

**CABINET  
8 DECEMBER 2020**

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**TREE AND WOODLAND STRATEGY**

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**Responsible Cabinet Member - Councillor Andy Keir,  
Local Services Portfolio**

**Responsible Director – Ian Williams  
Director of Economic Growth and Neighbourhood Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To present to Cabinet the outcome of the consultation carried out for the Draft Tree and Woodland Strategy.

**Summary**

2. Following Communities and Local Services Scrutiny Committee's consideration of the Draft Tree and Woodland Strategy (**Appendix 1**) on 27 August 2020, public consultation took place from 1 September to 18 October 2020. 145 responses were received to the online survey from either individuals or organisations.
3. The outcome of the consultation is presented in this report with a number of proposed changes to the strategy following feedback.
4. In addition to the protection provided to trees through the Tree and Woodland Strategy, there are also a number of policies within relevant Planning documents that afford the appropriate level of protection to trees and woodlands. It should also be noted that where on balance it is appropriate to remove trees for development, it will always be a requirement to achieve net biodiversity gain.

**Recommendation**

5. It is recommended that :-
  - (a) Members note the outcome of the consultation on the Tree and Woodland Strategy;
  - (b) Members approve/adopt the Tree and Woodland Strategy 2021/2031 and proposed amendments in paragraph 30.

## Reasons

6. The recommendations are supported by the following reason :-

- (a) To provide a framework for the management and maintenance of trees and woodland within the Borough of Darlington

**Ian Williams**  
**Director of Economic Growth and Neighbourhood Services**

## Background Papers

No background papers were used in the preparation of this report.

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S17 Crime and Disorder	There is no impact on crime and disorder as a result of this report.
Health and Well Being	Trees can have a generally positive impact on the health and wellbeing of individuals.
Carbon Impact and Climate Change	Trees have a positive impact on climate change capturing carbon.
Diversity	There is no impact on diversity as a result of this report.
Wards Affected	All Wards are affected.
Groups Affected	No group is affected differently to any other group.
Budget and Policy Framework	There is no impact on the budget and policy framework.
Key Decision	Yes
Urgent Decision	No
One Darlington: Perfectly Placed	Trees have a positive impact on Darlington as a place.
Efficiency	There is no impact on the Council's efficiency agenda.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers.

## MAIN REPORT

### Information and Analysis

7. It is thanks to our Victorian forebears that Darlington has a living legacy of urban street trees, historic parks and wooded cemeteries that is the envy of many other towns. Darlington Borough Council has had in place a Tree Strategy for the past 20 years, which was initially developed with due regard to protecting the tree heritage in Darlington. The updated revised versions of the strategy have continued with that theme at the core.
8. Since the initial strategy in 2000, the understanding and awareness of the impact humans are having on the environment has resulted in central and local government starting to address the balance. To this end, Darlington Borough Council declared a climate emergency in July 2019 and is committed to working with partners, residents, trade unions, public sector organisations, businesses and the third sector on developing plans to achieve the target of becoming carbon neutral by 2050.
9. Trees do play an important role in carbon capture and The Woodland Trust estimates that a young mixed woodland can store 400+ tonnes of carbon per hectare, approximately 1,000 trees. As part of this strategy, the Council is committed to make funds available to work with community groups and Friends of groups to plant at least 10,000 trees in the first three years of this strategy and thereafter at least the same level going forward.
10. The aim of the Tree and Woodland Strategy is:
  - (a) To proactively manage and enlarge the tree population of the Borough of Darlington in order to protect our historical heritage of trees and provide a valued environmental amenity for future generations.
11. The strategy covers the following aspects:
  - (a) How the Council manage trees that they own;
  - (b) How the Council protect trees on private land;
  - (c) An action plan setting out what needs to be done over the next five years.
12. The policies within the strategy cover:
  - (a) **Street Trees** – these are trees planted in pavements and road verges;
  - (b) **Woodlands** – approximately 3% of the Borough is woodland;
  - (c) **Trees in Parks and Open Spaces** – generally these trees are the most significant and have a positive impact on use of these spaces;
  - (d) **Trees in Cemeteries and Disused Churchyards** – some of cemeteries and disused churchyards have significant tree cover, particularly West Cemetery;

- (e) **Housing Area Trees** – generally found in communal areas or residents’ gardens;
- (f) **Privately Owned Trees** – there are a significant number of trees on private land and in private gardens.

