

# Public Document Pack



Contact Officer:  
Maureen Potter / Sharon Thomas  
/ 01352 702322 / 702324

To: Cllr Ray Hughes (Chairman)

Councillors: Mike Allport, Haydn Bateman, Sean Bibby, Chris Dolphin, Andy Dunbobbin, David Evans, Veronica Gay, Cindy Hinds, Dave Hughes, Joe Johnson, Colin Legg, Vicky Perfect, Paul Shotton and Owen Thomas

10 January 2018

Dear Councillor

You are invited to attend a meeting of the Environment Overview & Scrutiny Committee which will be held at 10.00 am on Tuesday, 16th January, 2018 in the Council Chamber, County Hall, Mold CH7 6NA to consider the following items

**ALL MEMBERS OF THE COUNCIL ARE INVITED TO THIS MEETING**  
**\* Please note the time and venue for the meeting \***

## A G E N D A

### 1 APOLOGIES

**Purpose:** To receive any apologies.

### 2 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

**Purpose:** To receive any Declarations and advise Members accordingly.

### 3 CONSIDERATION OF A MATTER REFERRED TO THE COMMITTEE PURSUANT TO THE CALL IN ARRANGEMENTS (Pages 5 - 8)

**Purpose:** A decision of the Cabinet meeting on 19 December 2017 relating to the Introduction of garden waste charges in Flintshire has been called in. Attached is a copy of the procedure for dealing with a called in item.

4 **THE INTRODUCTION OF GARDEN WASTE CHARGES IN FLINTSHIRE**  
(Pages 9 - 18)

**Purpose:** Report of Chief Officer (Streetscene and Transportation) – Cabinet Member for Streetscene and Countryside

To assist Members, the following documents are attached:

- Copy of the report of the Chief Officer (Streetscene & Transportation)
- Copy of the Record of Decision
- Copy of the Call In Notice

5 **MINUTES** (Pages 19 - 30)

**Purpose:** To confirm as a correct record the minutes of the meetings held on 20 November and 12 December 2017.

6 **BUDGET STAGE 2: REVIEW OF CAR PARKING CHARGES** (Pages 31 - 38)

Report of Chief Officer (Streetscene and Transportation) - Cabinet Member for Streetscene and Countryside

**Purpose:** To seek Environment Overview and Scrutiny Committee recommendation on the proposed car parking charges in all Council owned car parks.

7 **GRASS CUTTING POLICY REVIEW** (Pages 39 - 44)

Report of Chief Officer (Streetscene and Transportation) - Cabinet Member for Streetscene and Countryside

**Purpose:** To inform Scrutiny of the new revised Grass Cutting Policy

8 **URBAN TREE AND WOODLAND STRATEGY** (Pages 45 - 102)

Report of Chief Officer (Planning and Environment) - Cabinet Member for Corporate Management and Assets, Cabinet Member for Planning and Public Protection

**Purpose:** To advise of the objectives and actions set out in the Urban Tree and Woodland Plan.

9 **FORWARD WORK PROGRAMME** (Pages 103 - 108)

Report of Environment Overview & Scrutiny Facilitator

**Purpose:** To consider the Forward Work Programme of the Environment Overview & Scrutiny Committee

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Robins', with a horizontal line extending to the right.

Robert Robins  
Democratic Services Manager

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## **FLINTSHIRE COUNTY COUNCIL**

### **OVERVIEW & SCRUTINY**

#### **CALL-IN ARRANGEMENTS**

##### **1. Background**

The arrangements for calling in a decision are to be found in paragraph 16 of the Overview & Scrutiny Procedure Rules contained within the Council's Constitution. The legal authority is derived from section 21 (3) of the Local Government Act 2000. This note summarises the provisions in the Constitution.

##### **2. Decision of the Cabinet**

When a decision is made by the Cabinet, the Democratic Services Manager publishes a record of those decisions within two days of them being made. Copies are available at County Hall, and are sent to all Members of the County Council.

The decision record bears the date on which it was published and specifies that the decision will come into force, and may then be implemented on the expiry of five working days after the publication of the decision, unless it is called in within 5 working days after the publication of the decision

##### **3. Calling in a Decision**

If the Chief Officer (Governance) or Democratic Services Manager receives a request from the Chair of the committee or at least four members of the Council, (for the avoidance of doubt such a request should be in writing on a call in notice form, giving the reason for the call-in, and signed by all parties) the Democratic Services Manager will notify the decision taker of the call-in, and then arrange a meeting of the Committee within seven working days of the decision to call-in. (The last working day before Christmas day and the three non-public holiday days between Christmas and New Year will not be counted as working days for the purposes of this paragraph).

##### **4. The Call-in Meeting**

By their nature, call-in meetings can often be held at short notice (i.e. within seven working days of the call-in decision) and the only item of business to be transacted would normally be to deal with the call-in. However, from time to time it is expedient to consider a call in at a meeting which has already been convened.

It is suggested that the procedure outlined below be used at such a meeting.

## **5. Procedure for a Call-in Meeting**

- (i) The decision makers who have been invited to the meeting (usually the relevant Cabinet Member(s) and/or Chief Officer(s)) should be invited to sit at the committee table at the start of the meeting, as should any initiators of the call in who are not already members of the committee.
- (ii) The Chairman will invite the Democratic Services Manager or Overview & Scrutiny Facilitator to briefly outline the call-in procedure for Members of the Committee, explaining the time constraints within the Constitution. The Officer should also outline the ideal procedure, set out below, for an Overview & Scrutiny Committee to deal with a call-in meeting.
- (iii) The Chairman will then invite the initiators of the call-in (those who have signed the letter) to explain and clarify their reasons for calling in the decision. This can be by means of a spokesman, or by several Members contributing.
- (iv) The decision makers will then have the opportunity to respond to the issues raised by those initiating the call-in and provide further information if they believe that it will assist the committee's understanding of the decision.
- (v) The Chairman will then invite questions from Members, and the decision-makers and call-in initiators will be invited to answer the questions.
- (vi) At the end of Members' questions, the Chairman will ask the initiators of the call-in and the decision makers to sum up their respective cases.
- (vii) The Chairman will then invite the Democratic Services Manager or Overview & Scrutiny Facilitator to explain the Committee's options for decision contained in the Constitution. The decision should include one of the four options given below, which are contained in the Constitution.

### Option 1

If, having considered the decision, the Overview & Scrutiny Committee is satisfied with the explanation which it has received, it will indicate as such, in order for the decision to be implemented.

### Option 2

If, having considered the decision, the Overview & Scrutiny Committee is 'no longer concerned', having received the explanations, but is not minded to indicate that it is 'satisfied with the explanation', then it is in order for the Committee to resolve that 'the explanation be accepted but not endorsed by the Overview & Scrutiny Committee'.

### Option 3

If, having considered the decision, the Overview & Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If referred to the decision maker then the decision maker shall then reconsider, at the earliest scheduled meeting, amending the decision or not, before adopting a final decision.

### Option 4

If, having considered the decision, the Overview & Scrutiny Committee is still concerned about it, then it may refer the matter to full Council. If referred to full Council, the Council shall meet to consider the referral within 10 working days unless there is a scheduled meeting of the full Council at which the matter may be considered within the expiry of a further 5 working days.

#### Note:

If either Option 1 or Option 2 is decided upon, the Cabinet decision can be implemented after the Overview & Scrutiny meeting. If either Option 3 or 4 is decided upon, the Cabinet decision cannot be implemented after the Overview & Scrutiny meeting until it has received further consideration by either the Cabinet or Council.

- (viii) The Committee will then discuss the matter and following debate, reach a decision.

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## CABINET

<b>Date of Meeting</b>	Tuesday, 19 <sup>th</sup> December 2017
<b>Report Subject</b>	The Introduction of Garden Waste Charges in Flintshire
<b>Cabinet Member</b>	Cabinet Member for Streetscene and Countryside
<b>Report Author</b>	Chief Officer (Streetscene and Transportation)
<b>Type of Report</b>	Operational

### EXECUTIVE SUMMARY

In 2011 Flintshire introduced its Managed Weekly Collection service (MWC) which changed waste collections in the County from a weekly, black sack service collected at the back door to weekly recycling and food collections with fortnightly collections of residual waste alternating with garden waste - with all of the various waste streams being collected at the kerbside.

This change significantly improved the Council's recycling performance and the Council have since met all of the statutory targets set by Welsh Government (WG), with the next significant targets being 64% in 2019/20 and 70% in 2025. The Council continues to perform well and the performance for 2016/17 was above 68%.

Whilst our recycling performance is good, the service we provide to residents is not fully in line with WG's Blueprint for waste collections in Wales, as the Blueprint recommends that Local Authorities charge residents for the provision of the garden waste collection service and that this funding is then utilised to support the overall recycling service. Given the current period of austerity and the ongoing financial challenges being faced by the Council, it is now necessary to introduce such a charge which will be similar to that which has been introduced by a number of Councils in North Wales and an ever growing number of Councils across England and Wales.

This report sets out how the proposal will be implemented and provides an estimate for the associated financial benefit to the Council from the proposal.

### RECOMMENDATIONS

- |    |  |
|----|--|
| 1. | That Cabinet approves the charging policy for the Garden Waste Service and the arrangements detailed within the report for the smooth introduction of the charge which forms part of Stage One budget proposals for 2018/19. |
|----|--|

## REPORT DETAILS

1.00	EXPLAINING THE BACKGROUND TO THE PROPOSALS
1.01	There is no statutory duty on the Council to collect garden waste however garden waste collections contribute significantly to the overall recycling performance through both the brown bin collection service and the garden waste collected at our Household Recycling Centres (HRC's).
1.02	The Council first introduced garden waste collections in 2003. At the time the service was offered mainly to urban properties with gardens, which accounts for around 80% of the number of overall properties in Flintshire. In 2011 on the introduction of the current Managed Weekly Collection service it was offered to all properties - both rural and urban.
1.03	The current service is provided from the 1st March to the 31st November, as this is when the demand for the service is at its highest and most residents do not require the service over the winter period. The service currently provides residents with a 140L brown bin (for garden waste) which is collected alternately with a 180L black bin (for residual waste) on a fortnightly basis. The garden waste collected is then taken to the Council's own 'open windrow' composting facility in Greenfield and turned into soil conditioner which is then made available to residents, free of charge at the Council's HRC sites.
1.04	In 2011 WG issued its Waste Collections Blueprint which stated the preferred delivery method for waste collections in Wales, in order to deliver high and sustainable levels of recycling. Flintshire's existing waste and recycling collection service in the main aligns with the collections Blueprint, however a significant departure from the process includes the garden waste collection service.
1.05	<p>WG recommend that this discretionary service is offered as a chargeable service, which should help reduce landfill and generate revenue for the provision of other statutory services, such as dry recycling and food collections. It is worth noting that WG provide significant funding for the recycling services through the Single Environment Grant each year, although the amount received is falling as the grant has been significantly reduced over the past 3-4 years. The funding provided by WG does not match the cost of operating the full recycling service and the year on year reduction in the Single Environment Grant is encouraging councils to follow their Blueprint.</p> <p>A link to the blueprint is attached to this report however the advice on Garden Waste Collections is clear :</p> <p>Councils should:</p> <p><i>Apply charges for green waste collections (as allowed under the Controlled Waste Regulations 1994), and collect it only once a fortnight.</i></p>
1.06	In April 2015 Cabinet approved the introduction of a charge for the 2 <sup>nd</sup> or 3 <sup>rd</sup> brown bin used by residents as previously these bins were also

	collected free of charge. Around 2,200 residents have subscribed to this service which now generates a revenue income of around £50,000 to the Council.
1.07	Given the increasing financial pressures on the Council from both reducing budgets and the reduction in WG grant funding, it is now necessary to introduce a charge for the garden waste service in Flintshire. Whilst the decision to introduce a charge for this service is a difficult one, it should be remembered that garden waste can still be taken to the Councils HRC sites - without charge. The decision to provide and operate a more extensive HRC service than was advised by WG, will result in 5 modern and well operated HRC sites being available to residents, at strategic locations across the County.
1.08	<b>How much will the service cost?</b> In line with the Corporate charging and Income Policy it is important that all discretionary services achieve full cost recovery and the proposed charges are intended and designed to represent that position.
1.09	The proposed charging arrangement will be as follows:  Charge for First bin (140 litre) - £30 per year  Charge for second and third bin (140 litre) - £30 per bin per year  The service provided will operate from 1 <sup>st</sup> March – 30 <sup>th</sup> November and collections will be fortnightly from kerbside or property curtilage.
1.10	Introducing a charge for all garden waste collections has been implemented by approximately 42% of all Local Authorities across both England and Wales and in Authorities in North Wales, such as Denbighshire, Gwynedd and Conwy who all now charge for their garden waste collection service.  Local charges are as follows (2017-18) :  Denbighshire - £34 per annum (240 litre bin) & £22 per annum (180 litre) Conwy - £1.50 per black sack (max 6 collected per week) Wirral - £40 per annum (240 litre bin) Gwynedd - £33 per annum (240 litre bin)
1.11	Experience in other counties has shown that whilst significant income is generated, there is a direct impact on recycling performance. Initial take up of the service is normally around 40% of residents, with around 60% of the original tonnage being collected at kerbside. All of the counties report an increase in green waste tonnages received through their HRC's of around 15% and the capacity to receive the additional garden waste material at Flintshire's HRC sites will be increased to accommodate the additional material. There is little or no evidence of an increase in fly tipping of garden waste in these areas however the overall reduction in recycling performance is expected to be between 2% and 3%.
1.12	To ensure that garden waste does not divert to the residual waste stream a concentration on the enforcement of residual (black bin) side waste will be

	necessary, particularly in the initial months after introducing garden waste charges. The process for enforcement against side waste has already been approved by Cabinet and will be rolled out across the County in January 2018.
1.13	<p><b>How the system will operate?</b></p> <p>The existing system for gathering payment for the second bin requires the resident to contact the Council to request the service, this contact is either by phone or by calling in at one of the Council's Connect Centres. They are asked to provide an upfront payment (currently £24) and they are then issued with a sticker for their 1<sup>st</sup> brown bin and one for each additional bin which they have paid for. The stickers are coloured and have a bar code to prevent them from being duplicated and this makes it easier for the collection crews to identify the additional bins at each property.</p>
1.14	When the new charges for the full garden waste service are introduced the number of residents signing up to the service will significantly increase - up to an estimated 27,600 (based on a 40% uptake). Whilst the current system of issuing stickers will remain in place the option of paying for this service online (through the Council website) will be introduced. The existing payment options will remain for those who do not have access to a computer.
1.15	Residents will be notified of the charge by letter and by stickers which will be placed on the garden waste bins in January. Further communication will be sent with the Council Tax information in March 2018 and residents will have until 1 <sup>st</sup> April 2018 to register for the new service. Once payment has been received stickers will be dispatched to the residents in order that the crews can recognise which properties are requiring the service. The service will be provided free of charge to all residents during March 2018.
1.16	In the longer term and particularly if waste containers are replaced, it will be sensible to place a microchip in each wheel bin to evidence the time and date when it was emptied. Further enquiries on the possibility to retrofit the microchips within existing bins will be made as this will speed up the management and payment process and will remove the need to issue stickers each year. If the business case can be established the alternative recording system could be in place in readiness for the 2019-20 season.
1.17	The service will be delivered utilising the existing workforce however the number of vehicles and operators required will reduce, depending on the demand for the service. The rounds will be optimised, based on the number of requests for the service and this will ensure the continued efficiency of the routes whilst maintaining the workloads for staff. The reduction in staff numbers will be accommodated from current vacancies within the service and there will be no redundancies as a result of the proposals.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	There will be a reduction in the number of front line operational staff required to operate the service which will be taken up from existing vacancies within

	the service.										
2.02	The financial benefit to introducing a charge is significant and detailed below.										
	<table border="1"> <thead> <tr> <th>Households*</th> <th>Charge</th> <th>Predicted Income</th> <th>Other Operational Savings</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>27,600</td> <td>£30.00</td> <td>£828,000.00</td> <td>£130,000.00</td> <td>£958,000.00</td> </tr> </tbody> </table>	Households*	Charge	Predicted Income	Other Operational Savings	Total	27,600	£30.00	£828,000.00	£130,000.00	£958,000.00
Households*	Charge	Predicted Income	Other Operational Savings	Total							
27,600	£30.00	£828,000.00	£130,000.00	£958,000.00							
	* Assumes 40% households sign up to the service										

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	A Member workshop was held in October 2016 seeking views on the proposed changes to waste services and one of the recommendations was the possibility of charging for garden waste collections. The suggestion was further raised at budget workshops over the summer 2018, when the proposal received broad support.
3.02	Environment Overview and Scrutiny recommended Cabinet approve the proposals at their meeting in November 2018
3.03	Extensive communications with residents is required - once the details of the proposals have been approved by Cabinet.
3.04	A full Equalities Impact Assessment has been completed on the proposal.
3.05	Once the service is established a further period of consultation on the future direction of the garden waste service can be undertaken. This will include gaining residents opinion and input into the following developments: <ul style="list-style-type: none"> <li>• The potential to extend the service over the full year.</li> <li>• The use of microchips within the bin to log and record collections.</li> <li>• Payment mechanisms (Standing order etc.)</li> <li>• The potential to offer a reduced rate for residents on benefits will also be considered during the first year of introduction however it would be difficult to provide such a discount without passing additional costs onto other non-eligible residents.</li> </ul>

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	A delivery project team has been established to monitor and oversee the delivery of the new service.

<b>5.00</b>	<b>APPENDICES</b>
5.01	None.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	Link to WG Blue print  <a href="http://www.wrapcymru.org.uk/sites/files/wrap/Municipal%20Sector%20Plan%20Wales%20-%20Collections%20Buleprint.pdf">http://www.wrapcymru.org.uk/sites/files/wrap/Municipal%20Sector%20Plan%20Wales%20-%20Collections%20Buleprint.pdf</a>
6.02	<b>Contact Officer:</b> Stephen O Jones <b>Telephone:</b> 01352 704700 <b>E-mail:</b> <a href="mailto:stephen.o.jones@flintshire.gov.uk">stephen.o.jones@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>WG</b> – Welsh Government <b>MWC</b> – Managed Weekly Collections <b>HRC</b> - Household Recycling Centres

**FLINTSHIRE COUNTY COUNCIL**

**CABINET RECORD OF DECISION**

**DATE OF MEETING:**            **19 DECEMBER 2017**            **AGENDA ITEM NO. 9**

**REPORT OF:**                    **Chief Officer (Streetscene and Transportation)**

**SUBJECT:**                        **THE INTRODUCTION OF GARDEN WASTE  
CHARGES IN FLINTSHIRE**

**RECOMMENDATIONS OF REPORT:**    That Cabinet approves the charging policy for the Garden Waste Service and the arrangements detailed within the report for the smooth introduction of the charge which forms part of Stage One budget proposals for 2018/19.

**DECISION:**                        As detailed in the recommendation with an additional recommendation as detailed below:

- (2)    That a full review of charges, possible concessions and take up rates is undertaken between September and December 2018.

**REASON FOR DECISION:**            As in the report.

**CONSULTATIONS  
REQUIRED/CARRIED OUT:**            A Member workshop was held in October 2016 seeking views on the proposed changes to waste services and one of the recommendations was the possibility of charging for garden waste collections. The suggestion was further raised at budget workshops over the summer 2017 when the proposal received broad support.

