees managed by local authorities, would be welcome and this approach could be addressed in the proposed Tree and Woodland Strategy guidance.

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

No comment

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

Criteria and time limits for exemptions would need to be considered carefully. The 'dead, dying or dangerous' exemptions in the TPO system have been open to interpretation, misuse and generated disputes. A presumption to consult would surely be a better way forward. Good detailed records of trees will help track and monitor management, and justify exemptions.

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

TPOs and Conservation Area designations already address the amenity value of notable trees but we have lacked this specific recognition of trees of special historic or cultural significance. It is appropriate these special trees are identified and consultation could prove invaluable in gleaning information about individual trees or groups of trees. However it should be noted that there is a paucity of research about our street tree heritage, its history and significance.

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?

The proposed criteria look to be broadly appropriate, but a clearer definition is needed. As the government's advisory body on the historic environment and designations, Historic England would welcome the opportunity to be involved in defining the designation criteria.

The policy wording in paragraph 100 of the National Planning Policy Framework (NPPF) might provide useful context for defining these criteria. The policy relates to the definition of Local Green Spaces, which, like the proposed tree designation, are designated for a mix of heritage, community and natural environment qualities. The reference to veteran trees suggests that these are seen as good illustrations of what might be designated under this proposal; if that is the case, it might be worth aligning the designation criteria more closely with the definition of veteran trees (e.g. as contained in the NPPF: 'a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value...'). Within the current definition, using both 'historic interest' and 'cultural significance' may prove unnecessarily confusing; further, the reference to 'special' interest suggests parallels with the statutory criteria for the designation of listed buildings, conservation areas, registered parks and gardens and registered battlefields, which may not be intended.

Other issues that need addressing include the designating authorities, how designated trees might be recorded, and whether designation as a tree of special historic or cultural significance would have wider meaning, e.g. as a designated or non-designated heritage asset within the planning system.

The local listing process may provide some useful parallels for the process of designation. Historic England's published advice on local lists may be of interest here:

<https://historicengland.org.uk/images-books/publications/local-heritage-listing-advice-note-7/>.

Our published designation criteria for urban landscapes on the Register of Historic Parks and Gardens of Special Historic Interest in England (<https://historicengland.org.uk/images-books/publications/drpgsg-urban-landscapes/heag093-urban-landscapes-rpgsg/>) might also be

useful and help develop a cohesive approach across national and local designations. Although the date band criteria relate to garden history these may be relevant for street and urban trees too where they are legacies from former designed landscapes. The other criteria could be readily adapted for urban trees and townscapes:

- influential in the development of taste, whether through reputation or reference in literature
- an early or representative examples of a style of layout or a type of site, or the work of a designer (amateur or professional) of national importance
- association with significant persons or historic events
- a strong group value with other heritage assets

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

No, not least as the proposed duty to consult looks to be intended to apply to local authorities' own tree felling activities (in contrast to the proposed duty to report).

It is more often the case that development has a negative impact on trees, as trees are often vulnerable in development works even if steps have been taken to try to ensure they are protected.

In addition to development sites, tree canopies, trunks and roots are easily damaged during road and utility works, and when sites are used for events damaging soil compaction is also caused by car parking, installations and footfall.

The Trees and Design Action Group www.tdag.org.uk works hard to increase awareness of the role of trees in the built environment and Historic England is a member of this group.

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

The role of the tree or trees, and species, in shaping local character needs to be considered. Some trees will have been planted not just as an amenity but as landscape architecture such as avenues. Others may be legacies from former landscapes. Consultations need to demonstrate an understanding of the design role of groups of trees and to be alive to particular issues with individual trees such as disease. Some group features may have become derelict or been lost and consultations need to be alive to associations that could be revived e.g. cherry trees in 'Cherry Tree Drive' and enhance local identity. Historical accuracy in replanting schemes is likely to be important for some sites, and planting should also take account of the design intentions in designed townscapes and linking features such as public parks and cemeteries.

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

A case needs to be made that such a new duty would result in better management of our street trees. The critical issue would seem to be whether the local authority had appropriate expertise and resources to manage its trees, and others in its area.

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

A well-developed Tree and Woodland Strategy for a local authority area should be able to address street trees and priorities for renewal, replanting or new features.

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

Please see above.

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

National government has an important role in ensuring consistency in the data gathered, and promoting open data.

Urban tree strategies have been promoted since at least the late 1990s (see Countryside Commission/Task Force Trees' guidance) and more recently the Woodland Trust published advice in 2016: <https://www.woodlandtrust.org.uk/publications/2016/07/tree-strategies/>. Updated guidance promoted by the Government would be useful.

Tree and woodland strategies should be a key component of Green Infrastructure plans along with parks and open spaces strategies, and adopted as supplementary planning documents where appropriate.

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.

Tree and Woodland Strategies can be helpful in developing a shared understanding about the value of trees and woodlands, their long term care and management, and how to enhance and increase tree cover. Many local authorities are experienced in developing such strategies but may have now shed this expertise. New best practice guidance could usefully update the range of local authority teams that need to be involved in such strategies, and include advice on community engagement, and the resources needed to achieve an effective strategy and its long term delivery.

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

The list of proposed core topics fails to look at the history of the trees and their landscapes, and their role in shaping local character and sense of place. This understanding is vital to retaining and enhancing the distinctiveness of our towns and cities.

Better tree management could help address biosecurity risks and other climate change stresses. Historic specimen trees and mono-culture features like avenues are vulnerable but good stewardship can help protect them and extend their longevity. For example East Sussex County Council's long term English Elm protection programme has ensured nearly 50,000 trees survive, now the only remaining population of mature English elms, including veterans. Amenity species have tended to be overlooked in pests and disease research which has focused on forest production. We are already losing trees like horse chestnuts which were distinct features in historic parks and cemeteries.

Tree and Woodland Strategies could look at appropriate long term management strategies for specific features. A sole approach to tree felling for all street trees in an authority area would be crude and the guidance should make it clear that it is not acceptable. The guidance could also explore the range of options for different tree features and challenge some assumptions about felling and replanting choices (both native and exotics). For example the recent article <https://www.openaccessgovernment.org/urban-tree-biodiversity-tree-landscape/58049/> explains how to maintain an uniform tree canopy and also increase tree diversity.

The guidance is also an opportunity to generate better awareness about how to protect trees and their root zones. Too often trees are under threat from construction works, traffic, car parking and events etc.

Q14. Do you support these measures?

The Forestry Commission consults Historic England on applications related to designated historic assets like registered parks and gardens and scheduled monuments. Felling and afforestation can damage these important sites. Some felling opens up the opportunity to restore historic park and garden designs and views.

Historic England would like to be consulted on updating the felling licence system.

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

We have lost many historic fruit trees and orchards as they were exempt from felling licences and perhaps this should be reconsidered.

Veteran trees need special care and licensing could help promote good stewardship.