**Consultation**

- 13. Public consultation on the draft Tree and Woodland Strategy took place from 1 September to 18 October 2020. This was via an online survey form asking those completing the survey if they agreed with the range of policies and any comments they may have. In addition, the Strategy was considered by the Communities and Local Services Scrutiny Committee on 27 August 2020.
- 14. The public consultation was advertised in local press, social media, One Darlington magazine and the Council’s website. There were 145 responses received through the online survey, in addition a written submission was received from the Friends of Stockton and Darlington Railway.

**Outcome of Consultation**

- 15. The outcome of the consultation from the online survey is attached as **Appendix 2**. A summary of results, comments and the Council’s officers response is below.
- 16. **Question 1**

**Do you agree with the Draft Council Tree and Woodland Strategy?**

<b>YES 37.93%</b>	<b>NO 37.93%</b>	<b>DON'T KNOW 24.14%</b>
<b>145 answered out of 145</b>		

(a) **Summary of Comments**

- (i) Overall, for Question 1 there were 125 comments. Whilst there are those agreeing and disagreeing with the strategy, a significant number of the comments reflect the view that the strategy does not go far enough to protect trees. There is also a feeling that it has been watered down from the previous strategy.
- (ii) An alternative view expressed is that the Council does not do enough to maintain the existing tree stock and support residents when trees are impacting on their property or quality of life.
- (iii) There were a number of comments/suggestions to include hedgerows within the strategy.
- (iv) The final group of comments generally feel the Council has got the strategy about right on the whole.

**(b) Officer Response**

- (i) Overall, it is believed, on balance, the strategy is about right and while there is a desire from a significant number of those responding to go further, the Council through this strategy is committed to the protection of public and privately owned trees. It is not believed the strategy is weaker than the previous one as there is very little difference between the two.
- (ii) There are a number of policies included in Planning documents that also afford protection to trees, woodlands and hedgerows within the Local Plan as amended 2001, Darlington Core Strategy (2011) proposed submission, Local Plan (2016-2036) August 2020.
- (iii) It is not intended to include hedgerows in the strategy as they will be covered through the Planning process for any new development. However, there is limited protection under law for hedgerows but through the Planning process the Council will do all it can to ensure where they are removed for development, there is a net gain in overall biodiversity either on or off site.

**17. Question 2**

**Do you agree with the draft Council policy included in the Strategy on Trees on Streets?**

<b>YES 52.73%</b>	<b>NO 25.45%</b>	<b>DON'T KNOW 21.82%</b>
<b>110 answered out of 145</b>		

**(a) Summary of Comments**

- (i) There were 75 comments for this question with the majority in support of the policy for street trees with only a few comments not agreeing with the policy. One theme that came through the comments was a need to include street trees in new developments.

**(b) Officer Response**

- (i) It is clear that the majority of those that responded to this question are in agreement with the policy therefore it is not proposed to make any changes with regard to street trees. For new developments, where appropriate, developers will be encouraged to include a street tree scheme within the development.

**18. Question 3**

**Do you agree with the draft Council policy included in the Strategy on Trees in Woodlands?**

<b>YES 53%</b>	<b>NO 30%</b>	<b>DON'T KNOW 17%</b>
<b>100 answered out of 145</b>		

**(a) Summary of Comments**

- (i) There were 67 comments for this question with a significant number stating the policy does not go far enough and concern with regard to loss of Woodland. A number of comments refer to understanding the level of canopy cover, which can then be monitored over the duration of the strategy.