Environment Overview and Scrutiny Committee recommended Cabinet approve the proposals at their meeting in November 2018.

Extensive communications with residents is required, once the details of the proposals have been approved by

Cabinet.

A full Equalities Impact Assessment has been completed on the proposal.

Once the service is established a further period of consultation on the future direction of the garden waste service can be undertaken. This will include gaining residents opinion and input into the following developments:

- The potential to extend the service over the full year;
- The use of microchips within the bin to log and record collections;
- Payment mechanisms (Standing Order etc); and
- The potential to offer a reduced rate for residents on benefits will also be considered during the first year of introduction however it would be difficult to provide such a discount without passing additional costs onto other non-eligible residents.

**RESOURCE IMPLICATIONS:**

There will be a reduction in the number of front line operational staff required to operate the service which will be taken up from existing vacancies within the service.

The financial benefit to introducing a charge is significant and is detailed in the report.

**DECLARATIONS OF INTEREST:**

None.


**DISPENSATIONS**

None.

**DATE PUBLISHED:**

20<sup>th</sup> December 2017

**SIGNED**



**(Proper Officer)**



Insert date here. 5<sup>TH</sup> JANUARY 2018

To Democratic Services Manager

We, the undersigned, wish to call in the following decision of the Cabinet:

Date of Cabinet meeting: 19<sup>TH</sup> DECEMBER 2017

Report title: THE INTRODUCTION OF GARDEN WASTE CHARGES IN FLINTSHIRE

Record of Decision number: 3469

Reason(s) for call in: 1) THE PROPOSALS DO NOT ALIGN WITH THE WALES GOVERNMENT BLUE PRINT FOR WASTE COLLECTIONS IN WALES. 2) CABINET CONSIDERED ITS APPROVAL OF THE PROPOSALS USING UNAPPROVED AND INCORRECT SCRUTINY MINUTES. 3) THE PROPOSALS DO NOT CONSIDER THE ELDERLY AND VULNERABLE FROM THE PROPOSED INTRODUCTION OF CHARGING ON 1<sup>ST</sup> APRIL 2018. 4) CHARGES ARE UNREASONABLE CONTRARY TO THE ENVIRONMENT ACT 1990 AND WHEN COMPARED TO OTHER LOCAL AUTHORITIES. 5) IN ORDER TO ASSESS FULL COST RECOVERY, THE DETAILED COST OF THE GARDEN WASTE COLLECTION SERVICE IS UNKNOWN AND WAS NOT INCLUDED IN THE SCRUTINY OF CABINET REPORTS\*

In initiating this call in, we recognise that it will be regarded as a gross discourtesy to the committee if Members who have requested the call in do not attend the meeting of the committee without contacting the Democratic Services Manager to explain their reasons.

We understand that the call in meeting will be held within 7 working days of this call in notice being received and accepted.


Signature

Printed name

1.  ..... Cllr Mike Peers

2.  ..... Cllr Richard Jones

3.  ..... Cllr Dave MacRie

4.  ..... Cllr Dennis Hutchinson

5.  ..... Cllr Clive Carver

6. ....

7. ....

8. ....

Call in Notice received 5/1/2018 Accepted ..... 201\_

Signed  ..... Chief Officer (Governance) of Democratic Services Manager

"INTRODUCTION OF GARDEN WASTE CHARGES"

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## **ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE** **20 NOVEMBER 2017**

Minutes of the meeting of the Environment Overview & Scrutiny Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold on Monday 20 November, 2017.

### **PRESENT: Councillor Ray Hughes (Chairman)**

Councillors: Mike Allport, Haydn Bateman, Sean Bibby, Andy Dunbobbin, David Evans, Veronica Gay, Cindy Hinds, Dave Hughes, Joe Johnson, Vicky Perfect and Paul Shotton

**SUBSTITUTION:** Councillor Mared Eastwood (for Chris Dolphin) and Mike Peers (for Colin Legg)

**ALSO PRESENT:** Councillors Bernie Attridge, Patrick Heesom, Dennis Hutchinson and Richard Lloyd attended as observers

**CONTRIBUTORS:** Councillor Carolyn Thomas, Cabinet Member for Streetscene & Countryside; Councillor Chris Bithell, Cabinet Member for Planning & Public Protection; Councillor Derek Butler, Cabinet Member for Economic Development; Chief Officer (Streetscene & Transportation), Waste and Ancillary Services Manager and Finance Manager Environment

**IN ATTENDANCE:** Environment & Social Care Overview & Scrutiny Facilitator and Community & Education Overview & Scrutiny Facilitator

### **40. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **41. THE INTRODUCTION OF GARDEN WASTE CHARGES**

The Chief Officer (Streetscene and Transportation) introduced the report to set out how the proposal to introduce a charging policy for garden waste service would be implemented and to provide an estimate for the associated financial benefit to the Council from the proposal.

The Chief Officer reported that whilst recycling performance was good, the service provided to residents was not fully in line with Welsh Government (WG) Blueprint for collections in Wales, as the Blueprint recommended that Local Authorities charge residents for the provision of the garden waste collection service and that this funding be utilised to support the overall recycling service.

The Waste and Ancillary Services Manager outlined the options for how the system would operate, as detailed within the report. He explained that notifications of the charge would be sent with the Council Tax information in March 2018 and residents would have until 1<sup>st</sup> April, 2018 to register for the

new service. The service would continue to be provided free of charge to all residents during March 2018.

Councillor Carolyn Thomas apologised for the need to introduce a charge for the garden waste service but commented that given the ongoing financial challenges together with the cut to the Single Environment Grant from WG which did not match the cost of operating the full recycling service, it had been necessary to implement such a proposal.

Councillor Paul Shotton thanked officers for the report. He commented on the estimated initial take up of the service and asked how this figure had been arrived at. The Chief Officer explained that experience in other counties had shown an initial take up of around 40%, therefore this figure was being used as an estimate.

In response to questions around the expected reduction in recycling performance and Landfill Tax, the Chief Officer explained that the overall reduction in recycling performance was expected to be between 2% and 3% which would take the Council's current performance down to around 64%. The Landfill Tax was collected by the Council on behalf of the WG. This was then re-distributed to Council's across Wales through the Single Environment Grant.

Councillor Mike Peers raised concerns around the fairness of introducing a charging policy for the garden waste service and questioned the WG Blueprint which had been produced by the same consultants who had previously recommended that the Council reduce the number of Housing Recycling Centre's (HRC) it had across the County. He questioned the comments made around austerity and highlighted the current Council overspend of £1.1M, funding which he said would assist residents being impacted by cuts to funding by WG. He referred to the charges currently imposed by neighbouring Local Authorities, as detailed in the report, and raised concerns that residents in Flintshire would be getting a poor deal in comparison. The Chief Officer responded that the service provided by the Council was currently operating at a reduced cost in comparison to other Council's across Wales. It was unclear whether the charges set by neighbouring Local Authorities covered the full cost of the service they provide and therefore could not be compared like for like. There would be no additional cost to the Council in implementing the charges and delivering the projects as this would be an additional duty to the day to day work of the Waste Team.

Councillor Carolyn Thomas responded to the comment around the Council's in-year overspend and explained that this was partly due to her decision to delay the review of subsidised bus routes and that work was ongoing to roll-out community transport. She advised that there had been a 40% efficiency found within the Waste Recycling Service and that the service continued to find ways of being efficient.

Councillor Veronica Gay supported the comments made by Councillor Peers and stated the difficulties for some residents, if they decided not to pay

the charge, in getting to a HRC site without a vehicle. She said that further debate was needed by all Member before a decision was made.

Councillor Andy Dunbobbin commented that concessions should be considered for Old Ages Pensioners together with residents who had large gardens. He welcomed the suggestions of residents being able to purchase compost bins and also the placing of a microchip in each bin which he felt would be more cost effective than placing stickers on the bins. The Chief Officer responded that the service was always looking for better ways of working and suggestions on how the service would operate would be presented to the Committee for consideration in due course.

Councillor Mike Allport asked whether consideration had been given to increasing the collection of garden waste from 9 months a year to 12 months which he felt may be acceptable to residents if they were being charged for the service. The Waste and Ancillary Services Manager explained that it was not cost effective to run the vehicles over the winter period as very little green waste was collected.

Councillor Cindy Hinds sought an assurance that the most vulnerable residents in Flintshire would be supported. Councillor Haydn Batman sought clarification on the term 'non-statutory service'. The Waste and Ancillary Services Manager explained that the collection of general waste was a statutory service which the Council had a duty to provide. The collection of garden waste was a non-statutory service and therefore the Council did not have a duty to provide this service, however, he said that he did not want to see recycling figures reduced and was confident that a concentration on the enforcement of residual (black bin) side waste before garden waste charges are implemented would assist in minimising the impact on recycling performance.

Councillor Chris Bithell explained that the Council had not always provided a green waste collection service and that this had been introduced in 2003. He said that it was unfortunate but due to the continued austerity programme, and that other neighbouring Local Authorities had introduced charges for the same service, the Council had no alternative but to implement similar charges.

In response to concerns around increased fly-tipping, the Chief Officer explained that the experience in other counties had shown no evidence of increase in fly tipping and that fines for those caught fly-tipping are much greater than the charge being applied for garden waste collections..

Councillor Peers proposed that the decision on whether to implement a charging policy for the Garden Waste service required further revision. This proposal was seconded by Councillor Gay and when put to the vote was lost.

**RESOLVED:**

That the comments of the Committee on the arrangements for the introduction of the charging policy for the Garden Waste service, as part of Stage One of the budget proposals for 2018/19, be noted.

**3. THE MANAGEMENT OF STANDARD AND BROOKHILL LANDFILL SITES**

The Waste and Ancillary Services Manager introduced the report to outline the next steps in the long term management of the two active landfill sites at Standard Industrial Estate and Brookhill in Buckley.

The two active landfill sites were currently managed by a small team who were based in Alltami and were supported by specialist contractors and consultants who delivered a range of activities on the sites. Due to concerns regarding the resilience within the service, and in an effort to protect income levels in the future, the Council's Cabinet approved a report in May 2015 to outsource the operational management of the sites and the report explained why no viable tender was presented.

Details of the Gas sim model, recent income from electricity generation and future income projections for both sites were outlined by the Waste and Ancillary Services Manager as shown within the report at appendices 1 – 3.

Councillor Mike Peers welcomed the installation of PV panels on the two landfill sites and asked if the income generated by the engine, as detailed in section 1.09 of the report, covered the cost of running the Brookhill site. He also asked for further information around the tenders not prepared to take on the risk of guaranteeing levels of income at both sites. The gas engines are expected to generate an income of about £170,000 during 2017-18. Regarding the question around the tenders, whilst the 2 tender returns were prepared to operate the sites, they required the risk of guaranteeing levels of income to remain with the Council. The managements of the site would be covered in the day to day work of the team and the environmental risk would be mitigated by the agreed closure plan and ongoing site monitoring work.

**RESOLVED**

That the Committee recommend that Cabinet approves the proposal to continue to manage the landfill sites within the Streetscene and Transportation portfolio.

**4. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There were no members of the public and one member of the press in attendance.

(The meeting started at 2.00pm and ended at 3.03pm)

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**Chairman**

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**ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE**  
**12 DECEMBER 2017**

Minutes of the meeting of the Environment Overview & Scrutiny Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold on Tuesday, 12 December 2017

**PRESENT: Councillor Ray Hughes (Chairman)**

Councillors: Mike Allport, Haydn Bateman, Sean Bibby, Chris Dolphin, Andy Dunbobbin, David Evans, Veronica Gay, Cindy Hinds, Dave Hughes, Joe Johnson, Colin Legg, Vicky Perfect, Paul Shotton and Owen Thomas

**ALSO PRESENT:** Councillors Rosetta Dolphin, Ian Dunbar, Patrick Heesom, Christine Jones and David Wisinger attended as observers

**CONTRIBUTORS:** Councillor Chris Bithell, Cabinet Member for Planning & Public Protection; Councillor Carolyn Thomas, Cabinet Member for Streetscene & Countryside; Chief Officer (Planning & Environment); and Chief Officer (Streetscene & Transportation)

For minute number 47

Community & Business Protection Manager and Licensing Team Leader

For minute number 48

Service Manager Strategy and Project Engineer, FCERN (Flood and Coastal Erosion Risk Management)

**IN ATTENDANCE:** Environment Overview & Scrutiny Facilitator and Democratic Services Officer

**44. INFORMATION SESSION**

Prior to the start of the meeting, Members of the Committee were given a presentation on the Food Hygiene Ratings (Wales) Act 2013 by Sian Jones and Helen O'Loughlin. It was agreed that the slides would be circulated by email.

**45. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**46. MINUTES**

The minutes of the meeting held on 17 October 2017 were submitted.

**RESOLVED:**

That the minutes be approved as a correct record and signed by the Chairman.

#### **47. PEST CONTROL**

Councillor Chris Bithell introduced the report on the work of the Council's Pest Control service. He highlighted the importance in continuing this non-statutory service to help meet the public health agenda.

The Community & Business Protection Manager said there was an increased focus on promoting the service on which Members could assist by raising awareness amongst residents.

The Licensing Team Leader spoke about the vast experience of the small team in providing a professional, high quality service which had been recognised in positive feedback from residents. There were a number of initiatives to publicise the services available which were competitively priced and included follow-up visits.

The Chief Officer (Planning & Environment) added that preventative services were also being offered to clients and that the long-term aim was to develop a self-funded model for the service.

Councillor Evans asked about dealing with pest problems emanating from another person's property. The Team Leader advised that in respect of privately owned land, the team would approach those residents and provide advice to encourage them to tackle the problem. If the problem occurred on a Council owned property, this could be progressed through Housing colleagues.

The Chairman praised the service given by the Council. He felt that a person reporting an infestation on a neighbour's property should not have to bear the cost of resolving it and that councils should be given more powers to tackle this.

Councillor Shotton commended the professionalism of the team and Councillor Legg highlighted the dangers of ignoring pest control.

When asked about charges, the Manager advised that these were reviewed annually and accompanied the publicity leaflets circulated to commercial clients. She pointed out that unlike private sector companies providing pest control services, the Council was able to offer concessionary rates for households meeting the criteria.

In response to further questions, officers explained the arrangements with the North Clwyd Animal Rescue to take in stray dogs.

#### **RESOLVED:**

That Members note the contents of the report and promote the Pest Control service within their local communities, where possible.

**48. MOLD FLOOD ALLEVIATION SCHEME - REVIEW OF OPTIONS FEASIBILITY**

Councillor Bithell introduced a report on recent work led by the Council's Flood & Coastal Erosion Risk Management (FCERM) team on a review of feasible options for designing and delivering a Mold Flood Alleviation Scheme. Councils had been invited to submit details of large scale schemes for consideration by Welsh Government (WG) who were developing a five year national programme of FCERN schemes with allocated funding. On behalf of the Council, a review of the previous unaffordable scheme in Mold had been undertaken by Waterco Consultants to explore alternative viable options.

The Service Manager Strategy explained that the consultants had been commissioned to identify ways of practically implementing the scheme and that the proposed approach was to agree a phased delivery programme of smaller component schemes. The initial feasibility study had indicated a provisional total cost of £5.5m and the intention was to progress this to the next stage of a project appraisal report to provide more detail and testing. Changes to the provision of grant funding meant that applications for eligible schemes could receive a contribution of between 75-85% from WG with the remainder to be funded from the Council's capital programme.

The Project Engineer provided an overview of the various components of the scheme shown on the Opportunity Map, explaining that some areas were overlapping but that any could be delivered in isolation. The project appraisal report would provide more technical data and refinement of costings for the WG to compare against another schemes in the region.

In response to questions from Councillors Bateman and Shotton, the Project Engineer provided information on attenuation storage tanks. In respect of costs, the Manager explained that the £12m previous scheme had involved a significant amount of civil engineering work and the 4-staged approach for the new scheme could be more advantageous in attracting WG funding.

Following concerns by Councillor Owen Thomas on surrounding areas, the Project Engineer provided details of flood mitigation work by Natural Resources Wales and explained the aim of Option 7 in respect of areas south of Mold. Planning requirements on future housing developments could provide an opportunity to achieve the desired infrastructure and would involve restrictions on run-off rates to ensure that these did not add to flooding problems. Whilst the new scheme impacted less on landowners, some informal discussions had taken place and formal approaches would form part of the next stage.

The Chairman requested that officers look into his concerns about areas downstream such as Llong and Pontblyddyn and the impact of flow from other rivers as well as the Alyn. The Manager said that ongoing work on the flood risk management plan would be brought back for consideration by the Committee. The Project Engineer agreed to make enquiries with Natural Resources Wales on improvement works carried out in Pontblyddyn.

Councillor Bithell spoke about the various causes of historic flooding in Mold and commended the way forward set out in the report which would help to address other aspects.

**RESOLVED:**

That the individual opportunities identified in the Waterco Feasibility Study for 'smart flood management' in Mold are progressed to 'Project Appraisal Report' stage so that initial options identified are progressed and tested further in terms of their economic viability and therefore future deliverability through Welsh Government's pipeline programme.

**49. COUNCIL PLAN 2017-18 - MID YEAR MONITORING**

Members received the mid-year progress report on the Council Plan for 2017-23 for the 'Green Council' priority which was relevant to the Committee.

The Chief Officer (Planning & Environment) referred to the major (red) risk on the availability of funding to deliver flood alleviation schemes which related to earlier discussion. On other areas of the report, progress on developing a local strategy to improve air quality would be scheduled for a future meeting and a reminder was given of the approaching deadline for consultation responses on the Preferred Strategy for the Flintshire Local Development Plan.

Explanation was given by the Chief Officer (Streetscene & Transportation) on the amber progress rating for school transport, due to around 30 college contracts which were currently going through the tender process.

Following positive comments from Members, the Chairman asked that the winter maintenance team be thanked for their hard work during the recent bad weather. In response, Councillor Carolyn Thomas spoke about the efforts of all involved to ensure that roads were gritted and the call centre was operational.

On comments from Councillor Owen Thomas, the Chief Officer said that it was not feasible to provide grit to all contractors used by the Council and he referred to the cost and volume of salt distributed on roads so far this winter.

The Chairman stressed the importance of bus companies continuing to provide services, particularly in rural areas, where roads were passable. The Chief Officer advised that each company undertook its own risk assessment procedures and he agreed to raise the matter of better co-ordination of bus routes at a forthcoming meeting with Arriva.

**RESOLVED:**

That the Council Plan 2017/18 mid-year monitoring report to monitor under performance be noted.

**50. FORWARD WORK PROGRAMME**

The Facilitator presented the current Forward Work Programme for consideration. The following actions were agreed:

- The meeting on 16 January 2018 at Greenfield Valley would include additional items on the Tree and Woodland Plan and Car Parking Charges.
- Members would be given confirmation of the site visit to Parc Adfer which was provisionally booked for 19 February 2017.
- A report on regional air quality would be added to the meeting on 13 March 2018. Attention was drawn to the information session on fly tipping to be held prior to the start of the meeting.
- The report on school transport would be considered before the end of the school year, possibly in April 2018.
- The item on decriminalised parking since 2013 would be scheduled into the Forward Work Programme.

As requested in the report, Members considered their preferred meeting pattern for the Committee and agreed to continue with the current meeting slot (generally on Tuesdays at 10am).

