

Title of report: Tree and Hedgerow Management

Meeting: Environment and Sustainability Scrutiny Committee

Meeting date: Monday 18 November 2024

**Report by: Head of Environment, Climate Emergency and Waste Services,
Sustainability & Climate Change Manager**

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To provide an update on tree and hedgerow management to the Environment and Sustainability Scrutiny committee.

Recommendation(s)

That:

- a) The committee notes the Council's progress to date, and;**
- b) The committee determines any other actions or recommendations it may seek to make.**

Alternative options

1. None identified, this report provides an update to the Environment and Sustainability Scrutiny Committee (ESSC).

Key considerations

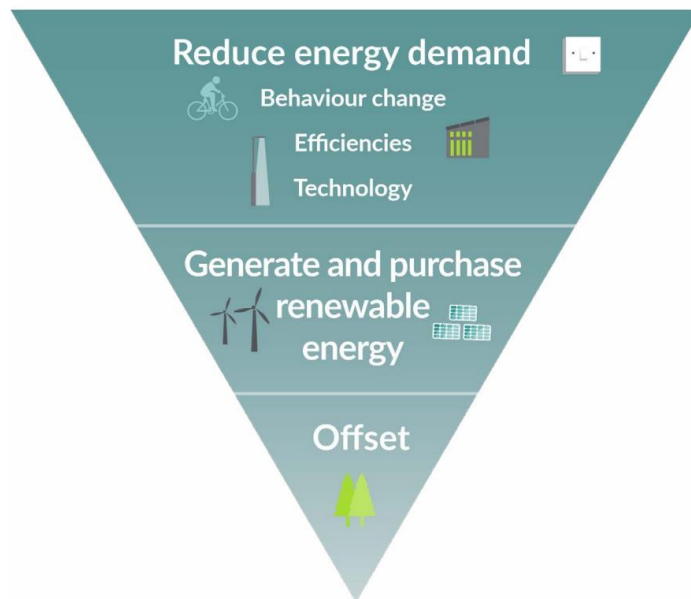
The Management of Hedgerows (England) Regulations 2024

2. On 22nd May 2024 DEFRA published 'The Management of Hedgerows (England) Regulations 2024' which came into force on 23rd May 2024.
3. These new regulations were developed followed a public consultation which ran between June 2023 and September 2023.
4. The full new regulations are included in full as Appendix 1.
5. There are no significant implications for the Council from these new regulations as the majority of the Council's tree and hedgerows are exempt as they are within the public realm or are within third party management through small holding or other leases.
6. DEFRA is currently undertaking a further 'Consultation on the regulatory approach and use of civil sanctions for hedgerow management'.
 - a) <https://consult.defra.gov.uk/legal-standards/consultation-on-hedgerow-regulatory-approach/consultation/subpage.2024-05-07.6245823404/>
7. This further consultation seeks views on the approach to the use of civil and criminal sanctions, considering the range of actions or 'sanctions' available to RPA's to assist them to enforce the Regulations. Here DEFRA notes that criminal sanctions will only be used for the most serious offences.
8. This consultation launched on 29th October 2024, is open until 10th December 2024.

Herefordshire Council - Management of Trees and Hedgerows

9. Herefordshire Council manages a significant stock of trees and hedgerows across both the public realm and wider estate.
10. Following recommendations from the 'Climate and Ecological Emergency Review' by a Task & Finish group of General Scrutiny Committee the Council has reviewed and updated its own approach to tree and hedgerow management.
11. This review was led by the Built & Natural Environment team, takes into account both highways and environmental legislation and was widely consulted and co-developed with all relevant service areas. This included Highways, Open Spaces, Estates and Facilities Management team, in addition to being shared with all of our public partners including BBLP and Hoople to ensure that it is applied consistently.
12. This review was concluded in June 2024 where the Council adopted a new Tree and Hedgerow Code of Practice Herefordshire Council. This code of practice includes consideration of all statutory and regulatory requirements including 'The Management of Hedgerows (England) Regulations 2024' and is included as Appendix 2.
13. The Council is currently developing its fourth Carbon Management Plan (CMP) for the period 2026-2030 which will set out the Council's plan to deliver the final stage of our net zero target. This will be the first CMP to include consideration for offsetting and sequestration of our residual emissions as to date the approach has been to follow the carbon hierarchy as illustrated below.

Figure 1 – Herefordshire Council Carbon Reduction Hierarchy.



14. The Sustainability & Climate Change and Build & Natural Environment teams are currently researching methods for calculating the carbon sequestration from the tree, hedgerow and wetlands across the existing estate for inclusion within the plan and annual reporting.
15. The Council is currently working with the Department for Energy Security and Net Zero (DESNZ) 'Midlands Net Zero HUB in order to identify a nationally accepted methodology for calculating and reporting this.
16. As this is developed the current Tree and Hedgerow Code of Practice Herefordshire Council will be updated to include further consideration of opportunities to improve carbon sequestration.
17. Aligned with this approach, the Council is currently developing the new Local Nature Recovery Mapping and Strategy which will identify key ecological corridors across the county and consulting with property services to identify opportunities to introduce woodland habitat where appropriate.