**(b) Officer Response**

- (i) Whilst there is concern raised in a significant number of the responses to the level of protection offered to Woodlands, on balance it is believed the policy is appropriate. It is proposed to add an additional action into the strategy in the first year to map Woodlands and quantify canopy cover allowing over time monitoring to take place.

**19. Question 4**

**Do you agree with the draft Council policy in the Strategy on Trees in Parks and Open Spaces?**

<b>YES 58.51%</b>	<b>NO 27.66%</b>	<b>DON'T KNOW 13.83%</b>
<b>94 answered out of 145</b>		

**(a) Summary of Comments**

- (i) There were 66 responses to this question, some expressing concern that the development of orchards in Parks and Open Spaces had been removed from the strategy. There were a number of comments regarding the need for management plans for a specific area, not a generic plan and also concern that maximising safety had been removed. A number of responses were generally in favour of the policies for Parks and Open Spaces.

**(b) Officer Response**

- (i) With regard to development of orchards, it is proposed to add this back into the strategy and where appropriate we would look to introduce areas of fruit trees in Parks and Open Spaces. It is proposed to have a general management plan for Parks and Open Spaces, however taking on board

the comments, there will be specific sections for some of the more significant Parks and Open Spaces.

**20. Question 5**

**Do you agree with the draft Council policy included in the Strategy on Trees in Disused Churchyards and Cemeteries?**

<b>YES 64.89%</b>	<b>NO 17.02%</b>	<b>DON'T KNOW 18.09%</b>
<b>94 answered out of 145</b>		

**(a) Summary of Comments**

- (i) There were 58 comments to this question. Generally, there is agreement with the overall policy for Trees in Cemeteries and Closed Churchyards. A number of comments about the need to be able to plant memorial trees for loved ones.

**(b) Officer Response**

- (i) There is a recognition of the importance of Trees in Cemeteries and Closed Churchyards with general approval for the policy. With regard to memorial trees, it is proposed to include a wide range of options for memorials as part of the development of the new chapel and refurbished crematorium in West Cemetery.

**21. Question 6**

**Do you agree with the draft Council policy included in the Strategy on Trees in Council Housing areas?**

<b>YES 60%</b>	<b>NO 20%</b>	<b>DON'T KNOW 20%</b>
<b>90 answered out of 145</b>		

**(a) Summary of Comments**

- (i) There were 90 comments with regard to the draft policy for Trees in Council Housing Areas that are generally positive, supporting the approach. There is clearly a significant number of comments with regard to more tree planting on Council housing land open spaces.

**(b) Officer Response**

- (i) As part of the commitment to plant at least 10,000 trees over the next three years, there will be the opportunity to look at areas of open space within Council housing estates.

**22. Question 7**

**Do you agree with the draft Council policy included in the strategy for Trees on Privately Owned Land?**

<b>YES 42.22%</b>	<b>NO 31.11%</b>	<b>DON'T KNOW 26.67%</b>
<b>90 answered out of 145</b>		

**(a) Summary of Comments**

- (i) There were 60 comments in response to the policy for Trees on Privately Owned Land. A significant number showing support, however concern that it does not go far enough. Concern was also expressed with regard to the felling of trees to enable housing developments to go ahead.

**(b) Officer Response**

- (i) Where trees are important and of a quality and form that protecting them through legislation is appropriate, the Council will always do so. The removal of trees for development is considered during the Planning process.
- (ii) Where through the Planning process on balance it is believed the removal of trees is acceptable to enable development, there will always be a requirement for net gain in biodiversity on or off site.

**23. Question 8**

**Do you agree with the Council commitment in the Strategy to plant 10,000 trees in the next 3 years?**

<b>YES 56.67%</b>	<b>NO 36.67%</b>	<b>DON'T KNOW 6.67%</b>
<b>90 answered out of 145</b>		

**(a) Summary of Comments**

- (i) There were 72 comments and the majority agree with planting more trees. The main issues raised are that the target is not ambitious enough and should not include those trees planted by community groups. Concern is also expressed with regard to loss of mature trees and the commitment to replace every tree lost with one new tree. Generally the feed back is this should be more.