**RESOLVED:**

- (a) That the Forward Work Programme be amended;
- (b) That the Committee's preference to continue to meet at 10am on Tuesdays be reported back to the Constitution & Democratic Services Committee; and
- (c) That the Facilitator, in consultation with the Chair of the Committee, be authorised to vary the Forward Work Programme between meetings, as the need arises.

**51. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There were no members of the press or public in attendance.

(The meeting started at 10am and ended at 11.30am)

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**Chairman**

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## ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

<b>Date of Meeting</b>	Tuesday 16 January 2018
<b>Report Subject</b>	Budget Stage 2: Review of Car Parking Charges
<b>Cabinet Member</b>	Cabinet Member for the Streetscene and Countryside
<b>Report Author</b>	Chief Officer - Streetscene & Transportation
<b>Type of Report</b>	Strategic

### EXECUTIVE SUMMARY

Council at its December meeting approved the Stage 2 proposals for the Council Fund Budget 2018/19 subject to several specific proposals being referred to Overview and Scrutiny for detailed scrutiny prior to further consideration by Cabinet and ultimately Council. One of the specific budget proposals referred is the proposed uplift in car parking charges.

In April 2015 Cabinet approved the County wide car parking strategy which introduced parking charges in all car parks which were designated as being within the scope of the new car park charging strategy. A full review of the strategy then took place 12 months after its introduction. The car parking charging levels have not been reviewed since their introduction and the income generated through the Pay and Display machines does not meet the full cost of managing and operating the car parks. This position is contrary to the Council's newly adopted corporate policy for fees and charges which expects chargeable non-mandatory functions to be provided on a full cost recovery basis wherever possible.

Raising charges in the car parks is contentious. However, as one of the corporate solutions to balancing the annual budget, income levels need to be raised across services. All Councils are in a similar position and from comparative research Flintshire has scope to increase its total corporate income. The revised charges proposed are reasonable and would still be low when comparing the cost of parking in Flintshire to other Welsh counties.

The impact of rising car parking charges on the vibrancy of the town centres needs to be considered and the proposed charging levels seek to strike a balance between affordability for shoppers and visitors and raising income. Charging is also a way of for preventing inappropriate long stay use of car parks e.g. for commuters who car share and is one part of local traffic management planning.

## RECOMMENDATIONS

1.	To invite the Environment Overview and Scrutiny Committee to review the proposed changes to car parking charges and the benefits, risks and consequences of enacting the proposed changes.
2.	That Environment Overview and Scrutiny Committee recommend their preferred option for car parking charges shown in <b>Appendix 1</b> of this report.
3.	Support the proposal to hold a further review of the impacts of the strategy within 12 months.

## REPORT DETAILS

<b>1.00</b>	<b>BACKGROUND TO REVIEW OF THE CAR PARKING STRATEGY</b>
1.01	<p>Following approval of the Council's car parking strategy in April 2015, car parking charges were introduced at the following locations within the County:</p> <p>Mold – Revised charging tariffs introduced in August 2015 Buckley – Introduced charging arrangements in August 2015 Talacre – Introduced charging arrangements (partial) in July 2015 Holywell – Introduced charging arrangements in September 2015 Connah's Quay – Introduced charging arrangements in November 2015 Shotton – Introduced charging arrangements in November 2015 Queensferry – Introduced charging arrangements in November 2015 Mold, County Hall – Introduced Summer 2016</p>
1.02	<p>The introduction of car parking charges in Flint has been delayed due to the general unavailability of car parking spaces, resulting from the various town centre regeneration schemes, which are now in the final stages of completion within the town centre. The situation has been further complicated by the proposed retail redevelopment, adjacent to Jade Jones Leisure Centre which will (when work commences) significantly reduce the number of car parking spaces available in the town – particularly for Council staff parking working in the Flint Office. A decision on an implementation date for car parking charges in Flint has still to be made however it is expected to be during April/May 2018.</p>
1.03	<p>Before car parking charges are increased, it is important that the impact on local parking trends (displacement to local streets) and town centre patronage are considered.</p>
1.04	<p>The impact of vehicle displacement has already been considered widely in every town where car parking charges have been introduced. Every opportunity to offer some free on-street parking, close to the town centre has been examined and the Council is currently consulting with two Town Councils about the potential to remove existing pedestrianisation orders, which will allow vehicles back into the High Streets - where free short stay car parking could then be made available. 'Residents Only' parking schemes are also being considered in two areas of the County, where</p>



displaced parking is occurring as a result of the unavailability of car parking in the town centre which is creating issues for local residents.

Staff from the Streetscene and Transportation service will continue to monitor the impact of car parking charges on the local road network adjacent to the Council's car parks and action will be taken to provide further parking controls in any areas where displacement causes parking problems for residents.

1.05 The more challenging element is to measure the impact car parking charges has on the vitality and viability of the Town centres. Before charges were introduced utilisation levels in all of the Council's car parks were measured, in order to estimate the income levels and to provide an indication of the impact on utilisation levels, the charges brought.

Since introducing charges, the actual income levels at each of the car parks can be now compared against those initial projections and a summary of income levels against projections for each town are shown in **Table 1**.

**Table 1 Car Parking Income Summary**

<u>TOWN</u>	<u>BUSINESS MODEL</u>	<u>2015-16 ACTUAL</u>	<u>2016-17 ACTUAL</u>	<u>2017-18 ACTUAL</u>	<u>BUDGET 17/18</u>
FLINT	99,996	0	0	0	100,000
HOLYWELL	43,500	25,633	48,020	47,547	48,000
MOLD	300,000	264,150	267,977	272,547	275,653
BUCKLEY	46,536	35,256	54,304	55,399	55,000
QUEENSFERRY	16,582	3,784	11,795	16,653	16,500
CONNAHS QUAY	52,986	3,950	11,744	11,029	21,653
SHOTTON	40,901	11,683	35,866	39,834	41,000
TALACRE	15,000	1,350	11,785	16,750	15,000
<b><u>TOTAL</u></b>	<b><u>615,501</u></b>	<b><u>345,807</u></b>	<b><u>441,490</u></b>	<b><u>459,760</u></b>	<b><u>572,806</u></b>

\*2017/18 includes projections for final quarter

It is clear from the above table that charges have not impacted on car parking usage. The exception being Connah's Quay, where the availability of extensive off-street parking arrangements has resulted in lower than expected income and therefore utilisation levels in the local car parks.

Since the introduction of charges it can be seen that utilisation levels have actually increased in six of the towns over the past two years which vindicates the original decision to apply low level car parking charges to increase car parking availability and therefore utilisation levels for shoppers and other visitors to the town centres.

1.06 Experience in a neighbouring Council has shown that removing car parking

	charges altogether quickly removes any parking capacity because it is taken up by shop workers and other local office staff with shoppers and other visitors then forced to use car parking facilities further from the town centres.
1.07	<p>Car parking charges are now applied in the majority of towns in North Wales and the proposed charges are at or below the levels charged in the following towns:</p> <p>Denbigh – Factory Ward car park. 30min – 30p  1 Hr - £1  3 Hrs - £1.50  All day - £3.50</p> <p>Ruthin – Market St car park      30min – 30p  1 Hr - £1  3 Hrs - £2  All day - £7</p> <p>Llangollen – Market St car park    30min – 30p  1 Hr - £1  3 Hrs - £2.50  All day - £7</p>
1.08	<p>In addition to the above considerations a project specific - Equalities Impact Assessment has been completed which has concluded that the proposals do not prejudice any of the protected groups for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The relatively low level of the proposed new charges</li> <li>2. The intention to keep free parking in designated disabled bays for motorists displaying a valid blue badge.</li> <li>3. That there were no changes to the charging mechanism and principles from the original car parking strategy.</li> </ol>
1.08	<p>There are significant costs associated with operating and managing the Councils' car parks, many sit outside the main budget for car parks. The areas of expenditure include:</p> <ul style="list-style-type: none"> <li>• General Maintenance costs</li> <li>• Street Lighting repairs</li> <li>• Street Lighting energy costs</li> <li>• Cleansing costs</li> <li>• Gully emptying and sweeping costs</li> <li>• Ground maintenance works</li> <li>• Inspection costs</li> <li>• NNDR</li> <li>• Infrastructure maintenance replacement costs e.g. Ticket machines, signage etc.</li> <li>• Enforcement costs.</li> <li>• Administration / management.</li> <li>• Winter Maintenance</li> </ul> <p>The total cost of delivering and managing the car parking service is £886k</p>

	per annum and this figure would now be recovered by the proposed charges. This would result in the car parking service being cost neutral and achieving full cost recovery.
1.09	<p>The proposed revised charging arrangements are shown in <b>Appendix 1</b>. There are 2 options shown for the revised charges and the Scrutiny Committee are requested to express a preference for one of the options.</p> <p>The new charging arrangements will be advertised in each car park during February and March 2018 and will come into effect from 1<sup>st</sup> April 2018.</p>
1.10	There are no plans to raise the car parking charges currently in place in Talacre as the rates charged are already above those charged elsewhere in the County due to the location and specialist nature of the parking need in this location (i.e. tourism – end destination).
1.11	It can be seen from the proposed charging schedule in <b>Appendix 1</b> that the charges in Mold town centre car parks are at a higher level than those at other towns in the County. In order that the Town Council gains some financial benefit from the higher charges, 10% of the increased financial benefit is provided to the Town Council, which can then be used for visitor infrastructure improvements which are within the scope of national spending guidelines.
1.12	In order to provide assurances to the Committee on the impact the increased charges have on the utilisation levels, a review and further impact assessment will be undertaken, 6 months after the new charges have been introduced. The outcome of that study will be reported back to Environment Overview and Scrutiny Committee in October 2018.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The projected income from the new charges is shown in <b>Appendix 1</b>
2.02	The approach is in line with the Council's Fees and Charges Policy in that it seeks to maximise revenue generation with full cost recovery wherever possible, compares our own sector with that of the surrounding market and adopts differential pricing for some specific services where warranted.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The new charges will be displayed at all car parks during February and March before their introduction in April 2018.
3.02	Consultation took place with the Cabinet Member and Streetscene and Transportation Programme Board on all of the amendments contained within the report.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Loss of car parking income will result in financial pressures within the service. Utilisation levels and income levels are monitored as part of the regular budget monitoring process
4.02	The introduction of car parking charges was intended to ensure the availability of parking within the town centre whilst providing a contribution to the overall cost of maintaining the facilities.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – New car parking charges

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<b>Contact Officer:</b> Stephen O Jones <b>Telephone:</b> 01352 704700 <b>E-mail:</b> <a href="mailto:stephen.o.jones@flintshire.gov.uk">stephen.o.jones@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None

Proposed Changes to Flintshire County Councils' Car Parking Charges – Appendix 1

<b>Town</b>	<b>Current Tariff</b>	<b>Option 1</b>	<b>Option 2</b>
Buckley	20p for up to 2hrs 50p for up to 4hrs £1.00 for all day	50p for up to 4hrs £1 for all day	50p for up to 2hrs £1 for all day
Connah's Quay			
Holywell			
Queensferry			
Shotton			
Mold	50p for up to 3hrs 80p for up to 4hrs £1.00 All day	£1.00 for up to 4hrs £1.50 for all day	£1 for up to 3hrs £2 for all day
Mold, Love Lane	50p All day	£1 for all day	£1 for all day
Mold, County Hall	20p for up to 2hrs 50p for all day	£1 for up to 4hrs £2 for all day	£1 for up to 2hrs £2 for all day
Flint (Not yet implemented)	20p for up to 2hrs 50p for up to 4hrs £1.00 for all day	50p for up to 4hrs £1 for all day	50p for up to 2hrs £1 for all day
Flint, Railway Station	£2.00 for all day	£4 for all day	£4 for all day
Total Benefit (Ex VAT)	£459,509	£897,406	£954,496
Total Additional Benefit (Ex VAT)		£437,879	£494,987

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## ENVIRONMENT OVERVIEW AND SCRUTINY

<b>Date of Meeting</b>	Tuesday 16 January 2018
<b>Report Subject</b>	Grass Cutting Policy Review
<b>Cabinet Member</b>	Cabinet Member for Streetscene & Countryside
<b>Report Author</b>	Chief Officer – Streetscene and Transportation
<b>Type of Report</b>	Operational

### EXECUTIVE SUMMARY

The Council's Grass Cutting Policy has previously been reviewed in 2012, at the formation of the Streetscene service and again in 2015, following adoption of the Portfolio's Business Planning proposals.

The Council provides a grass cutting service in a number locations and at key facilities around the County and the report provides Scrutiny with details of the standards followed at each location and the preferred service delivery option in each case.

The report specifically details the highway grass cutting standards and demonstrates the Council's compliance with the latest Highway Code of Practice, which was released in March 2017

### RECOMMENDATIONS

1	That Scrutiny recommends Cabinet approve the Councils revised Grass Cutting Policy.
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### REPORT DETAILS

<b>1.00</b>	<b>BACKGROUND FOR THE NEW GRASS CUTTING POLICY</b>
1.01	The County has a legal responsibility for managing the Highway Network in terms of keeping the routes available and safe for the passage of the highway user. It undertakes this duty in its role as the Highway Authority.

1.02	The “Well-Managed Highway Infrastructure: A Code of Practice (March 2017)”, sets out recommendations and good practice for the cutting of grassed areas that adjoin the highway for grassed verges and soft estate areas (amenity grass).
1.03	The Code of Practice recommends that Authorities should develop local standards based on fitness for purpose to provide the level of service required and maintain an assessment of the risk of this being compromised by failure.
1.04	The Code of Practice also recommends that Authorities should consider whether grassed and planted areas are of a size and position that can be effectively maintained, and that these areas should be redesigned or removed where necessary to avoid future poor appearance and safety concerns, it also endorses flexibility in applying judgement in urban and rural areas, and these should take account of the character of the area rather than be determined solely by speed limit considerations.
1.05	The revised Grass Cutting Policy is attached ( <b>Appendix 1</b> ) with the amendments from the existing policy highlighted.
1.06	<p><b>Main Changes to the Existing Policy</b></p> <p>The new Policy recommends a new classification for some sections of grass on the highway – highway verges within 30 mph areas. These are areas of grass that border the highway and do not have any amenity value. The new policy states that these verges should be cut 4 times per year to coincide with the visibility cuts on the highway network outside of 30mph areas. Under the previous policy these areas were defined as amenity areas and would have therefore been cut up to 13 times per year, but this has not been achievable due to the type of equipment needed to undertake this work and the location of the sites.</p>
1.06	The starting date for amenity areas and tenants gardens within the Assisted Gardening Scheme is now flexible and dependant on weather conditions. The number of cuts over the year remains unchanged however the frequency will change throughout the year as growth levels fluctuate.
1.07	Additional verge cutting will also take place at bus stop locations (where situated on highway verges) and on village / town gateways. The grass in these areas will be cut 4 times per year in line with the visibility splay frequency.
1.08	Grass cutting will be picked up in exceptional circumstances only – particularly on the first cut in tenant gardens and amenity areas directly fronting sheltered properties.
1.09	The new standards are cost neutral and within existing budgets.
1.10	<p>The delivery mechanisms for grass cutting is as follows:</p> <p>Rural Highway Verges – Contracted  Urban Verges – Contracted  Amenity Areas – Part contracted / part in-house</p>



	Cemeteries – In-house Tenants Gardens – Contracted Hedges – Contracted School Playing fields – Contracted Rights of Way – Contracted (Managed by Countryside services)
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	It is the intention of the service to maintain budgets and deliver the service with cost neutral implications.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Consultation took place with: <ul style="list-style-type: none"> <li>• Operational departments and stakeholders</li> <li>• With Cabinet Member</li> <li>• Neighbouring Local Authorities</li> </ul>

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The Streetscene service has undertaken risk assessments on the provision of the standard and frequency of all grass cutting services which are outlined within the policy.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Grass Cutting Policy (January 2018)

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	Highways Act 1980.
6.02	Code of Practice for Well-Managed Highway Infrastructure (2016)
6.03	<b>Contact Officer:</b> Stephen O Jones – Chief Officer – Streetscene & Transportation <b>Telephone:</b> 01352 704700 <b>E-mail:</b> <a href="mailto:Stephen.o.jones@flintshire.gov.uk">Stephen.o.jones@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None

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**Flintshire County Council.**  
**Grass Cutting Policy (January 2018)**

**1. Roadside verges** Cut by tractor flail

a) Rural Verges (outside 30mph) - **1 cut per year in July** (subject to weather conditions)

- 1 swathe widths on all principal roads
- 1 swathe width on all non-principal and unclassified roads

Visibility splays at junctions **4 cuts per year** in –

- April
- June
- August
- September/October

Full width verge cutting for weed and self-sown sapling control on all classifications of rural roads **once every 4 years** in September/October

Additional cuts may be carried out on Health and Safety grounds in specific locations as identified by the Area Coordinators.

b) Urban verges (within 30 mph zones) — **4 cuts per year**

- April
- June
- August
- September/October

**2. Amenity Areas**

**Maximum of 13 cuts** per year as required.

**Flexible start required for the start of the cutting season, in February/March**, subject to weather conditions.

**Frequency of cuts based on every 2 weeks in April to June, extended to every 3 weeks July to Oct, subject to weather conditions.**

**(Removal of grass cuttings will only take place in exceptional circumstances i.e. First-Cut of the season)**

**3. Public footpaths / Cyclic Routes**

A **maximum of 4 cuts** per year as required, to prevent rural footways being lost to grass ingress and verge creep due to lack of usage.

**4. Hedges**

The majority of highway hedges are the responsibility of the adjacent land owner. Where the hedge has grown to an extent that it is causing an obstruction to the highway user, notice will be served on the land owner to cut the hedge accordingly. Highway hedges owned by the Council will be cut **once a year** after the nesting season has passed.

## 5. Bus-stops

A maximum of 4 cuts per year as required across the grassed areas either side of rural Bus-stops, up to 20 metres across the length of the stop.

## 6. Village / Town Gateways

A maximum of 4 cuts per year as required across the grassed areas either side of Village / Town Gateways signs, up to 10 metres either side of the gateway.

## 7. Recreation Sports Grounds –

Up to 16 cuts per year March to October. Subject to separate procurement arrangements and direct liaison with the Schools.

## 8. Cemeteries

Flexible start required for the start of the cutting season, in February/March, subject to weather conditions.

Frequency of cuts based on every 2 weeks in April to June, extended to every 3 weeks July to Oct, subject to weather conditions.

(Removal of grass cuttings will only take place in exceptional circumstances. i.e. First-Cut of the season)

Additional key dates outside of the cutting season to include Christmas and Mothering Sunday.

## 9. Tenants Gardens

Where tenants have requested and qualify for the assisted gardening service. The service is provided by contractors who will provide the following:

**Maximum of 13 cuts** per year as required.

Flexible start required for the start of the cutting season, in February/March, subject to weather conditions.

Frequency of cuts based on every 2 weeks in April to June, extended to every 3 weeks July to Oct, subject to weather conditions.



## ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

<b>Date of Meeting</b>	Tuesday 16 <sup>th</sup> January 2018
<b>Report Subject</b>	Urban Tree and Woodland Strategy
<b>Cabinet Member</b>	Cabinet Member for Streetscene and Countryside
<b>Report Author</b>	Chief Officer (Planning & Environment)
<b>Type of Report</b>	Strategic

### EXECUTIVE SUMMARY

The Urban Tree and Woodland Strategy examines the opportunities for tree planting, how this will be done and provides a best practice approach to the management of existing urban trees and woodland, including community and partnership working in its delivery. The strategy will contribute towards the Welsh Government's goals in the Well-being of Future Generations (Wales) Act 2015, the Environment (Wales) Act 2016 and the 2017/18 Council Plan.

