

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 27 MARCH 2012

Title:

TREE GUIDELINES

**[Portfolio Holder: Adam Taylor-Smith]
[Wards Affected: All]**

Summary and purpose:

The purpose of this report is to seek approval for the proposed guidelines setting out the Council's approach to making tree preservation orders (TPOs) and to the consideration of applications for works to protected trees.

How this report relates to the Council's Corporate Priorities:

Trees make a significant contribution to the environment in Waverley and the Council's approach to protecting trees where justified supports the corporate objective of protecting the environment of Waverley.

Equality and Diversity Implications:

There are no equality and diversity implications arising from this report.

Climate Change Implications:

Trees play an important role in helping to absorb carbon dioxide and the protection of trees makes a contribution towards tackling the causes of climate change.

Resource/Value for Money Implications:

There are no resource implications arising specifically from this report.

Legal Implications:

There are no legal implications arising from the report

Introduction

1. Waverley has the highest proportion of tree cover of any district and trees make a significant contribution to the character of the countryside and the built-up areas. There are currently about 750 Tree Preservation Orders (TPOs) ranging in scope from individual trees to large areas affecting a number of parcels of land. Each year the Council makes approximately 29 TPOs and deals with approximately 150 applications to carry out works to trees that are protected by a TPO.

2. There are a number of considerations that apply when both making TPOs and when considering applications for works to protected trees, such as pruning or felling. The reason for preparing these Tree Guidelines is to have in one place a document that explains these considerations.
3. The intention is that these guidelines will be used by officers and members when considering new TPOs and when dealing with requests to carry out works to protected trees. The Tree Guidelines will also provide relevant guidance for tree owners, affected neighbours etc. who are either affected by an existing or proposed TPO, or who are considering carrying out works to protected trees.

The proposed Tree Guidelines

4. Attached as Annexe 1 is a copy of the proposed Tree Guidelines. The starting point for the preparation of these local guidelines was the national guidance set out in "*Tree Preservation Orders: A Guide to the Law and Good Practice*" (2000). The proposed local guidelines reflect what is in the national guidance, but also provides more detail, particularly in identifying the different issues that have to be considered both when making judgements about:-
 - whether a tree(s) should be protected by a TPO; and
 - whether there is justification to allow works, such as felling or pruning, to be carried out to protected trees.
5. When considering whether or not to make a TPO, it is necessary to consider both the amenity value of the tree and the expediency of making a TPO. This means considering whether the tree or trees are under threat, and taking account of factors that may weigh against making a TPO, including the health of the tree/trees and the affect they have or may have on the amenity of the tree owner or neighbour.
6. Similarly, when considering whether to allow a protected tree to be felled or pruned, it is necessary to consider the environmental impact in terms of any loss of visual amenity in the area, against other factors such as physical damage to buildings, or whether the tree/trees are having a significantly adverse impact on the owner's/neighbour's amenities. The intention is that the application of the Tree Guidelines will provide a consistent approach to the making TPOs and the assessment of tree works applications.

Conclusion

7. The intention is that the Tree Guidelines will be used to support decision-making as well as being available as guidance for tree owners, potential applicants etc. It is intended that they will sit alongside more detailed information on the web site explaining the different types of TPO, the process for making a TPO etc.

Community Overview and Scrutiny Committee

8. The Community Overview and Scrutiny Committee gave consideration to this report at its meeting on 12 March 2012.
9. The Committee's main concern was that the guidelines did not allow sufficient flexibility, especially when residents requested advice. Members would like to see a more sensitive approach to residents' concerns and, although there was a general sympathy for the preservation of trees, this should not be at a cost to residents.
10. Generally the Committee supported the guidelines and were sympathetic to the need to save trees in the borough, but it needed to balance the amenity value of trees and the views of residents. The Committee therefore wished to propose the following additions to the Guidelines at page 1 and page 5 (paragraph 21) of the guidelines:
 - i. "In addition, the Council's arboricultural officers are available to provide advice and guidance on request and can be contacted either by phone or email at 01483 523307 and planningenquiries@waverley.gov.uk."
 - ii. "In assessing applications the Council will balance the safety of residents and property with the amenity value of the tree."

Recommendation

It is recommended that the Executive gives approval to the Tree Guidelines, as set out in Annexe 1.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

CONTACT OFFICER:

Name: Graham Parrott

Telephone: 01483 523472

E-mail: graham.parrott@waverley.gov.uk