**(b) Officer Response**

- (i) It is encouraging to see the level of support for tree planting and the Council has committed to planting 10,000 trees on its land in partnership with Friends of and community groups. The planting of trees on Council



land would not happen without the support of Council staff. The benefit comes from the trees planted not who plants them. It is proposed to change the target to a commitment to plant at least 10,000 trees on Council land in partnership with Friends of and community groups, however the ambition over the next 3 years is to double this target.

- (ii) To help achieve this, it will be necessary to have a group of key individuals from interested groups, officers and the Council's Portfolio Lead. The role of this group will be to have a clear plan for delivering the ambition, identifying location for tree planting, sourcing the trees and ensuring they are planted.
- (iii) Where trees are removed to enable development to take place, we will require a minimum of two trees to be planted as replacement on or off site. In addition, where a significant tree is removed for legitimate reasons the replacement will be specified to be a heavy standard.

## 24. Question 9

**Please add any further comments you have.**

### (a) Summary of Comments

- (i) There were 56 comments, a significant number concerned that the strategy does not go far enough to protect trees. Others expressed concern that the existing tree stock is not managed, and the Council don't respond to residents' requests to carry out work to trees, with other commenting the strategy is going in the right direction.

### (b) Officer Response

- (i) It has always been a difficult balance between protecting trees, not carrying out unnecessary work to trees and meeting residents' expectations. In some ways this difficult balance can be seen in the comments across all questions with a significant number believing the strategy does not go far enough and others; view that the Council does not maintain the existing tree stock well enough and is not responsive to their requests.
- (ii) As referenced a number of times through the report, additional policies are in place through the Planning process to provide protection for trees where this is appropriate. Alongside this the proposed changes to the strategy will also address some of the concerns.

## **Communities and Local Services Scrutiny Committee (27 August 2020)**

25. As part of the consultation process, Communities and Local Services Scrutiny Committee considered the draft Tree and Woodland Strategy and after much debate they:

Resolved that as part of the consultation process, Cabinet be advised of this Scrutiny's view that:

- (a) Consideration should be given to the additional impact on quality of life as a factor when considering tree maintenance and removal;
- (b) Clarification be sought in respect of the special circumstances that would prevent the replacement of a tree following removal;
- (c) Clarification be sought as to whether trees removed are replaced by the same number of trees;
- (d) Consideration should be given to the inclusion of hedgerows, including their replacement when removed, in the Tree and Woodland Strategy 2021-2031.

## Officer Response

26. The response to the issues raised by the Communities and Local Services Scrutiny Committee is:

- (a) It is not recommended to move away from existing policy with regard to the maintenance or removal of trees. The proposed policy in the strategy:  
*“We will not carry out felling or potentially disfiguring forms of tree work in order to improve the reception of television signals, solar panels, wind turbines, CCTV or the alleviation of bird mess, honeydew, leaf fall or fruit fall.”*

If the Council were to move away from this policy and carry out unnecessary works to trees or removal at the request of residents that was not required, in line with good arboriculture management and British Standards, would impact on the quality of trees and tree cover. In addition, resources within the Tree Team would have to be increased to deliver the demand a move away from this policy would create.

Darlington Borough Council is not any different to most Councils with regard to the management and maintenance of trees. Attached at **Appendix 3** is a comparison of Tree Strategies/Policies of our neighbouring Councils and a few further afield. This benchmarking exercise was carried out in late 2019.

Within the draft Tree and Woodland Strategy under the Section headed Equalities Impact Assessment Statement provides the opportunity where issues relating to access or mobility needs of disabled people, the presumption in favour of tree protection will be weighted against those needs through Equalities Impact Assessment on a case by case basis. The overall approach will be to seek to find a solution that avoids the removal of healthy trees. If this is not possible and the removal of trees is necessary, agreement will be sort on appropriate planting.