### RECOMMENDATIONS

1	Members agree the vision, objectives and actions set out in the Urban Tree and Woodland Strategy.
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## REPORT DETAILS

1.00	EXPLAINING THE URBAN TREE AND WOODLAND STRATEGY
1.01	The Well-being of Future Generations (Wales) Act 2015 places a specific duty on public bodies, including local authorities, to maintain and enhance biodiversity and ecological resilience. More recently, the Environment (Wales) Act 2016 has put in place the legislation needed to manage Wales' natural resources in a more proactive, sustainable and joined-up manner. One of the five key priorities for the Flintshire Council Plan is for a Green Council that enhances the natural environment and promotes access to green spaces.
1.02	The planting and sustainable management of urban trees clearly meets with the duties under these Acts and the Welsh Government's overarching goal of taking care of the environment. The Urban Tree and Woodland Strategy provides a method for managing trees and woodlands more sustainably to meet the Welsh Government's and Council's aspirations.
1.03	The strategy examines the opportunities for tree planting, how this will be done and provides a best practice approach to the management of existing trees.
1.04	The strategy sets out an integrated approach to tree planting on all types of council land and recognises that communities who make use of public land should be engaged in the decision making process, and have the opportunity to participate in tree planting. Through planning policies and working in partnership the council can also promote tree planting on land it does not own and where expedient, protect trees so that they cannot be removed. This is also covered in the strategy.
1.05	The strategy will last for 15 years and is the same length of time as that used for the emerging Flintshire Local Development Plan. Whilst it is a short period in terms of a tree's lifespan, it is sufficiently long enough for planted trees to become established and for their contribution to the urban landscape to be recognised.
1.06	The strategy's vision;  <i>'To have a diverse and resilient tree canopy cover throughout Flintshire's towns that is appreciated, managed sustainably, provides multiple benefits to people and the environment, and enhances biodiversity.'</i>
1.07	To support this overarching vision the strategy sets out the following target  <i>Strategy target - To increase urban canopy cover to 18% by 2032</i>
1.08	To deliver the vision, the strategic objectives are;  1. Increase the amount of tree planting 2. Manage trees sustainably 3. Manage the risks associated with trees

	4. Promote biodiversity 5. Work in partnership
1.09	The strategy provides a timetable for delivery.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	Capital funding, through planning obligations, has been secured to carry out a programme of tree planting in the first three to five years of the strategy, in accordance with the strategy target and Objective 1. The capital funding is ring fenced and cannot be used for the ongoing management of the council's existing trees. The resources required to plan, consult and implement planting will be met using existing staff resources.
2.02	The various options for additional capital funding have been explored in Chapter 9 and could be met through grants and/or sponsorship. At the time of the strategy being in its final draft the Wales Government has announced funding under the Green Infrastructure Capital Fund for the period 2017-2021.
2.03	Ongoing maintenance will be met under the council's existing grounds maintenance budgets. The resource implications of managing young and early mature trees are comparable to managing mown grass, and in the case of woodland are lower.
2.04	Objectives 2 to 5 are policy orientated and do not require capital funding to be achieved although there will be resource implications for officers that will be met using existing resources.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Both documents have gone through an internal consultation with key officers, including the Chief Officer Team. Natural Resources Wales, which undertook the urban canopy cover study, on which the strategy is based, have also provided detailed comments and fully support it.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The strategy will contribute towards Welsh Government's well-being goals and no anti-poverty, environment or equality risks have been identified.
4.02	The strategy will be implemented by conservation staff however its success will be reliant on the support of other stakeholders, particularly the departments of the council that maintain land.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 - Urban Tree and Woodland Strategy

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>None.</p> <p><b>Contact Officer: Tom Woodall, Access &amp; Natural Environment Manager</b>  <b>Telephone: 01352 703902</b>  <b>E-mail: tom.woodall@flintshire.gov.uk</b></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	Natural Resources Wales is the largest Welsh Government Sponsored Body. NRW were formed in April 2013, largely taking over the functions of the Countryside Council for Wales, Forestry Commission Wales and the Environment Agency in Wales, as well as certain Welsh Government functions.





# Urban Tree and Woodland Plan

2018-2033

## Foreward

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To include personal statement from cabinet member about trees

Cabinet member's signature and photo

Date

## Executive summary

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This Urban Tree and Woodland Plan sets a target of achieving an urban canopy cover of 18% by 2033 from the current 14.5% (2013), the seventh lowest in Wales.

At a time where the responsibility to look after the environment has been incorporated into law by the Welsh Government and ever increasing concerns about the effect humans are having on the environment, the plan has come at an opportune time.

Trees are emblematic of the natural world because of the critical role they play in mitigating climate change, habitat creation and increasing biodiversity.

From a human perspective it is widely accepted that trees have a positive effect on our mental and physical health, particularly in urban areas.

There is also a sound economic argument to plant trees because of the many and varied benefits they afford.

The plan uses the findings of recent research into urban trees carried out by Cyfoeth Naturiol Cymru/Natural Resources Wales. This research has provided the council with invaluable baseline information about the nature and distribution of urban tree cover across various land uses and critically where tree cover is low and could be increased.

The council is a major landowner and as our towns become increasingly urbanised it is necessary to ensure undeveloped land, under its control, is effectively used to provide space for people to enjoy and wider public amenity.

In its capacity as the Local Planning Authority the council is responsible for controlling development ensuring that, where it does occur, it is integrated with the surroundings and safeguards environment features, such as trees. Increasingly, Local Planning Authorities also have a role encouraging green infrastructure in recognition of the wider benefits that schemes of tree, shrub and hedge planting provide, traditionally referred to as soft landscaping.

The plan's target is accompanied by a vision and five objectives with the main objective to increase tree planting. This objective, on its own, will not deliver the 18% cover target, if existing tree cover is inadequately safeguarded and therefore the second objective explains how the council will manage existing tree cover sustainably.

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## 1.0 | Why is an urban tree and woodland plan necessary?

The Well-being of Future Generations (Wales) Act 2015<sup>1</sup> contains well-being goals that public bodies, including local authorities, must work to achieve. One of the seven well-being goals is to maintain and enhance biodiversity and ecological resilience.

More recently, the Environment (Wales) Act 2016<sup>2</sup> has put in place the legislation needed to plan and manage Wales' natural resources in a more proactive, sustainable and joined-up manner.

The planting and sustainable management of urban trees clearly meets with these Acts and the Welsh Government's overarching goal of taking care of the environment. This Urban Tree and Woodland Plan provides a method for managing trees and woodlands more sustainably to meet the Welsh Government's and Council's aspirations.

The plan examines the opportunities for tree planting, how this will be done and provides a best practice approach to the management of existing trees.

The plan clearly fosters the Welsh Government's Well-being goal of A Resilient Wales of;

*'A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support, social, economic and ecological resilience and the capacity to adapt to change.'*

These Acts guide the policies, plans and strategies of the council. One of the five key priorities for the emerging Flintshire Council Plan (2017-23)<sup>3</sup> is for a Green Council that enhances the natural environment and promotes access to green spaces.

The presence of urban trees and the benefits they provide must not be taken for granted. Climate change, the emergence of new pest and diseases, development and an under appreciation of their value threaten to undermine trees as the principal green component of urban landscapes.

This plan sets out an integrated approach to tree planting on all types of council land and recognises that communities who make use of public land should be engaged in the decision making process, and have the opportunity to participate in tree planting.

Through planning policies and working in partnership the council can promote tree planting on land it does not own and where expedient protect trees so that they cannot be removed.

The plan will last for 15 years. This period is relatively short in the lifespan of a tree but a relatively long time in terms of how rapidly Flintshire's towns are changing and policies supporting a sustainable environment are evolving. The period for the plan is the same as that used for the emerging Flintshire Local Development Plan and is long enough for trees to become established, so that their contribution is recognised.

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<sup>1</sup> HMSO, 2015. Well-being of Future Generations (Wales) Act 2015<sup>1</sup>

<sup>2</sup> HMSO, 2016. Environment (Wales) Act 2016

<sup>3</sup> Flintshire County Council. Flintshire Council Plan. Unpublished

Detailed information regarding the distribution of urban canopy cover in Flintshire's urban areas has been published in a study by CNC/NRW<sup>4</sup>. The study is a valuable resource in understanding current tree canopy cover and the opportunities for increasing it. The report underpins the plan and is the initial step in managing trees strategically and sustainably in Flintshire.

Trees and woodlands are an integral part of green infrastructure. This is a phrase used to describe green and blue natural and semi-natural spaces in urban areas that includes parks, private gardens, fields, hedges, trees and woodland regardless of ownership, condition or size<sup>5</sup>. Green infrastructure provides a natural, appealing, landscape with multiple benefits similar to tree canopy cover. The benefits are greatest where green infrastructure is connected across urban land uses.

The plan is targeted at trees and woodlands in urban areas that provide the greatest benefits and where over 80% of people in Wales live.

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<sup>4</sup> Cyfoeth Naturiol Cymru/Natural Resources Wales, 2013. Tree Cover in Flintshire

<sup>5</sup> Cyfoeth Naturiol Cymru/Natural Resources Wales. The State of Natural Resources Report: Assessment of the Sustainable Management of Natural Resources. Acronyms and Glossary of terms. Available at: <https://naturalresources.wales/media/679406/annex-acronyms-abbreviations-glossary-final-for-publication.pdf> [Accessed 26 October 2017]



## 2.0 | A key indispensable natural asset?

The benefits trees provide to people and the environment are diverse and many fold<sup>6</sup>. As well as moderating air temperatures, reducing flooding, locking up carbon dioxide and improving air quality, trees have a positive effect on our mental and physical health (Figure 1).

A Manchester study<sup>7</sup> found the impact of climate change will be greatest in urban areas and that green infrastructure, such as trees, will be key to mitigating the worst effects of climate change. In particular the study states that mature trees will be very important because they provide shade and intercept rainfall.

A discussion paper<sup>8</sup> by the Woodland Trust cites various pieces of research into the effects that trees have on improving urban air quality. It is estimated that poor air quality reduces UK life expectancy by 7 to 8 months and costs an estimated £9-19 billion a year.



<sup>6</sup> Trees and Design Action Group, 2010. No Trees, No Future

<sup>7</sup> Gill, S.E. et.al, 2007. Adapting Cities for Climate Change: The Role of the Green Infrastructure. Built Environment Volume 33. No.1

<sup>8</sup> Woodland Trust, 2012. Discussion Paper: Urban air quality. Woodland Trust



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Figure 1. Trees are a powerful and versatile natural assets (Credit – CNC/NRW)

The worst affected areas are situated along main roads and areas lacking green infrastructure. The evidence suggests that urban trees remove large amounts of air pollution and that, where there are street trees, the incidence of asthma in children is lower.

Trees afford amenity by softening the harsh lines of the built environment, denote the changes of season, with flowers, fruit and autumn colour, and passing of time as they grow. Trees create a sense of place and are a rich biodiverse ecosystem supporting, animal, fungi, lichen and other plant species.

They promote better mental and physical health and are part of a 'Nature's health service'. A briefing document published by Forestry Commission, England<sup>9</sup> cites research into the provision of green spaces and the positive effects that this has on encouraging increased physical activity, reducing stress, anti-social behaviour and even levels of crime.

Recent research has quantified the varied multiple benefits trees provide. A study found that the annual benefits provided by London's 8.4 million trees is £132.7 million pounds<sup>10</sup> far exceeding the cost of maintenance and other liabilities. A Wrexham study estimated that the annual ecosystem benefits, that the town's urban trees provide, is £1.44m<sup>11</sup>. In financial terms the benefits are immense.

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<sup>9</sup> Forest Research. 2005. Trees and woodlands, Nature's health service. HMSO

<sup>10</sup> Treeconomics, 2015. Valuing London's Urban Forest

<sup>11</sup> Cyfoeth Naturiol Cymru/Natural Resources Wales, 2016. Wrexham's Urban Trees – an amazing resource benefiting us all

### 3.0 | An overview of Flintshire's urban trees and woodlands

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A 2016 study<sup>12</sup> published by CNC/NRW looked at urban canopy cover across Wales' towns and cities. Urban canopy cover is classed as the amount and distribution of urban land under tree or woodland cover when assessed using aerial photographs. The study was the first ever country-wide survey of its type in the world and found that the average canopy cover for Wales was 16.3% in 2013 and down from 17.0% in a previous 2009 survey.



Plate 1. Mold aerial photograph from 2009

The study found that Flintshire's urban canopy cover was 14.5% in 2013 and the seventh lowest in Wales. Despite this low figure Flintshire was one of only two counties to increase canopy cover between 2009 and 2013. Connah's Quay, the largest of the 14 urban areas surveyed in Flintshire and the tenth largest in Wales, has a canopy cover of 15.7%. This is slightly greater than the urban canopy cover for the rest of the county but is still less than the Wales average.

Caergwrle has the greatest urban canopy cover (29.7%) in the county, probably as a result of the wooded slopes to the Castle and the woodland areas along the River Alyn which bisect the settlement.

In comparison Broughton (5.3%) and Saltney (5.5%) have the lowest canopy covers in the county. There does not appear to be a single reason why these two settlements have the lowest canopy.

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<sup>12</sup> Cyfoeth Naturiol Cymru/Natural Resources Wales, 2016. Tree Cover in Wales' Town and Cities

Despite the wooded Bailey Hill, Mold has a canopy cover slightly below the average for Wales (15.3%) and similar to Flint (14.2%). Perhaps the slightly lower canopy cover in these two towns recognises their origins as compact market towns.

Nationally, Cardiff has below average (11%) canopy cover and towns with very low canopy cover include Rhyl (6%) and Holyhead (7%). Welsh towns with relatively high canopy cover include Treharris (30%) and Abertillery (27%).

The standard methodology used to assess urban canopy cover allows comparisons to be made with towns and cities across the world.

The study focussed on trees within urban areas and a narrow buffer around them. Nevertheless, it should be recognised that peri-urban trees are also important because of their proximity to towns and could be considered of greater importance where the canopy cover within an urban area is particularly low. The contribution peri-urban trees make to urban areas warrants inclusion in further studies.

National Area Size Rank	Urban Area	Landscape Character Zone	Population ONS 2011 Census	Urban Area (ha)	Total Cover 2013 (ha)	Total Cover 2013 (%)
10	Connah's Quay	Coastal	33,549	1582	249	15.7%
28	Holywell/Bagillt	Coastal	9,808	621	118	19.0%
30	Buckley	North-East	19,639	605	75	12.4%
36	Broughton	North-East	5,974	533	28	5.3%
50	Mold	North-East	10,058	398	61	15.3%
51	Flint	Coastal	14,907	394	56	14.2%
85	Caergwrle	North-East	4,284	239	71	29.7%
100	Saltney	North-East	4,769	163	9	5.5%
170	Penyffordd	North-East	3,554	84	10	11.9%
197	Leeswood	North-East	2,282	58	6	10.3%
199	Mostyn	Coastal	1,606	55	4	7.3%
208	Soughton	North-East	1,710	46	5	10.9%
212	Gwernymynydd/Cadole	North-East	1,141	41	8	19.5%
219	Gwernaffield	North-East	905	21	2	9.5%

Table 1. Flintshire town canopy cover comparisons (Credit: CNC/NRW)

### 3.1. | Canopy cover by Land Use Category

The study looked at the distribution of urban canopy cover across 14 Land Use Categories in Wales. By implication the Woodland Land Use Category, that will include the woodlands at Wepre Park and Greenfield Valley are the highest and have a 100% canopy cover. Unsurprisingly, the land use with the second highest canopy cover is Informal Open Space with 46.6% canopy cover. An example of Informal Open Space in the county is the riparian habitat adjacent to Swinchiard Brook.

Canopy cover on Formal Open Space is 22% and includes many of Flintshire's parks, such as the northern part of Wepre Park, Higher Common in Buckley and Fron Park, Holywell. Transport Corridors and Education have relatively low canopy cover at 10.1% and 9.7% respectively.

Urban Land Use Category	Total Land Use in Hectares	Canopy cover in Hectares	Canopy cover in each Land Use Category
Commercial Areas	739.97	77.65	10.4%
Education	189.29	18.30	9.7%
Hospitals	10.38	2.04	19.7%
Burial Sites	26.96	3.58	13.3%
Remnant Countryside	193.73	19.14	9.9%
Open Space Formal	371.26	81.43	22.0%
Open Space Informal	325.20	151.58	46.6%
Woodland	84.66	84.66	100%
High Density Residential	114.72	3.62	3.0%
Low Density Residential	1683.52	168.86	10.0%
Transport Corridors	689.79	69.74	10.1%
Unclassified Land	413.10	20.28	4.9%
Total	4824.59	700.89	

Table 2. Land use categories and canopy cover comparisons for Flintshire (Source: CNC/NRW)

From the Land Use Categories it is evident the council has a major role in managing urban canopy cover. In the Land Use Classifications shaded blue in Table 2 the council will almost entirely be the organisation responsible for the management of the land and the trees situated on them. When combined, these three Land Use Categories add up to nearly 35% of all urban land cover and 60% of the total urban canopy cover.

Within urban and peri-urban areas there is 85 hectares of woodland that is mainly broadleaved. This represents a relatively small proportion of the 2,750 hectares of broadleaved woodland (predominantly ash, sycamore, birch and oak) growing across the whole of Flintshire but is exceptionally important because of its accessibility for use by the public and the additional environmental benefits that urban woodlands provide. The 'Woodland' Land Use Category provides 12.1% of urban canopy cover.

Flintshire Countryside Service is responsible for managing much of the urban woodland canopy cover including the following sites.

- Gathering Ground
- Wepre Wood
- Broadoak Wood
- Llwyni
- Carmel
- Penymaes
- Greenfield
- Caergwrle Castle
- Etna
- Buckley Community Woodland
- Coed Talon

The council is the main landowner in the Education Land Use Category and also manages a proportion of land under other Land Use Categories. Flintshire County Council owns over 7000 residential properties which will be classified Low Density Residential or High Density Residential in the study and several business parks that will be classed as Commercial Areas.

Where the council is not directly responsible for land it can encourage other landowners to increase canopy cover, particularly through its statutory planning powers and by working in partnership.

### **3.2. | Canopy cover and deprivation**

The Welsh Government uses the Welsh Index of Multiple Deprivation (WIMD) to identify areas which are most disadvantaged. Each ward in Wales is ranked from 1 (most deprived) to 1896 (least deprived). The study by CNC/NRW found that 40% of the most deprived wards (1-570) have less than 10% canopy. Within the county of Flintshire the correlation is not as strong, with five of the least canopied wards in the most deprived areas.

## 4.0 | The vision, target and objectives

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The plan's vision;

*'To have a diverse and resilient tree canopy cover throughout Flintshire's towns that is appreciated, managed sustainably, provides multiple benefits to people and the environment, and enhances biodiversity.'*

To support this overarching vision the plan sets out the following target and objectives.

### *Plan target - To increase urban canopy cover to 18% by 2033*

The target of the plan is to increase urban canopy cover from 14.5% to 18%, or more, by 2033. This target is all encompassing and takes into account the many and varied factors that will determine canopy cover (Appendix 2) and simply records it as the percentage of the urban area.