Herefordshire Tree, Hedgerow and Woodland Strategy

18. Following both recommendations from the 'Climate and Ecological Emergency Review' and the 'Herefordshire Citizens' Climate Assembly' the Council has recently commissioned LUC to develop a 'Herefordshire Tree, Hedgerow and Woodland Strategy, (h-THAWS).
19. The aims of this new countywide strategy are to:
 - a) Deliver an appropriately managed increase in trees and hedgerows
 - b) Ensure the better management of trees, hedgerows, woodlands and orchards across the county
 - c) And to support the development of new projects and funding applications to deliver this.
20. Following the new national guidance and best practice, a key stakeholder workshop was held on 7th November 2024 and a public consultation was also launched on 7th November 2024.
21. Live until 8th December 2024, the Council is actively seeking view stakeholders, external partners and interested parties and the consultation can be accessed via the below link.

- a) [Herefordshire Tree, Hedgerow and Woodland Strategy \(h-THAWS\)](#)
- 22. This strategy is being developed based on the 'Trees and Woodland Strategy Toolkit' produced by the Tree Council in partnership with DEFRA and the Forestry Commission. A link to both the toolkit and summary documents are included below:
 - a) [Tree-Council-Trees-and-Woodland-Strategy-Toolkit-2022.pdf](#)
 - b) [Tree-Council-Trees-and-Woodland-Strategy-Summary-2022.pdf](#)
- 23. A draft strategy and action plan will be developed in January 2025 and the final version will be completed in March 2025.

Ash Die Back

- 24. Herefordshire Council recognises the importance of Ash dieback disease with ash accounting for 17% of all roadside trees and also found in most areas of public open space.
- 25. Recognising the significant risk of Ash dieback disease in Herefordshire the Council has developed and published an Ash Dieback Action Plan for the trees that we own and manage.
- 26. This including trees related to public highways, public rights of way, public open space, commons and council property.
- 27. This plan, included as Appendix 3 has been developed based on the national Ash Dieback Action Plan Toolkit produced by The Tree Council in partnership with DEFRA and also applies local expertise and professional arboricultural expertise to ensure that we can retain ash trees wherever possible
- 28. The national Ash Dieback Action Plan Toolkit is available via the link below:
 - a) [Ash Dieback: Action Plan Toolkit for England and Wales - The Tree Council](#)
- 29. To date the Council has undertaken survey work on A-roads with further surveys underway on both B and C roads.
- 30. The plan also include consideration of regeneration and the planting of diverse replacement species in order to enhance future resilience.

Community impact

- 31. There are no direct community impacts as a result of providing an update to the Environment and Sustainability Scrutiny Committee.
- 32. Overview and scrutiny is a key part of the council's governance arrangements and provides accountability and assurance, as well as a vehicle for elected councillors to contribute to policy development and review. Scrutiny committees have the overall aim of driving improvement to services to the local community.
- 33. As well as scrutinising the council's own services, scrutiny committees have the power to look into the provision of local health services and issues which affect the economic, social or environmental wellbeing of the county. Tree and hedgerow management is an integral part of the Council's asset management and contributes towards improved quality of life for both residents and visitors.

Environmental Impact

34. There are no direct environmental impacts as a result of providing an update to the Environment and Sustainability Scrutiny Committee,
35. The effective management of tree, hedgerows and woodland in Herefordshire is an essential part of the Council's delivery of the Climate & Ecological Emergency declaration and the Council's priority Corporate Plan objective to:
 - a) Place – We will protect and enhance our environment and ensure that Herefordshire remains a great place to live. We will support the right housing in the right place, and do everything we can to improve the health of our rivers.

Equality duty

36. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
37. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

Resource implications

38. There are no resource implications associated with providing this progress update to the Environment and Sustainability Scrutiny Committee.
39. The development of any future projects as a result of recommendations from the Environment and Sustainability Scrutiny Committee will require separate governance which in turn will inform future resources needs.

Legal implications

40. The role of the Council's Scrutiny Committee is set out in Part 2 Article 6 of the Council's Constitution and includes helping to develop policy, carrying out reviews of Council and other local services and holding decision makers account for their actions and decisions.
41. The functions of the Scrutiny Committee include powers to make reports and/or recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive and to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area.

Risk management

42. There are no risks associated with providing a progress update to the Environment and Sustainability Scrutiny Committee.
43. If any new projects are instigated as a result of the Act separate governance will be required including their own risk assessments.

Consultees

44. None.

Appendices

- Appendix 1 - The Management of Hedgerows (England) Regulations 2024
- Appendix 2 – Herefordshire Council Tree & Hedgerow Code of Practice
- Appendix 3 – Herefordshire Council, Ash Dieback Action Plan 2024

Background papers

- None Identified

Please include a glossary of terms, abbreviations and acronyms used in this report.