- (b) The only circumstance where a tree would not be replaced following removal is if a tree was proven to cause structural damage to property.
- (c) Within the strategy it states each tree that is removed will be replaced by one tree. It is proposed to change the strategy to plant a minimum of two trees and where a significant tree is removed it will be replaced with a heavy standard.

- (d) It is not intended to include hedgerows in the strategy as they will be covered through the Planning process for any new development. However, there is limited protection under law for hedgerows but through the Planning process the Council will do all it can to ensure where they are removed for development, there is a net gain in overall biodiversity either on or off site.

### **Trees in the Stockton and Darlington Rail Corridor**

- 27. Attached at **Appendix 4** is a submission from the Planning Officer and Trustee of Friends of the Stockton and Darlington Railway.

### **Officer Response**

- 28. The Stockton and Darlington Railway is of significant importance and as stated in the submission, is recognised in a number of strategies and policy documents. Alongside these documents, the programme of work and variety of projects in the Stockton and Darlington Heritage Action Zone and the 200 Year Anniversary will also increase awareness and value of this historic asset. In addition, the work being undertaken along the full 26 miles as part of the walking and cycling project will improve the overall experience and biodiversity.
- 29. The range of existing policies within the Tree and Woodland Strategy, while not specifically referencing the Stockton and Darlington Railway do cover the range of spaces and types of trees therefore it is not felt appropriate to have a separate section for the Stockton and Darlington Railway in the strategy.

### **Proposed Change to Draft Strategy**

- 30. Following the consultation, it is proposed to include the following changes to the draft Tree and Woodland Strategy.
  - (a) **Street Trees**
    - (i) For new developments, where appropriate, developers will be encouraged to include a street tree scheme within the development.
  - (b) **Trees in Woodland**
    - (i) In the first year of the strategy to include an action to quantify canopy cover in the Borough.
  - (c) **Trees in Parks and Open Spaces**
    - (i) We will look to introduce fruit trees into parks and open spaces where appropriate.
    - (ii) Within the management plan for parks and open spaces there will be a specific section for significant parks and open spaces.
  - (d) **Tree Planting**
    - (i) To plant at least 10,000 trees on Council land in the next three years in partnership with community groups with an ambition to double the target

over the same period. Funding will be sought from external bodies as well as the use of existing resources.

- (ii) To establish an overarching group to develop a plan for tree planting across the Borough.
- (iii) Where trees are removed to enable development to take place, a minimum of two trees will be planted per tree lost on or off site.
- (iv) Where a significant tree is removed for legitimate reasons, the replacement will be specified as a heavy standard.

## **Conclusion**

31. It is clear from the responses to the consultation from the public, Scrutiny and interested organisations and groups that there are strong views on both sides of the debate to provide greater protection for trees or to lean more to those that want a more responsive approach to tree management and maintenance. This is the difficult balance officers and Members have had to juggle over the years, however it is believed the balance in the strategy is right.
32. There is a limited amount of protection in law for hedgerows and through the Planning process the Council will do all it can to ensure where they are removed for development, there is a net gain in overall biodiversity either on site or off site where appropriate.
33. Through the Planning process, appropriate safeguards are in place to provide teeth to the Tree and Woodland Strategy, however there is always a balance of trees protection, individuals' needs and development need. The main aim is any loss of tree cover as a result of development must always be a net overall gain in biodiversity.
34. For tree planting, there is a strong desire through the consultation to go further and be more ambitious and this, subject to Cabinet approval, will be achieved by setting the target at least 10,000 with an ambition to double that target in the next three years, working in partnership with a range of community groups. This ambition will be driven forward and overseen by a group of key individuals, organisations, officers and Portfolio Lead.
35. On balance it is believed the draft Tree and Woodland Strategy is the right one for Darlington with the proposed changes discussed in this report.