Factors influencing canopy cover will include tree felling, in particular the loss of mature large canopied trees, new tree planting and natural regeneration. Alongside new planting, aftercare is an important factor to ensure good survival rates and that trees grows to achieve measurable canopy cover. The target also takes into account planning and other policies that affect tree canopy cover on land that is not directly managed by the council.

CNC/NRW has already undertaken two surveys of Flintshire's canopy cover which will act as benchmarks. The adoption of a standard methodology will also enable direct comparison between current and future canopy cover values.

Critically, canopy cover is measured by an organisation independent of the council.

The measurement of this target will be reliant upon CNC/NRW undertaking a future canopy cover assessment towards the end of the plan period based on new aerial photography surveys. Further surveys and assessments are likely to take place as it is a cost effective method of knowing the nature and extent of the urban tree resource.

The target of 18% canopy cover is ambitious but achievable. For comparison the ten year Wrexham Tree and Woodland Strategy 2016-2026 aims to increase canopy cover from 17.4% (2013) to 20%<sup>13</sup>. The Woodland Trust/Coed Cadw is also campaigning for 20% canopy cover in urban areas<sup>14</sup>. To support the canopy cover target and meet the plan's overarching vision the following five objectives support the plan.

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<sup>13</sup> Wrexham County Borough Council. 2016. Wrexham Tree and Woodland Strategy 2016-2026

<sup>14</sup> Coed Cadw/Woodland Trust. 2016. Policy Paper, Wales is better with trees. Woodland Trust

## Objectives

1. Increase the amount of tree planting
2. Manage trees sustainably
3. Manage the risks associated with trees
4. Promote biodiversity
5. Work in partnership

The following chapters cover each of the five objectives and how they will be delivered. The objectives are not confined to the management of trees on the council's own land and include the Local Planning Authority's role as well as other legislation that the council is responsible for administering under other Acts of Parliament. Lastly the council cannot act on its own and the objectives recognise the need for the council to work in partnership with the public and other organisations.

# 5.0 | Objective 1 - Increase the amount of tree planting

## 5.1. | Meeting the canopy cover target

New tree planting is the most direct way of increasing canopy cover and reorganisation of services has meant that the council’s arboriculturists are now directly responsible for trees within many public open spaces and can promote tree planting in consultation with stakeholders.

As an initial step tree planting sites will be identified at a strategic level that will enable the target of 18% canopy cover to be achieved. The plan also provides reassurance that long term maintenance costs and liabilities are, by far, outweighed by trees as a growing natural asset.

In the past, there has not been a policy of replacing trees felled on land managed by the council. Replacement planting would only be undertaken where individual circumstances made it necessary. This approach was clearly unsustainable and diminishes a key natural asset.

To achieve a canopy cover target of 18% it will be necessary to maintain existing canopy cover by providing replacement planting where tree removal is necessary and to carry out substantial new tree planting. Planting will need to be carried out in the first ten years of the plan so that the trees have a chance to develop their canopies and be measurable as part of the urban tree canopy cover.

For comparison a 100m x 100m woodland with a closed canopy will provide one hectare of canopy cover or slightly more if the perimeter trees spread outside the woodland boundary. A single early mature specimen tree with a crown spread radius of 3m will have a canopy cover of 28m<sup>2</sup> and a fully mature specimen with a crown spread radius of 9m a canopy cover of 254m<sup>2</sup>. Table 3 provides examples of crown sizes and how they contribute to canopy cover. The table illustrates how the loss of fully mature trees can result in a significant decrease in canopy cover.

Canopy cover examples		
Nominal tree age class	Nominal tree crown spread radius (m)	No. of trees required to provide 1ha of canopy cover
Young	1.5m	1,428
Early mature	3m	357
Mature	7m	65
Fully mature	9m	39

Table 3. Canopy cover examples

Table 4 compares the existing canopy cover and the proposed target canopy cover in each Land Use Category of the study. The canopy cover targets in each Land Use Category have been calculated to achieve the overall canopy cover target of 18% and are heavily weighted towards the Land Use Categories where the council is able to carry out tree planting without having to rely on other landowners for consent. The plan is mainly focussed towards Open



Space Informal, Open Space Formal and Transport Corridors. For example the plan proposes increasing the canopy cover on Informal Open Spaces from 46% to 65% by 2032.

The plan proposes modest gains in canopy cover on Education land from 9.7% to 12% and Burial Sites from 13.3% to 14%.

The plan also sets out minor increases in canopy cover for High Density Residential, Low Density Residential and Commercial Areas. The council is not a major landowner in these three Land Use Categories but it is where planning policies and promoting the plan could increase the amount of planting.

Urban Land Use Category	Total Land Use (ha)	2013 Canopy cover		2033 Canopy cover target			Comments
		(ha)	(%)	(ha)	(%)	Change (%)	
Commercial Areas	739.97	77.65	10.4%	81.40	11%	+1.6%	Effective landscaping through planning or planting on council owned land
Education	189.29	18.30	9.7%	22.71	12%	+2.3%	Work in partnership with head teachers
Hospitals	10.38	2.04	19.7%	10.38	2.04	0%	Smallest Land Use Category. Betsi Cadwaladr University Health Board
Burial Sites	26.96	3.58	13.3%	3.77	14%	+0.7%	Promote replacement and additional planting
Remnant Countryside	193.73	19.14	9.9%	19.14	9.9%	0%	Dataset of limited use for meeting plan target
Open Space Formal	371.26	81.43	22.0%	111	30%	+8.0%	A key Land Use Category for meeting plan target
Open Space Informal	325.20	151.58	46.6%	211	65%	+18.4%	A key Land Use Category for meeting plan target
Woodland	84.66	84.66	100%	84.66	100%	0%	Already 100% canopy cover
High Density Residential	114.72	3.62	3.0%	4.6	4%	+1%	Promotion and protection by LPA
Low Density Residential	1683.52	168.86	10.0%	202	12%	+2%	Promotion and protection by LPA
Transport Corridors	689.79	69.74	10.1%	103.50	18%	+7.9%	A key Land Use Category for meeting plan target
Unclassified Land	413.10	20.28	4.9%	20.28	4.9%	0%	Dataset of limited use
<b>Total</b>	<b>4824.59</b>	<b>700.89</b>	<b>14.5%</b>	<b>874.44</b>	<b>18.1%</b>	<b>+3.6%</b>	

Table 4. Land use categories, canopy cover comparisons and target (Source: CNC/NRW)

## 5.2. | Formal Open Space

Formal Open Space covers 8% of the urban area and to achieve an overall figure of 18% urban canopy cover it will be necessary to make much greater use of existing mown grassland for tree planting. Regularly mown grass is species poor and more costly to maintain than longer

grass planted with trees<sup>15</sup>. The provision of accessible open space by the council is an important investment for public well-being<sup>16</sup> and it is recognised that people prefer a mixture of open areas and trees to dense woodland<sup>17</sup>. The plan will focus tree planting in strategic locations on Formal Open Spaces to recreate the favoured open space character.

To increase biodiversity there is also the opportunity to sow wildflowers adjacent to trees where reduced grass cutting occurs as part of revised open space management.



Plate 2. Mature trees and parkland at Wepre categorised as Formal Open Space



Plate 3. Whip tree planting undertaken at The Willows, Hope categorised as Formal Open Space

To assist with creating a diverse and resilient tree cover less common tree species will be used. These less common species will also provide added interest and will not look out of place in a more formal landscape. Within Formal Open Space there is an over reliance on mature and late mature trees to provide canopy cover and new planting will result in a more varied age structure.

### 5.3. | Informal Open Space

Informal Open Spaces offer the greatest opportunities to increase canopy cover and meet the target of 18% canopy cover by 2033. Informal Open Space covers 7% of the urban area and is less kempt than Formal Open Space providing greater tree planting opportunities. Where public recreation is limited, areas could be left to regenerate with trees or planted with small nursery tree stock to create new woodlands. Existing desire lines across Informal Open Space can be formed into regular paths maintaining access within a landscape of woodland, glades and specimen trees. Planting in these areas will be more suited to native or other common tree species. Plate 4 shows a large parcel of land in Connah’s Quay categorised as Informal Open Space which has relatively low canopy cover that could be significantly increased.

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<sup>15</sup> Land Use Consultants. 2011. Trees or Turf? Woodland Trust

<sup>16</sup> World Health Organization. 2017. Urban green spaces: a brief for action

<sup>17</sup> Land Use Consultants. 2011. Trees or Turf? Woodland Trust

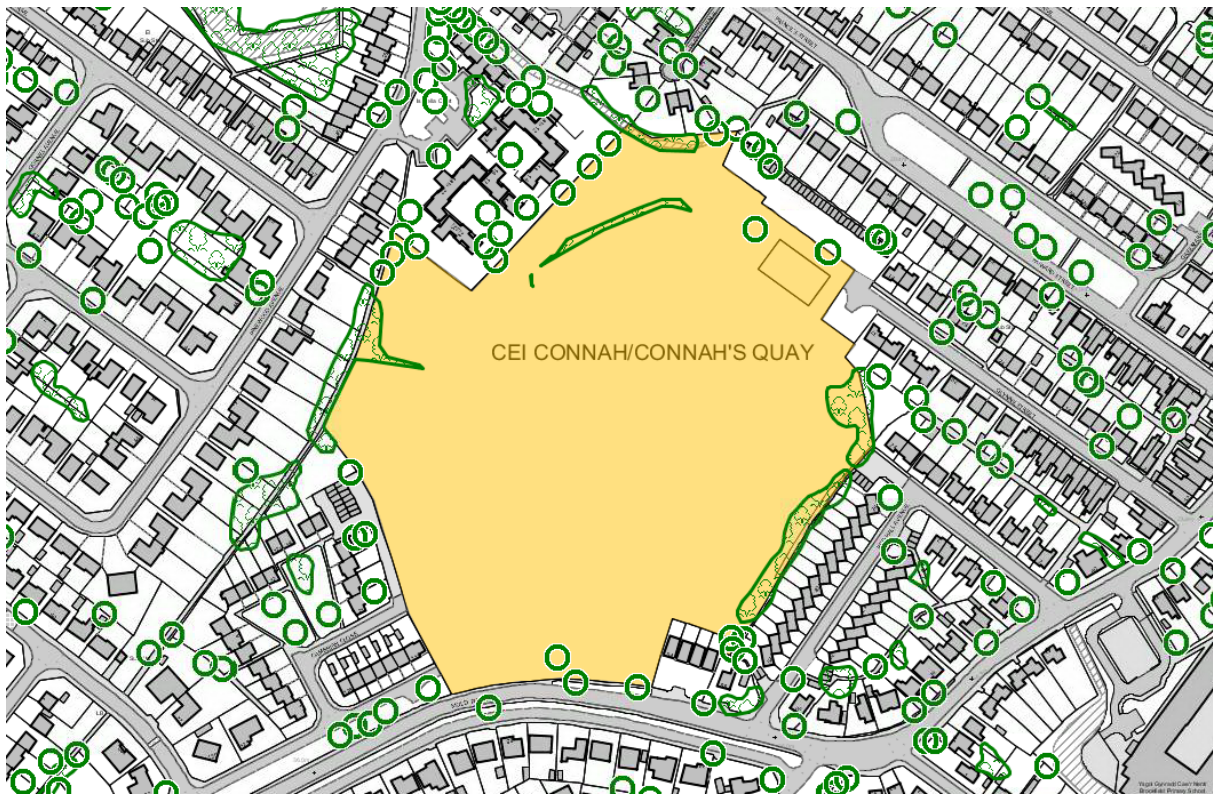


Plate 4. Land categorised as Informal Open Space owned by FCC with limited canopy cover (2013). Source: CNC/NRW

Land Use Category	Strengths	Weaknesses	Opportunities	Threats
Open Space Formal	Highly visible Widely accessed for recreation. Well-being benefits.	Grass cutting contracts will need to be changed. Space required for informal ball games.	Where appropriate Integrate with wildflower meadows to provide greater biodiversity gains. The most formal areas are suitable for planting large nursery stock that offer the greatest benefits. Less common species to add interest.	Maintenance will require the adoption of new skills.
Open Space Informal	Urban canopy cover usually visible and accessible. Informal areas are likely to have more biodiversity due to less disturbance.	Grass cutting contracts will need to be changed.	Less formal areas may be suitable for developing into woodland using natural succession, reducing establishment costs.	Maintenance will require the adoption of new skills.

Table 5. Analysis of canopy cover potential for Formal and Informal Open Space Land Use Categories

## 5.4. | Transport Corridors

With the exception of the trunk roads managed by the North and Mid Wales Trunk Road Agency for the Welsh Government, railways and private roads most transport corridors will be managed by Flintshire County Council in its capacity as the Highways Authority. Transport corridors comprise 14.2% of urban land by area, approximately equivalent to Formal Open Space and Informal Open Space combined but with only 10% canopy cover. This is significantly below the average for other Land Use Categories even though a major proportion of the Land Use Category comprises of soft verges suitable for tree planting.



Transport Corridors			
Strengths	Weaknesses	Opportunities	Threats
<p>Highly visible</p> <p>Reduce noise and pollution from traffic.</p> <p>Provide shelter from wind and rain.</p> <p>Street tree planting will moderate high summer temperatures and intercept rainfall.</p>	<p>Safeguarding highway infrastructure</p> <p>Underground and overhead utilities will need to be safeguarded.</p> <p>Planting in hard surfaces is expensive.</p>	<p>Lower than average canopy cover.</p> <p>Soft verges suitable for planting.</p> <p>Verge planting can be integrated with wildflower verges.</p>	<p>Planting vulnerable to damage.</p>

Table 7. Analysis of canopy cover potential for Transport Corridors

Tree planting on highway land requires careful planning to avoid obstructing visibility for motorists and working adjacent to underground utilities. Nevertheless, as a result of their positions, trees on highway land will be highly visible and also provide the greatest environmental benefits.

The widest verges will be suitable for planting at a higher density with small nursery stock whilst narrowest verges could be strategically planted with large specimens.





Plate 5. Planting in the soft highway verge



Plate 6. Mature highway trees in Flint

Planting within the pavement on streets is technically challenging and requires consultation with a wide range of stakeholders (e.g. highways engineers, utility providers, landscape and tree professionals). Planting must meet highways standards whilst creating suitable conditions for tree growth. Nevertheless, street tree planting can be extremely effective at improving the quality of the public realm. Due to the relatively high cost, planting in paved areas will usually be undertaken as part of externally funded regeneration schemes.

When planning and implementing tree planting in hard surfacing best practice guidance within *Trees in Hard Landscapes* will be followed and the guiding principles of *Manual for Streets 2*. For successful tree planting to be undertaken in streets it will be necessary to overcome technical issues and objections that have traditionally occurred.



Plate 7 and 8. Flint street tree planting undertaken in 2013 (Before, left and after, right)

### 5.5. | Education

Education land comprises of a relatively low (3.9%) proportion of urban land and therefore the scope to make significant urban canopy cover gains in schools and on other education land is limited. Some education land (e.g. Coleg Cambria) is wholly independent of Flintshire County Council and several Flintshire County Council Schools independently maintain their school grounds. Nevertheless, canopy cover on Education land is relatively low (10%) and there will be opportunities to work in partnership with head teachers to achieve 12% canopy cover to benefit students and the wider community.

Many Flintshire schools participate in Forest School, a project which promotes hands on learning in an outdoor woodland or natural environment with trees. There is an opportunity to target schools enrolled in the Forest School project as they are more likely to appreciate the outcomes.

Some schools may be risk adverse and not wish to participate in tree planting projects even though the health benefits of trees far outweigh the risks they pose. This will need to be addressed through advice and information.

Education			
Strengths	Weaknesses	Opportunities	Threats
<p>Education resource for Forest School outdoor learning.</p> <p>Provide shade for students.</p>	<p>Some schools have opted out of council grounds maintenance contracts and act independently.</p> <p>Sports pitches need to be safeguarded which will limit scope.</p>	<p>Students can participate in planting schemes.</p> <p>Relatively low cover that could be significantly increased.</p>	<p>Schools can be risk averse.</p>

Table 8. Analysis of canopy cover potential for education

### 5.6. | Burial Sites

At 0.6% of urban land, Burial Sites are the least significant land use in which the council is the manager of the land. This Land Use Category will include the cemeteries at Connah’s Quay, Flint and Hawarden. Canopy cover on burial sites is 13.3% and therefore slightly below the average for Flintshire and a modest canopy target cover of 14% is proposed to be achieved with the new planting. It is evident that extensions to existing cemeteries lack specimen tree planting and this is something that could be addressed on a sensitive basis, working in partnership with the relevant officers.

## 5.7. | Woodland

The study categorised canopy cover greater than 0.5ha in the Woodland Land Use. Woodland covers 5% of the urban area, with amenity trees as 9%.

As canopy cover within the Woodland Land Use category is already 100% it cannot be increased. Instead, any new woodland planting will be measured by another land use category being reclassified into woodland. Most woodlands are situated in the countryside however they can also be found in urban and peri-urban areas where Ancient Semi-Natural Woodland has been protected from development (e.g. Broadoak Woods in Connah's Quay) or woodland has grown up on post-industrial land (e.g. Greenfield Valley). Most urban woodlands have a network of paths allowing the public to access the quietest and most tranquil parts offering the greatest opportunities for reducing stress and connecting with nature.

## 5.8. | Commercial Areas

Commercial Areas such as Greenfield Business Park and County Hall are managed by the council however the majority of this Land Use Category will be businesses. The category will not be specifically targeted for tree planting however it is expected that a small gain in canopy cover (+1.6%) can be achieved through planning policies and more sustainable management on council maintained land.

## 5.9. | Other land

The council is not a major stakeholder in the other Land Use Categories but can work in partnership with other organisations to plant trees and increase canopy cover. Partnership working is more likely to occur later in the plan period and could include organisations, such as, Betsi Cadwaladr University Health Board, Clwyd Alyn Housing Association and Pennaf.

## 5.10. | Planning, tree planting and aftercare

Well planned and implemented schemes of tree planting are easier to maintain and less likely to fail. Tree species will be suitable for the soil type, drainage and position. In particular varieties of tree with tightly formed crowns will be used where there is limited space (e.g. pavements) and large spreading species (e.g. common beech) used in parks where they can grow unconstrained and afford the greatest benefits. Tree planting schemes will also take into account the likelihood of casual vandalism, specifying larger and more robust trees and/or tree guards where necessary.

Tree planting will comply with the relevant latest British Standard<sup>18</sup> which covers the quality of nursery stock, site evaluation, species choice, handling, planting and post planting maintenance. To minimise the risk of a pest or disease being imported from abroad the council will favour UK grown stock, or where trees are imported the stock that has grown for at least one year in a UK nursery. In most cases nursery stock will need to be accompanied by an EU Plant Passport.

To reduce susceptibility to host specific diseases (e.g. ash dieback), which may become more prevalent as a result of climate change, a range of species will be chosen from different

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<sup>18</sup> British Standards Institute. 2014. Trees: from nursery to independence in the landscape –Recommendations. BSI



botanical genera and families. For resilience Santamour<sup>19</sup> recommends that trees, as a component of the whole urban forest, should not comprise of more than 10% of a single species, 20% of a single genus and 30% from a single family.

Tree planting will not be undertaken unless there is provision to undertake adequate maintenance until establishment. The majority of planting schemes will require monitoring and maintenance for three years. This will include weed control, watering of large trees, checking tree ties and stakes, formative pruning and where, necessary, replacement planting. The prompt replacement of any dead or vandalised trees is important to show that the planting scheme is being managed and will not be left to become neglected. Unmaintained schemes are likely to suffer greater vandalism.

As well as requiring maintenance tree planting schemes will require long term grounds maintenance regimes to be revised. Areas of mown grass can be cut with tractor driven machinery to within 5m of trees with a longer grass sward left underneath trees cut once or twice a year if desired. Where it is necessary to maintain regular mowing adjacent to a tree small ride-on cutting machinery can be used. Under no circumstances should grass strimmers be used at the base of trunks because this inevitably causes damage.



Plate 9. Park Avenue playing field, Saltney



Plate 10. Park Avenue, Saltney

**5.11. | Connah’s Quay pilot area**

With a population of over 33,000 and the tenth largest urban area in Wales, Connah’s Quay’s canopy cover of 15.7% is lower than the national average (16.3%) but higher than the mean canopy cover for Flintshire.

As the largest urban area in Flintshire the town merits more detailed focus and the study by CNC/NRW<sup>20</sup> includes a desk top survey for potential planting sites in Connah’s Quay. The survey found that there is significant potential for planting and increasing canopy cover on available ‘green areas’. Theoretically, the study found that a canopy cover of 62% could be achieved (14% in 2009) if all existing ‘green areas’ were targeted. As the main urban area and with a significant potential to increase canopy cover the first five years of the plan will target new planting in Connah’s Quay. The council’s Countryside Service already has good working

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<sup>19</sup> Santamour, Frank S. 1990. Trees for Urban Planting: diversity, uniformity, and common sense. Proceedings of the 7th Conference of the Metropolitan Tree Improvement Alliance.

<sup>20</sup> Cyfoeth Naturiol Cymru/Natural Resources Wales, 2013. Tree Cover in Flintshire



partnerships with the community, through its work on the coast and at Wepre Park, and it is proposed to strengthen these working partnerships to deliver tree planting.

### **5.12. | Broughton and Saltney target areas**

Broughton and Saltney are the two settlements in the county with the lowest canopy cover and the early stages of the plan will focus on increasing the amount of tree planting on sites that the council maintains in those settlements.

As a first step tree planting on land maintained by the council at Park Avenue Playing Field (Plate 9) will be explored with stakeholders. Later in the plan period the feasibility of street tree planting on Park Avenue (Plate 10) can be examined.

Hawarden Airport is an aerodrome operated by Airbus under the European Aviation Safety Agency safety rules. The aerodrome is situated to the north of Broughton and the adjacent Airbus factory is a major employer in the county. The proposed first step in increasing Broughton's canopy cover will be to consult Airbus to identify the constraints imposed by the aerodrome.

# 6.0 | Objective 2 - Manage trees sustainably

Sustainability is at the core of the Welsh Government’s policies and the sustainable management of urban trees and woodlands must be an overarching objective of the council.

Tree management	
Traditional approach – less sustainable	Modern approach – more sustainable
Focus on individual trees	Focus on whole urban forest resource
Mainly valued for their visual amenity	Trees recognised as an important part of urban infrastructure with major ecosystem benefits
Monetary value of trees not recognised	Monetary value of urban forest recognised
Managed in isolation	Integrated management
A resource that belongs to the owner	A shared resource

Table 9. Tree management comparisons (After: North Sydney Council. 2011)

The traditional approach tree management looked at a tree in isolation and what was required to solve that particular problem or issue. The traditional method was not strategic and tree canopy cover was not measured, so it was unclear whether or not it was sustainable. The advent of the urban forestry movement recognised that the whole urban forest resource is much greater than the sum of its individual parts and is a shared resource with a monetary value. To sustainably manage urban canopy cover the council will need to adopt the modern approach (Table 9).



Plate 11. Mold urban canopy cover

The council’s arboriculturists are responsible for managing trees that are growing in highway verges, streets, town parks, civic areas and country parks. Trees on other council land (e.g. Tenanted properties, Flintshire business parks, cemeteries) are managed by the relevant department with advice from the council’s arboriculturists being provided in accordance with agreed service levels. As changes to the organisational structure occur it is expected that the



council’s arboriculturists will become more directly involved with the management of other department’s trees resulting in more strategic and sustainable management.

The council has a role in ensuring that trees on other land are managed sustainably by using planning powers and promoting best practice.

**6.1. | Woodland management**

The council will protect and enhance its own urban woodlands guided by long term woodland management plans. Management plans will be based upon a policy of continuous cover so that long term canopy cover remains stable or is increased. Felling will only be carried out for overriding safety reasons, to facilitate natural regeneration or carry out new planting. Where felling is considered acceptable it will only be carried out in small woodland compartments or as a thinning operation. In exceptional cases young scrub woodland may be cleared to enhance particularly rare plant communities (e.g. limestone grassland), geological features (e.g. limestone pavement) or ancient monuments.



Plate 12. Urban woodland at Wepre Park

Woodland management will be undertaken in consultation with CNC/NRW and where required subject to a felling licence and/or other consents to safeguard protected species and habitats. Where grants are available to undertake woodland management the council will seek funding to contribute towards the cost of the work. Whilst the production of marketable timber is not an objective in the management of the council’s urban woodlands any harvested timber will be marketed and sold where opportunities exist. As an example timber from felled larches was planked by the Countryside Service and sold to clad school buildings and outdoor structures at Ysgol Ty Ffynnon and Hawarden Village School.

The council will work in partnership with other woodland owners to meet shared objectives. Urban woodlands which are considered to be under threat of development will be protected by the council using its Local Planning Authority powers.

The objectives of woodland management plans will be to;

- Increase biodiversity
- Resilient
- Safeguard protected species, habitats and features (e.g. monuments)
- Silviculturally well managed
- Maintain landscaping qualities and local distinctiveness
- Permit managed public access
- Engage with the community

**6.2. | Prioritising tree inspections**

Inspections in response to enquiries will be prioritised according to the level of risk to people and property (Table 10). More information about risk management is contained in Chapter 7.

Prioritising tree inspections			
Category	Example	Department	Response
Urgent	Fallen trees/branches blocking the carriageway of a classified road including trees from private land	Streetscene	1-5 days
High Priority	Imminent risk of an unstable tree or large branch falling onto the carriageway of a classified road or footway including trees on private land.	Streetscene	
	Imminent risk of an unstable tree or large branch falling onto the carriageway of an unclassified road including trees on private land.	Streetscene	
	Fallen council owned trees or boughs on buildings.	All	
	Trees or boughs at imminent risk of falling onto a building.	All	
Medium Priority	Trees adjacent the highway that are dead or dying but not deemed hazardous. Trees causing an actionable nuisance. Council trees or branches that have fallen onto third party land but not caused damage to buildings or structures. Plant Health Notice issued to control the spread of a pest or disease.	All	1-4 weeks
Low Priority	Trees or other vegetation obstructing footway or visibility splay.	Streetscene	2-6 weeks
	Trees branches obstructing a highway’s sign or street light.	Streetscene	4-12 weeks

Table 10. Prioritising tree inspections

As a major landowner, the council receives many requests and complaints regarding trees and it is important that they are dealt with consistently and proportionately. Unless there are

exceptional overriding reasons, trees managed by the council's arboriculturists will not be cut back or felled, at the expense of the council, as a result of the following:-

- Allegedly too tall
- Shade (unless oppressive)
- Loss of a view
- Dropping aphid honeydew/sap
- Dropping leaves or other seasonal debris
- Interfering with TV reception
- Affecting the efficient working of solar panels
- Touching overhead telecommunication wires
- Overhanging branches

This policy is in accordance with the common law rights that exist between a tree owner and a person making a complaint. Prioritising inspections and handling enquiries in accordance with the policy will enable the council's arboriculturists to work more efficiently and allow time be spent on meeting the plan's other objectives and its target.

During inclement weather tree works may be delayed until conditions improve sufficiently to enable council operatives or its contractors to work safely.

It is proposed to expand the council's computerised tree database to include all major sites belonging to the council (e.g. Parks, Schools and cemeteries). This will provide a more comprehensive picture of urban canopy cover which can then be used to carry out an i-Tree Eco Project<sup>21</sup> and provide a valuation of the urban tree resource, similar to that undertaken in Wrexham, Swansea and Cardiff.

### **6.3. | Overhanging branches**

Under Common Law a neighbour, or contractor acting on the owner's behalf, can prune off branches overhanging their property provided they do not trespass onto the neighbouring land to carry out the work (e.g. climb the tree). It is also a requirement to offer the arisings (e.g. branches) back to the owner of the tree.

A neighbour wishing to exercise a Common Law right to cut off overhanging branches growing from trees on council land is advised to contact a council arboriculturist or other officer managing the land. This will enable the extent of the work to be discussed, how the arisings will be disposed and access to be arranged. Where a programme of tree maintenance is scheduled for the site the council may prune the overhanging branches.

Complaints and enquires which allege that branches are causing an actionable nuisance (e.g. dislodging roof tiles) will be investigated. Where necessary remedial action will be undertaken by the council to address the nuisance caused.

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<sup>21</sup> Treeconomics i-Tree Eco. Available at: <http://www.treeconomics.co.uk> [Accessed 21 September 2017]



## 6.4. | Tree roots

Flintshire is a county where the overlying geology comprises of glacial clay, sands and gravels with occasional alluvial sand and gravel deposits in valleys. Due to this geology the consequent overlying soil type is not prone to shrinking when drying out and the potential for tree root related subsidence to occur is low. Notwithstanding, if subsidence is suspected to have been caused by the roots of a council tree any claim made to the council should be supported by technical information (An arboricultural report, structural engineer's report and a period of crack monitoring). Where a tree is proven to have been the main factor causing subsidence remedial action will be undertaken appropriate to all the relevant factors, including amenity and arboricultural best practice.



Plate 13. Structural roots severed just below the surface during excavations

Direct damage is caused by tree roots where they push against structures (e.g. wall, fence) as they grow. Where a tree owned by the council is allegedly causing damage to a neighbouring property it will be investigated and action taken that is commensurate to the damage caused, the value of the tree and what is required to remediate the damage.

Normal tree root growth will not actively penetrate an intact pipe or drain. Already leaking foul water and surface water drains can suffer tree root ingress which can worsen existing damage and cause blockages. If a root from a tree owned by the council has grown into a drain the replacement of the faulty section with plastic pipe, less prone to leaking and with greater flexibility, will be the most appropriate solution. Where appropriate, householders should make enquiries to find out whether a sewer on their land is maintained by Dwr Cymru/Welsh Water<sup>22</sup>. Tree removal will not normally be considered.

Most tree roots are within one metre of the surface where soil conditions are most suited to supporting growth and therefore even relatively shallow excavations can cause major root damage. In addition a tree's structural roots will be growing from buttresses just below the surface. To compensate for having a shallow root system tree roots will grow laterally extending beyond the tree's crown spread.

Utility providers installing and maintaining services in the public highway must safeguard trees when undertaking their works. Underground services frequently share a narrow highway verge or footway and pass through the rooting zone of trees growing on or adjacent to the public highway. The council will require streetworks to be carried out in accordance with Volume 4 of the NJUG Guidelines for the planning, installation and maintenance of utility

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<sup>22</sup> Dwr Cymru/Welsh Water. [c2011] Changes to the ownership of your drains and sewers. Dwr Cymru/Welsh Water

apparatus in proximity to trees<sup>23</sup> or in accordance with other current best practice guidance. When the Highways Authority is notified of proposed streetworks adjacent to trees the highways engineer will seek advice from the council's arboriculturists. Where utility providers sever tree roots as a result of poor professional standards the council will seek compensation commensurate to the damage caused.

The council will not consider felling a healthy tree in a highway verge to allow for installation of a dropped kerb and crossover. Pruning the roots of a council tree or removing lower branches to facilitate the installation of a crossover will be considered on an individual basis but will be only be permitted when it can be undertaken in accordance with arboricultural best practice.

Tree root trip hazards will be remediated by building up the levels and repairing the surface. Less flexible paving slabs and block paving can be replaced with tarmac or loose aggregate at the tree's base. Where this is not feasible advice should be sought from a council arboriculturist.

### **6.5. | Overhead utility lines**

Both telecommunication and electricity providers carry out work to safeguard their overhead apparatus. Due to the danger of death electricity providers have a proactive approach to the management of trees and hedges on public and private land near to overhead lines. Tree works are carried out by contractors on behalf of utility providers and will specify what works are required and obtain the landowner's consent before carrying out the work at the utility provider's expense. As a result the council does not normally carry out tree works adjacent overhead lines unless specified as part of other major works to a tree.

When granting consent for council trees to be cut in the vicinity of overhead lines the council's arboriculturists will ensure that the work, as far as possible, safeguards amenity and is in accordance with good arboricultural practice (e.g. BS3998:2010 Tree work - Recommendations and adequate biosecurity). If consent is granted to fell trees there will be a presumption for the utility provider to plant replacement trees in an agreed position.

### **6.6. | Unauthorised works to trees on council land**

Tree work that has not been specifically sanctioned by a council officer may be regarded as criminal damage. Where unauthorised works takes place that disfigures or destroys a tree the council's arboriculturists may require remedial work to be undertaken or request replacement planting. If the amenity afforded by a mature tree is judged, by a council arboriculturist, to have been destroyed the council will request the police to carry out a criminal investigation. Alternatively, the council may bring a civil case against the perpetrator for the tree damage caused.

### **6.7. | Planning policy**

The Local Planning Authority (LPA) is the part of the council which determines applications for development and administers the policies and legislation relating to the protection of trees. The LPA's role is important because it enables the council to broaden the reach of its objectives and influence canopy cover on land other than its own. Planning policy is one of

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<sup>23</sup> National Joint Utilities Group, 2007. Volume 4. Guidelines for the planning and NJUG Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees. NJUG

the main mechanisms that the Welsh Government uses to drive its sustainability and biodiversity agendas. Planning policy is led nationally and detailed guidance and local policies produced by the LPA should be in accordance the Welsh Government's policies.

Chapter 5.2.10 of Planning Policy Wales<sup>24</sup> states;

*'Local planning authorities should, as appropriate, make full use of their powers to protect and plant trees to maintain and improve the appearance of the countryside and built up areas.'*

During the period of the plan the council will publish a Local Development Plan which will provide detailed policies relating to trees and woodlands that reflect the latest national planning guidance. At the time of drafting the plan (September 2017) policy TWH1 of the Unitary Development Plan is the relevant policy relating to the protection of urban trees and woodlands.

#### *TWH1 Development Affecting Trees and Woodlands*

*The Council will protect from development those woodlands and trees which are considered to be important local landscape, townscape and wildlife features. Where the principle of development affecting trees or woodland is acceptable, the County Council will require that:*

- a any tree, groups of trees or woodlands of value on or adjacent to the site are retained and that development is sympathetically incorporated around them;*
- b the pre-planning assessment of the trees and the development complies with the British standard, Guide for Trees in Relation to Construction (BS 5837); and,*
- c where the removal of trees is considered acceptable, suitable replacements that are appropriate to the character of the area shall be established elsewhere within the site.*

Policy TWH1 is supported by Supplementary Planning Guidance Note No. 4 Trees and Development which will also be subject to review during the plan period following the adoption of the Local Development Plan.

It is likely that national planning guidance will be strengthened during the plan period to reflect the sustainable requirements of the Well-being of Future Generations (Wales) Act 2015<sup>25</sup> and the Environment (Wales) Act 2016<sup>26</sup>. In accordance with sustainability requirements new guidance may make provision for greater replacement tree planting where the removal of trees on development sites is permitted. There is scope for developers to contribute towards replacement off site planting via planning obligations, subject to the adoption of a suitable policy by the council.

In the later stages of the plan and with assistance from CNC/NRW it may be feasible to monitor the effect development has on urban canopy cover.

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<sup>24</sup> Welsh Government. 2016. Planning Policy Wales. Chapter 5 Conserving and Improving Natural Heritage and the Coast

<sup>25</sup> HMSO, 2015. Well-being of Future Generations (Wales) Act 2015

<sup>26</sup> HMSO, 2016. Environment (Wales) Act 2016



## 6.8. | Tree Preservation Orders and Conservation Areas

Using national legislation the LPA makes Tree Preservation Orders (TPOs) under Section 198 of the Town and Country Planning Act 1990, where it is considered that a tree or trees afford significant amenity and it is expedient to do so.

A TPO may protect individual trees, groups of trees and areas of trees or woodlands under the four different designations specified in Schedule 1 of the TPO. Unless exempt a TPO prohibits the cutting down, uprooting, topping, lopping, wilful damage or destruction of a tree, covered by the TPO, without the LPA's consent. It is usually the case that trees within the built environment are under the greatest risk of being felled and therefore the majority of TPOs are made in urban areas.

The council administers TPOs in accordance with the Wales guidance contained in TAN10<sup>27</sup> and where applicable in accordance the more detailed guidance contained in Tree Preservation Orders: A Guide to the Law and Good Practice<sup>28</sup> (strictly applicable to England only). The council administers 376 TPOs (2017 figure). Depending on how Schedule 1 is drafted a single TPO can provide protection for a single tree to many trees, groups and woodlands. During the period 2007 to 2011 Flintshire County Council undertook a review of its TPOs using Welsh Government grant funding and this led to many of the older TPOs being revoked, after they had been replaced by newer and more concise Orders. The review has enabled the TPOs to more accurately reflect the important trees in the county. The CNC/NRW study suggests that effective tree protection by LPAs has contributed to maintaining urban canopy cover.

Conservation Areas are designated to protect areas of architectural and/or historical interest. In Flintshire there are 32 Conservation Areas which mainly cover historic town centres or villages. As well as providing additional controls that restrict development Conservation Areas also afford protection to trees and subject to certain exemptions it is a criminal offence to cut down, lop or top, uproot, wilfully damage or destroy a tree without notifying the Local Planning Authority in writing. The six week notification period gives the LPA the opportunity to make a TPO where it is considered necessary to safeguard the amenity afforded to an area by a tree. Where a TPO is made it has the effect of stopping the work described in the notification from proceeding. Subject to certain exemptions and a minimum size<sup>29</sup> all trees within designated Conservation Areas are protected.

There is no fee to make an application for consent to carry out tree works to a tree subject of a TPO or to make a notification to carry out works to a tree inside a Conservation Area.

As Tree Preservation Orders and Conservation Areas afford protection to trees in the interests of mainly public amenity the council will, in accordance with best practice, normally publicise trees works that include felling. The consultation process enables local members, community councils, adjoining occupiers and the public to comment on proposals.

The council will not normally consult interested parties where pruning is proposed because, in most cases, the potential effect of the works to amenity will be far less than felling. This approach enables applications and notifications for pruning to be determined within a shorter

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<sup>27</sup> Welsh Office. 1997. Technical Advice Note (Wales) 10 Tree Preservation Orders. Welsh Office

<sup>28</sup> ODPM. [c2006]. Tree Preservation Orders: A Guide to the Law and Good Practice. HMSO

<sup>29</sup> Section 10, Town and Country Planning Trees Regulations 1999

period. In exceptional cases the council may consult interested parties if it is anticipated that the proposed pruning will be particularly disfiguring to a tree and adversely affect amenity.

When determining TPO applications and Conservation Area notifications the LPA will take into account the relevant national guidance and the council's own planning policies.

Subject to certain exemptions, it is a criminal offence to cut down, lop, top, uproot or wilfully damage or destroy a tree subject to a TPO or Conservation Area controls. On conviction in a Magistrates' Court breaches of TPO or Conservation Area legislation can lead to a level 4 fine (equivalent to £2,500 for 2011). Where a tree is felled or otherwise destroyed a fine of up to £20,000 can be imposed in a Magistrates' Court. If a TPO offence is committed to a Crown Court for trial an unlimited fine can be imposed<sup>30</sup> and where it is believed that a breach of TPO or Conservation Area legislation applying to trees is imminent or an offence is ongoing the council can seek a court injunction<sup>31</sup>.

The effective enforcement of planning legislation relating to the protection of trees is vital to act as a deterrent and meet the plan objectives. In addition because TPO and Conservation Area (Trees under Section 211) are criminal offences it is necessary for them to be investigated in accordance with legal evidential requirements. To meet this requirement an enforcement protocol for trees covered by a Tree Preservation Order or subject to Conservation Area restrictions (Appendix 4) forms part of the plan.

## **6.9. | Planning conditions**

In accordance with Government guidance the LPA will not normally rely on planning conditions to secure the long term protection of trees that merit protection by TPOs<sup>32</sup>.

However, when granting planning permission for development the LPA will make planning conditions to ensure that retained trees on a site undergoing development are safeguarded. This type of planning condition may require adherence to an approved scheme of measures that provide physical protection to trees during development or for works in the vicinity of trees to be carried out in accordance with an Arboricultural Method Statement. A planning condition may also require the supervision of works adjacent to trees by an arboricultural consultant. These prescriptive types of planning condition will be used alongside TPOs to provide comprehensive protection for the most significant trees in terms of amenity.

## **6.10. | Landscaping**

The planting of shrubs, trees and hedges as part of landscaping on development sites is important because it has a softening effect and helps new buildings integrate with their surroundings. In particular tree planting can replace trees lost due to development and therefore maintain long term canopy cover. Sites with little or no landscaping when they are developed will usually remain lacking in green infrastructure for the life period of the development. It is therefore critical that provision for shrub, tree and hedge planting, where appropriate, is integral to the planning process.

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<sup>30</sup> HMSO. 1982. Section 32(2) Justice Act 1982

<sup>31</sup> HMSO. 1990. Section 214A Town and Country Planning Act 1990

<sup>32</sup> ODPM. [c2006]. Tree Preservation Orders: A Guide to the Law and Good Practice. HMSO



Plate 11. Landscaping in a new retail development, Flint

Policy L1 of the Flintshire Unitary Development Plan is the policy that supports landscaping and states that;

*New development must be designed to maintain or enhance the character and appearance of the landscape.*

The policy is supported by Supplementary Planning Guidance Note No. 4 Landscaping (Adopted January 2017) which will be subject to review during the plan period following the adoption of the Local Development Plan.

Due to the promotion of green infrastructure by the Welsh Government the council will produce a policy on green

infrastructure and provide subsequent guidance for developers. The focus of the guidance will be looking at planning and developing green infrastructure at a strategic level, and where feasible to carry out advance tree planting on major developments. Well planned green infrastructure schemes can provide drainage solutions for new built development and complement active travel routes.

### 6.11. | Felling Licences

Under the Forestry Act 1967 (As amended) the volume of growing timber which can be felled in each calendar quarter without a Felling Licence is restricted<sup>33</sup>. The controls are administered by CNC/NRW and, subject to certain exemptions, prevent the felling of trees not covered by a TPO, Conservation Area or other restrictions. Occasionally the Felling Licence controls overlap with the TPO and Conservation Area legislation and it is necessary for officers from each organisation to liaise with each other. When carrying out work to trees on its own land the council must have regard to the Felling Licence controls and seek consent from CNC/NRW.

Where a council arboriculturist becomes aware of tree felling which, it is suspected, contravenes the Forestry Act details will be forwarded to CNC/NRW officers for investigation.

### 6.12. | High hedges

The council administers legislation under Part 8 of the Anti-social Behaviour Act 2003 which allow an owner or occupier of a residential property to make a formal complaint about a high hedge. The hedge must be evergreen (or at least semi-evergreen), more than two metres tall

<sup>33</sup> Cyfoeth Naturiol Cymru/Natural Resources Wales. 2017. Tree Felling : Getting Permission

and comprise of two or more trees or shrubs<sup>34</sup>. By implication the legislation may cover a line of trees.

Before a complaint can be made the neighbour must try and resolve the dispute with the hedge owner. In order to remain impartial council officers cannot visit a complainant's property to view the hedge until a formal complaint is made.

Where a hedge is considered to be adversely affecting the complainant's reasonable enjoyment of their property the council can issue a Remedial Notice requiring the hedge to be cut and maintained below a specified height.

The number of high hedge complaints submitted to the council for investigation is less than 10 per year and only several of these will require remedial action. In addition the council cannot require trees that form a 'hedge', to be removed. It is therefore considered that the enforcement of the high hedge legislation will not affect canopy cover.

### **6.13. | Hedgerow Regulations**

These Regulations<sup>35</sup> protect hedgerows and in particular those which are growing in the open countryside. Subject to certain exemptions the destruction of hedgerows is controlled through a system of prior notification to the Local Planning Authority and contravention of the legislation can result in prosecution. The various exemptions contained in the legislation mean that the majority of hedges within urban areas will not be covered by the legislation. As a result the Regulations will not have a positive or negative effect on urban canopy cover.

### **6.14. | Monitoring tree health**

Pests and diseases are considered to be an increasing risk to the health of trees and woodlands. Greater movement of goods, materials and people across the world and climate change are factors which increase the risks to tree health. The council's arboriculturists will keep appraised of the most acute pests and diseases and liaise with plant health officers over the best methods for dealing with them.

Appendix 3 is a list of the newly researched main pest and disease threats affecting or having the potential to affect urban canopy cover.

### **6.15. | Biosecurity**

The increase in the number of pests and diseases affecting urban trees and woodlands makes biosecurity very important. Human activity is a key factor in the spread of tree pests and diseases present in the soil (i.e. mud) or on plant material. Arboricultural Officers, Woodland Officers, and Countryside Rangers follow Forestry Commission guidance on biosecurity to reduce the risk of spread. This guidance recommends ensuring clothing and equipment is cleaned regularly to avoid spreading material from site to site, sourcing trees from trustworthy nurseries that supply healthy stock and ensuring vehicles are kept free of mud and debris. Members of the public visiting woodland will be encouraged to follow biosecurity measures that are relevant to the risk and in accordance with best practice advice.

As well as being irresponsible and illegal the tipping of garden waste in the countryside increases the risk of tree pests and diseases. There is also a risk of spreading invasive plants.

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<sup>34</sup> HMSO. 2003.Paragraph 66, Anti-social Behaviour Act 2003

<sup>35</sup> HMSO. 1997. The Hedgerow Regulations 1997

## 7.0 | Objective 3 - Manage the risks associated with trees

Just like other landowners, the council has a duty of care under the occupiers' liability Acts<sup>36</sup> to ensure it is not negligent, as a result of its actions or inactions. Even though they are dynamic living organisms, naturally growing and then declining, the duty of care in UK law extends to trees.

The risk of being killed or injured by a falling tree is frequently exaggerated. This is believed to be due to over reporting of incidents by the media, probably because they are considered to be a freak occurrence and newsworthy<sup>37</sup>. Statistically, the risk of being killed by a falling tree or branch situated in an area of high public use is extremely low<sup>38</sup>.



Plate 12. A mature oak in decline subject to frequent inspections

Through its Risk Management Policy and Strategy<sup>39</sup> the council is committed to the effective identification, evaluation and management of all risks including health and safety which is the category of risk associated with trees failing. The council acknowledges that the sudden failure of a tree can result in tragic consequences but at the same time not all risk can be eliminated, therefore incidents should be dealt with proportionately.

To aid the council's arboriculturists in managing risk Tree Risk Assessment methods are used to ensure that trees are inspected and managed to reflect the level of risk that they pose. Tree Risk Assessment takes into account the proximity of targets (e.g. people, property) to a standing tree, the hazard (e.g. branch, whole tree, dead twigs), the impact of failure (harm or damage), as well as the likelihood of failure, to determine what remedial action, if any, is necessary.

This approach ensures that the council uses its resources effectively, with large trees adjacent to major trunk roads being inspected on an annual basis, whilst other trees are not subject to tree risk inspections because they would not cause damage or harm even if they suffered major failure.

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<sup>36</sup> HMSO. 1957 & 1984. Occupiers' Liability Act 1957 and 1984. HMSO

<sup>37</sup> National tree Safety Group. 2011. Common sense risk management of trees. Forestry Commission Publications

<sup>38</sup> HSE. 2013. Management of the risk of falling trees or branches. Available at: [http://www.hse.gov.uk/foi/internalops/sims/ag\\_food/010705.htm#Summary](http://www.hse.gov.uk/foi/internalops/sims/ag_food/010705.htm#Summary) [Accessed 6 September 2017]

<sup>39</sup> FCC. 2016. Risk Management Policy and Strategy- Version 4

To assist with this risk based approach the council uses a GIS based computerised tree management system. The computerised system allows the scheduling of re-inspections at set intervals based upon tree risk.

The council, acting in its capacity as the Local Planning Authority also applies Tree Risk Assessment methods to assess proposals to carry out works to protected trees that are claimed to be unsafe.

## 7.1. | Highways

Acting in its capacity as the Highways Authority the council can, by formal notice, require the owner of a tree (or vegetation of any description) to lop or cut it back where it endangers or obstructs the passage of vehicles<sup>40</sup>.

The Council's Streetscene and Highways Supervising Officer's will assess the extent of the interference or obstruction before determining what remedial action, if any, is necessary. During the periods Mid-March to August inclusive, officers will take into account the legal protection afforded to nesting birds when determining the cutting required to remove the danger. The owner or occupier of the land will usually be visited by an officer and advised of the council's concern before formal action is taken.

Standard clearances above the highway are 2.4m over a footpath and 5.2m over the carriageway. When cutting back vegetation over the highway owners and tree surgeons will be advised to allow for a period of new growth and for the branches to hang lower over the highway during wet weather. Tree works on the public highway should comply with the Safety at Street Works and Road Works – A Code of Practice<sup>41</sup>.

Where a hedge, tree or shrub is dead, diseased, damaged or insecurely rooted and is likely to cause a danger by falling onto the highway the council can, by formal notice to the owner, require the danger to be removed by cutting or felling<sup>42</sup>.

Reports of allegedly dangerous trees adjacent to the highway can be made to Streetscene and will be assessed using a Tree Risk Assessment method to determine what, if any, remedial action is necessary. Where a tree is assessed as an unacceptable risk to highway users the council will require the danger to be removed by formal notice if necessary.

In default of a formal notice the council, or contractors acting on the council's behalf may enter the land and carry out the works specified in the notice. It is unlikely that a hedge or shrub will prove to be a danger by falling onto the highway. When invoking its powers the council will have regard to protected species and in particular bats before determining the best course of action.

Where a tree falls onto the highway from adjoining land and causes a highway obstruction the council may take steps to recover the costs of clearing the highway from the owner of the land on which the tree was situated.

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<sup>40</sup> HMSO. 1980. Section 154 (1) Highways Act 1980 (HMSO)

<sup>41</sup> Welsh Ministers. 2003. Safety at Street Works and Road Works – A Code of Practice.

<sup>42</sup> Highways Act 1980. Section 154 (2). HMSO

## 7.2. | Local Government (Miscellaneous Provisions) Act 1976

The Act gives the council power to deal with trees on land which are a danger<sup>43</sup> to an owner or occupier of adjoining land. The council receives many enquiries from members of the public alleging that a neighbour's tree is dangerous however very few of these claims are founded.

Therefore any person claiming that a tree on neighbouring land is dangerous should seek independent arboricultural advice about the tree's condition and/or inform the owner of the tree about their concern before reporting the matter to the council for investigation.

A tree that may be regarded as dangerous, within the meaning of the Act, will have a major weakness sufficient to make it highly likely that failure will happen soon and that failure would cause harm or injury to the adjoining owner/occupier or their property. (Examples might include a root plate uplifting, a tree resting on an adjacent tree, large hanging branches or opening up of a fissure in a critical part of the trunk, fork or main branch).

Reports of dangerous trees should be made in writing to the council and where appropriate include photographs of the tree and an arboricultural report. The council's arboriculturists will use a Tree Risk Assessment method to determine the degree of danger and whether the council's powers should be used. When invoking its powers the council will have regard to protected species. The power is also discretionary and the council is not required to take action even when the requirements stated in the Act have been met<sup>44</sup>.

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<sup>43</sup> Section 23 (1) (b) Local Government (Miscellaneous Provisions Act) 1976. HMSO

<sup>44</sup> HMSO. Section 23 (1) Local Government (Miscellaneous Provisions Act) 1976. HMSO



## 8.0 | Objective 4 - Promote biodiversity

Section 6 of the Environment Act (Wales) 2016<sup>45</sup> places a specific duty on public bodies, including local authorities to maintain and enhance biodiversity, and to promote ecosystem resilience. Under the Act, Cyfoeth Naturiol Cymru/Natural Resources Wales is required to publish 'area statements' covering natural resources, the benefits they provide and the priorities, risks and opportunities that need to be addressed for their sustainable management. In addition CNC/NRW must specify the public bodies which may assist with addressing the priorities.

The Flintshire Section 6 Biodiversity Duty Delivery Plan<sup>46</sup> focuses on the six objectives for nature recovery in Wales<sup>47</sup> which include safeguarding species and habitats of principle importance, as well as the restoration and creation of habitats, such as woodland, to increase the resilience of our natural environment.

Trees are an essential part of biodiversity with over 284 different species of insect and 324 species of lichen dependent upon native oaks<sup>48</sup>. In particular older trees have the greatest value for wildlife.

Many species of principal importance for the conservation of biological diversity are dependent on, or are associated with trees and woodland. These species include dormice, great crested newts, bats and badgers as well as many species of bird, invertebrate, lichen, moss and liverwort.

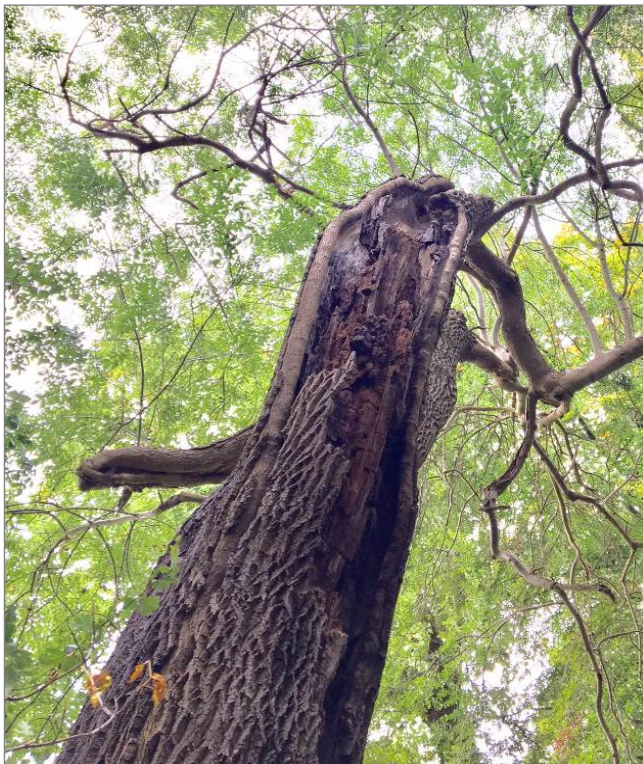


Plate 13 A decaying tree with bat roost potential

Traditional orchards, wood pasture and parkland, upland sessile oak woodland, wet woodland, lowland mixed deciduous woodland and hedgerows are habitats that are of principal importance for conserving biological diversity in Wales. Where these woodlands are managed by the council the primary objective will be to safeguard or increase their biodiversity. Woodland forms an important habitat component in many protected sites across the county including peri-urban areas. A significant amount of the Deeside and Buckley newt sites Special Area of Conservation is woodland that is an important terrestrial habitat for great crested newts. Woodland at Wepre Park is designated a

<sup>45</sup> HMSO, 2016. Environment (Wales) Act 2016

<sup>46</sup> FCC (in press) Flintshire Section 6 Biodiversity Duty Delivery Plan

<sup>47</sup> Wales Government, 2015. The Nature Recovery Plan for Wales 'Setting the course for 2020 and beyond'

<sup>48</sup> Offwell Woodland & Wildlife Trust.[No date] Available at: [http://www.countrysideinfo.co.uk/woodland\\_manage/tree\\_value.htm](http://www.countrysideinfo.co.uk/woodland_manage/tree_value.htm) [Accessed 6<sup>th</sup> September 2017]



Site of Special Scientific Interest for its sessile oak woodland.

To assist with this aim the woodlands designated as Special Areas of Conservation will be managed in accordance with the Core Management Plan for Deeside and Buckley Newt Sites SAC<sup>49</sup>. The council will work in partnership with the statutory body, CNC/NRW, to achieve this aim. Woodlands which are less biodiverse and not designated as protected habitats will be managed to increase species diversity through appropriate management.

In the UK all species of bat and their roosts are protected under European legislation and in particular the lesser horseshoe bat has a stronghold in the county’s woodlands. Proposed pruning or felling affecting trees with holes, cracks, crevices and/or dense ivy will be assessed for their suitability to support bats in accordance with the relevant guidance<sup>50 51</sup>.

**8.1. | Ancient and veteran trees**

Ancient trees are those that have reached a great age when taking into account the typical lifespan of the species. Great Britain is thought to have more ancient trees than any other country in northern Europe<sup>52</sup>.

Veteran trees will usually be some of the oldest (ancient) trees of that species but will exhibit characteristic features such as large boles, cavities, significant dead wood, collapsed branches and retrenched crowns associated with decline. Due to the features that they exhibit veteran trees support a great diversity of fungi and insect species.

Ysgol Bryn Gwalia in Mold has an ancient pedunculate oak growing in the grounds with a trunk girth of 8.30m, the largest known in Flintshire. The oak is the school’s emblem and the most accurate estimate of the tree’s age using White<sup>53</sup> is 774 years. Despite the oak’s great antiquity the tree is remarkably uniform and vigorous and because of this lacks veteran features.



Plate 13. Ancient oak at Ysgol Bryn Gwalia, Mold



Plate 14. Base of ancient oak at Ysgol Bryn Gwalia

<sup>49</sup> Countryside Council Wales. 2008. Core Management Plan for Deeside and Buckley Newt Sites SAC. Available at: [https://www.naturalresources.wales/media/671740/Deeside\\_and\\_Buckley\\_WES32\\_Plan\\_English.pdf](https://www.naturalresources.wales/media/671740/Deeside_and_Buckley_WES32_Plan_English.pdf) [Accessed 6 September 2017]

<sup>50</sup>BCT. 2015. Bats and Trees. Bat Conservation Trust. Available at: <http://www.bats.org.uk> [Accessed 6<sup>th</sup> September 2017]

<sup>51</sup>BSI. [No date]. Micro guide to surveying for bats in trees and woodlands, An introduction to BS8596 for non-specialists. Available at: <http://shop.bsigroup.com/upload/273444/BSI-Bat-Microguide-UK-EN.pdf>. [Accessed 6<sup>th</sup> September 2017]

<sup>52</sup> Ancient Tree Forum, (No Date) Working for the future of our ancient trees. Ancient Tree Forum

<sup>53</sup> White, J. 1998. Estimating the Age of Large and Veteran Trees in Britain. Forestry Commission

The statutory protection that is able to be afforded to veteran trees is limited and the plan would support Welsh Government with introducing legislation that better protects trees that have veteran characteristics. (A Task and Finish Group set up by the Welsh Government has examined weaknesses in the existing legislation).

Within an urban setting, it is important that ancient trees are not cut back or felled as part of over-zealous tree risk management. Trees that exhibit weakness due to veteran characteristics will be carefully risk assessed. The option of moving targets away from a hazardous trees will be assessed before remedial tree works are considered.

## 9.0 | Objective 5 - Work in partnership

It is recognised that the council is unlikely to achieve its canopy cover target without working in partnership with other organisations. The preparation of the plan could not have happened without the studies undertaken by CNC/NRW which has provided benchmark information on urban canopy cover.

Partners for the delivery of the plan will include town and community councils, with other partners potentially including Coed Cadw/Woodland Trust. The Countryside Service has already established good working partnerships and manages woodland at Caergwrlle Castle on behalf of the community council.



Plate 14. Volunteers planting orchard trees at Llwyni on the edge of Connah's Quay

Effective community engagement is usually a requirement for grant funding and can make the difference between a grant bid being successful or unsuccessful.

Community engagement is vital and should be a meaningful process with the community's aspirations and concerns being fed back into the plan. Even if the target canopy cover of 18% is met the plan's vision of an appreciated canopy cover is much less likely to be achieved if it has been at the expense of little or no community engagement.

When scoping schemes of tree planting, council officers will carry out mapping exercises before draft proposals are put forward for community engagement. Following feedback from the community and other stakeholders tree planting schemes will be finalised before implementation.

There are various ways in which community engagement can occur, including surveys, leaflet drops, community events, meetings and workshops. Face to face discussions are often considered to be the most effective way of ensuring meaningful community engagement and therefore officers will arrange to meet groups (e.g. town and community councils, environment groups, access groups) as well as consult elected ward members. There is also scope to have a stall at community events (e.g. Big Dee Day) organised by the Countryside Service. Community engagement will be proportionate to the scale of the proposals.

The Countryside Service has extensive experience of working with volunteers of all ages and backgrounds who carry out a range of activities including tree planting. Public participation empowers the community and fosters pride, resulting in improved maintenance and reduced vandalism.

Several large local and national companies (e.g. Airbus, Kimberly-Clark, Kingspan, McDonalds, Tate & Lyle and Tesco) organise corporate volunteer days to undertake projects of environmental improvement organised by the council. There is an opportunity to further develop the volunteer network and broaden their work to undertake tree planting on land not managed by the Countryside Service.

The plan seeks to be a key document in securing funding from the Welsh Government under the Sustainable Development Fund and other Welsh Government grants that are expected to become available in the future. Occasionally grant funding for tree planting becomes available at short notice and the plan will be able to identify suitable sites that can be planted 'off the shelf' at short notice.



In the past the council has obtained funding from the Forestry Commission to plant community woodlands and was involved in a partnership project in north east Wales called Treeneration that provided Forestry Commission funding to undertake urban tree and woodland planting.

In 2013 the Wales Government provided £35,000 of funding under its Cleaner, Greener and Tranquil Spaces Grant to undertake two tree planting schemes in Flint (front cover) and at Wepre Park. The capital funding for Wepre Park was matched 'in kind' by officers and volunteers planning and implementing the tree planting.

At the time of drafting the plan there is uncertainty over the future of all Wales Government grants. Nevertheless it is apparent that sustainability is one of the main policies the Wales Government is committed and it is anticipated that future capital funding will be made available to meet the plan target, either directly or through the allocation of grants by CNC/NRW.

The Countryside Service has been successful in obtaining sponsorship from Airbus, Kimberley-Clarke and Bourne Leisure to carry out management of its sites. Following publication of the plan the council will seek sponsorship funding. (Capital funding has already been secured for the first three to five years of the plan). Funding from sponsorship will be 'ring fenced' to cover tree planting and establishment costs, making it a more attractive proposition for businesses who may be reluctant to fund general tree works.

Plate 15. Treeneration funded tree planting in Flint



## 10.0 | Resources and delivery

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Capital funding, through planning obligations, has been secured to carry out a programme of tree planting, to meet the plan target and Objective 1, in the first three to five years of the plan. This funding is ring fenced and cannot be used for the ongoing management of the council's existing trees. The resources required to plan, consult and implement planting will be met using existing staff resources.

The various options for additional capital funding have been explored in Chapter 9 and could be met through grants and/or sponsorship. At the time of the plan being in its final draft the Welsh Government has announced funding under the Green Infrastructure Capital Fund for the period 2017-2021.

Ongoing maintenance will be met under the council's existing grounds maintenance budgets. The resource implications of managing young and early mature trees are comparable to managing mown grass, and in the case of woodland are lower. Realignment of the council services has provided efficiencies in the management of the council's trees and the adoption of more efficient grass cutting regimes around planted trees will reduce costs.

Objectives 2 to 5 are policy orientated and do not require capital funding to be achieved although there will be resource implications for officers that will be met using existing staff resources.

A timetable for the delivery of plan tasks and their evaluation is attached as Appendix 1. The timetable includes a mid-plan report in years 7 to 9.

Appendix 1 – Delivery Timetable

Delivery timetable							
No.	Objective	Years					
		1-3	4-6	7-9	10-12	13-14	15
1 to 5	All			Mid-term report. To include a review of plan objectives and progress on meeting target canopy cover			
1	Increase the amount of tree planting	Mapping exercise, ground truthing and consultation for Connah's Quay pilot area	Implement planting in pilot area. Revise land management practices to take into account planting	Evaluate and maintain	Maintain	Monitor	Assess success against target canopy cover in partnership with CNC/NRW
			Mapping exercise, ground truthing and consultation exercise to target Broughton and Saltney with lowest canopy covers	Implement planting. Revise land management practices to take into account planting	Evaluate and maintain	Maintain	Count number, species, nursery stock sizes of trees and area of woodland planting
			Mapping exercise, ground truthing and consultation for OSF, OSI and TC	Implement planting. Revise land management practices to take into account planting	Evaluate and maintain	Maintain	Calculate survival rates
				Evaluate tree potential on other council land	Implement planting. Revise land management practices to take into account planting	Evaluate and maintain	Identify key successes and failures with reasons
		Draft green infrastructure policy for Local Development Plan and guidance					Assess success of policy using target canopy cover and other measures
2	Manage trees sustainably	Promulgate plan information on the council's web pages					Assess success against target canopy cover in partnership with CNC/NRW
		Prepare site specific woodland management plans for woodlands in country parks and partner woodlands	Undertake woodland management				

Delivery timetable						
No.	Objective	Years				
		1-3	4-6	7-9	10-12	13-14
			Draft Local Development Plan policies for trees and landscaping. Carry out an appraisal of a policy that would require the funding of off-site replacement planting where trees are removed for development			
		Expand database of trees on computerised tree management system		Undertake an i-Tree Eco Project based on improved tree database		
		Monitor effectiveness of TPO and Conservation Area decisions in meeting objective				
				Monitor net canopy loss or gain as a result of development and age class diversity		
		Follow planning enforcement protocol for the investigation of alleged TPO and Conservation Area (Trees) offences				
		Monitor spread of ash dieback in the county and consequent risk of meeting plan target				
		Undertake tree plant health Continuous Professional Development				
3 Page 96	Manage the risks associated with trees	Promulgate plan information on the council's web pages				Evaluate using records of inspections
		Maintain cyclical inspections for identified trees and carry out identified tree works				
		Monitor interventions taken in response to dangerous trees legislation				
		Evaluate alternative GIS based tree management systems and consider updating				
		Populate tree management database with new trees in response to new responsibilities and level of tree risk				
4	Promote biodiversity	Identify areas of synergy with Biodiversity Duty Delivery Plan	Undertake joint tasks identified in the plan and Biodiversity Duty Delivery Plan			Evaluate contribution plan has had in reaching Biodiversity Duty Delivery Plan
			Where led by the Welsh Government progress legislation for the better protection of veteran trees			
5	Work in partnership	Encourage and develop community engagement in tandem with other plan objectives				Evaluate community engagement, partnerships, sponsorship and grant funding
		Explore and develop sponsorship opportunities with businesses				
		Monitor grant funding streams for eligible grants				

**Key**

OSF –Open Space Formal

OSF –Formal Open Space

TC –Transport corridors

CNC/NRW - Cyfoeth Naturiol Cymru/Natural Resources Wales



## Appendix 2 – Factors affecting urban canopy cover

Factors affecting canopy cover	
Increasing	Decreasing
Tree planting and aftercare	Tree felling especially large canopied trees
Natural regeneration	Lack of replacement planting
Green infrastructure in new developments	Loss of trees due to development
Availability of grant funding to support planting	Undervaluing trees as a capital asset
Availability of a plan to direct resources	Weak policies and protection for trees
Strong and effective legislative framework for trees	Pests and Diseases (e.g. Ash Dieback, Dutch Elm Disease)
Protected species and habitats legislation	Overzealous tree risk management
Effective partnership working	Fragmented working

## Appendix 3 – Pests and disease threats

### Ash dieback

Ash dieback (*Hymenoscyphus fraxineus*) has spread from the west of England to Flintshire and is a serious threat to the county's native common ashes (*Fraxinus excelsior*) which predominate on the calcareous limestone soils and makes up nearly 15% of all the UK broadleaved woodland. Within Flintshire's urban areas common ash is one of the most frequent tree species.

Young trees are particularly susceptible to the disease and soon die whilst mature trees are affected to varying degrees and may decline over a period of years.

At the time of drafting the plan it is unclear what long term effect ash dieback will have on canopy cover, in the worst case scenario the disease could prevent the target canopy cover from being reached. Restrictions have also been placed prohibiting the supply of ashes for planting. This means that a valuable and very common native species of tree cannot be planted in urban areas.

### Acute Oak Decline

This is an emergent threat to oak affecting both of Britain's native oak species, pedunculate oak (*Quercus robur*) and sessile oak (*Q. petraea*), as well as other species of oak.

### Dutch Elm Disease

The 1970s outbreak was caused by a new and far more aggressive fungus (*Ophiostoma Novo-ulmi*) that was imported into Britain on infected elm logs and spread by the elm bark beetle. Within a decade about 20 million elms out of an estimated UK elm population of 30 million were dead. A once robust and very common mature tree has been almost wiped out. Only several fully mature elms are known to be surviving in the county. Dutch elm disease remains endemic in Flintshire preventing recovery of the species.

### Horse Chestnut Leaf Miner

This exotic insect pest has become established in the county gradually spreading across England from Wimbledon where it was first reported in 2002. The larvae of the moth feed inside the leaves of horse chestnuts turning them brown as though the tree is dying and disfiguring the tree's appearance. The horse chestnut (*Aesculus hippocastanum*) or conker tree is a frequent large tree of parks and gardens that is valued for its flowering and fruit. Fortunately, the pest is not fatal to the tree and can be controlled by collecting fallen leaves in the autumn and composting them. This kills overwintering pupae, which would normally re-infect the tree the following year.

### Horse Chestnut Bleeding Canker

This is a disease that results in dead lesions on the bark of horse chestnuts is caused by a bacterium. It is disfiguring, affects young trees and can be fatal. The prevalence of horse chestnut leaf miner and bleeding canker in Flintshire means that horse chestnuts are unsuitable for planting until resistant varieties become available.

### Phytophthora alni

The disease was discovered in Britain in 1993 and affects the native common alder (*Alnus glutinosa*) that is a very common tree along the Alyn and Wheeler rivers as well as narrower watercourses such as the Swinchiard Brook in Flint and Wepre Brook in Connah's Quay. The disease initially causes dieback in the crown following infection of the trunk. The effect of the disease can be variable, even amongst trees growing adjacent to each other. In many cases the disease is fatal.

### Phytophthora lateralis

The disease *P. lateralis* was first detected in the UK in 2010 and is known to have spread to Wales. The aggressive fungus-like pathogen mainly affects Lawson cypresses which along with Leyland cypresses are the commonest types of conifers found growing in urban areas in hedges or individual trees. Infected trees are usually killed.

### Emerald Ash Borer

This beetle is not currently present in the UK but is spreading across western Russia and has caused millions of ashes to die in North America. The emerald ash borer could have a devastating effect on Flintshire's ashes, comparable to the loss of mature elms by Dutch elm disease. The threat is so severe that the Forestry Commission has published contingency plan to deal with any outbreak, with the hope of eradicating the pest before it becomes established.

### Asian Longhorn Beetle

An exotic beetle (*Anoplophora glabripennis*) native to China and the Korean peninsula that poses a very serious threat to a wide range of broadleaved trees if inadvertently introduced to the UK. Control measures have been put in place at UK ports to prevent the beetle from becoming established and so far outbreaks that have occurred have been successfully controlled by plant health officers.

### Dothistroma Needle Blight

This disease caused by the fungus *Dothistroma septosporum* causes defoliation of the native Scot's pine and other pines. The disease can be fatal but more often reduces incremental growth affecting yields in commercial pine plantations. Plant health experts are monitoring the disease's spread and impact. It is not known to be present in Flintshire but has been confirmed on Forestry Commission land in Cheshire.

### Massaria Disease

A disease affecting plane trees caused by the fungus *Splanchnonema platani* that causes dead lesions on the upper surfaces of branches making them prone to breaking off and falling. Present in London since at least 2009 but not known to be in Flintshire.

### Phytophthora ramorum

Present in North Wales and the reason for large scale tree felling in larch woodlands but not known to be in Flintshire. The fungus-like pathogen causes shoots on larches to wilt and die, progressing to eventually kill the whole tree. The disease has the capacity to kill many other tree and shrub species.

Further information about the above pests and diseases and their current statuses can be found on the Forestry Commission's website. These emergent pests and disease need to be considered alongside other established pests and diseases affecting tree health. These include mammal damage (e.g. grey squirrel) and the root decay fungi (e.g. *Armillaria* spp. and *Meripilus giganteus*).

## Appendix 4 - Planning enforcement protocol for trees covered by a Tree Preservation Order or subject to Conservation Area restrictions

This enforcement protocol has been drafted to ensure that the investigation of alleged offences under Sections 210 and 211 of the Town and Country Planning Act 1990 are carried out in accordance with the evidential requirements necessary for a criminal court.

1. Officers will conduct the investigation of alleged offences under Section 210 and 211 of the Town and Country Planning Act 1990 in a fair, consistent and accountable manner. The investigation of alleged offences will be prioritised according to the seriousness of the reported offence, particularly the effect on amenity resulting from the unauthorised tree work and whether prompt intervention by officers will assist with limiting the offence and harm caused.
2. A person reporting an alleged offence will be asked to give their name, address and telephone number. Anonymous complaints will only be investigated where sufficient details have been provided to enable effective investigation. In the event that an alleged offence is deemed to have been committed and has resulted in significant harm to amenity, the person reporting the offence may be requested to provide a written witness statement. To meet evidential requirements all written witness statements will comply with the current legal requirements and subject to the witness' consent may be used as evidence in legal proceedings.
3. A person reporting an alleged offence will be kept informed of the council's investigation without prejudicing the investigation and/or any future legal proceedings, should they arise.
4. Council officers duly authorised by the LPA have the power to enter land for the purpose of ascertaining whether an offence has been committed on the land<sup>1</sup> and will exercise this power where it is considered expedient to the investigation. If entry onto land is obstructed council officers may seek assistance from the police.
5. Site visits will be undertaken at a reasonable hour and involve recording details of the alleged offence and typically require making contemporaneous notes, drawing a sketch plan and taking photographs. Where appropriate to an investigation officers may take samples such as severed roots for examination<sup>2</sup>. The owner/occupier or other person duly authorised by them may accompany council officers during their site visit however they must not interfere with the investigation.
6. When investigating alleged offences council officers will be required to pursue all reasonable lines of enquiry. This may include questioning, in accordance with legal requirements, any person on the land who appears to be responsible or associated with the alleged offence in any way. If the owner or occupier of the land, where the alleged offence has occurred, is not present they will be contacted at the first opportunity during the investigation and questioned in accordance with legal requirements. A director, manager or secretary of a company will be implicated where it is suspected that an offence has occurred due to their actions, omissions or neglect.
7. Council officers will engage with persons suspected of committing an offence in a constructive and reasonable manner without prejudicing the investigation. As there is the potential for a criminal prosecution arising from an investigation, although this is never pre-determined, officers will have regard to applicable legal requirements which at the time of writing is the code of practice contained in the Police and Criminal Evidence Act 1984 (PACE) as amended. Therefore, if

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<sup>1</sup> Section 214B Town and Country Planning Act 1990

<sup>2</sup> Section 214, Town and Country Planning Act 1990

there are reasonable grounds to suspect that a person has caused or permitted an offence to occur and which has resulted in significant harm to amenity, they will be cautioned in accordance with applicable legal requirements (such as PACE) before being questioned.

8. Under PACE a person suspected of having committed an offence is required to give their name, address and date of birth. Before being cautioned by a council officer or any other person duly authorised, the person will be given the reason(s) why they are suspected of having committed an offence and be advised that they have a right to legal representation, are not under arrest and are free to go at any time.
9. Interviews under PACE will be recorded using contemporaneous handwritten notes and once completed the person interviewed will be asked to date and sign the officer's interview notes. A photocopy of the written PACE interview notes will be provided if requested. Longer PACE interviews will not normally be recorded using handwritten notes and instead will be tape recorded in the council's offices in accordance with PACE<sup>3</sup>. There is no free entitlement to legal representation under the 'duty solicitor' scheme for persons interviewed under caution by council officers.
10. The purpose of the PACE interview is to ensure that an accurate record of the questions asked and the replies given is obtained. Where a person is interviewed in accordance with PACE requirements the alleged offence will be sufficiently serious to require formal investigation however there will be no presumption that a prosecution will be ultimately brought. Similarly, there will be no presumption in favour of prosecution where a witness statement has been obtained.
11. Gathering contemporaneous evidence, statements and interviews under caution will enable council officers to assess the circumstances of the alleged offence and make an informed judgement about whether or not to prosecute. In deciding, the council will carefully assess the evidence to determine whether or not there is a realistic prospect of conviction in court. Where it is concluded that there is a realistic prospect of conviction the council will then consider whether it is in the public interest to prosecute.
12. In determining whether or not it is in the public interest to prosecute, the council will give considerable but not exclusive weight to the harm caused to amenity as a result of the alleged offence. The harm to the amenity of the area will, where relevant, take into account whether good arboricultural (or silvicultural) practice has been followed and whether the harm can be remedied in the short term by new growth, or corrective pruning that the owner may be willing to undertake.
13. Where appropriate council officers will use tree valuation or landscape assessment methods to objectively assess the harm to amenity. In addition records of inspections, site photographs, aerial photographs and where available Google Streetview™ images will be used.
14. The council may consider an alternative sanction to prosecution including but not exclusively a council caution or written warning. Where an alternative sanction is deemed appropriate and used, the council reserves the right to refer to them as evidence in the event of any future legal proceedings.
15. To prosecute for an alleged offence under Section 210 or 211 of the Town and Country Planning Act 1990 takes a significant amount of officer time. Therefore officers investigating alleged offences will keep records of the time spent on each case so that a claim for costs can be made to a court following conviction for an offence.

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<sup>3</sup> Police and Criminal Evidence Act 1984 67(7B) CODE E Revised Code of Practice on Audio Recording Interviews with Suspects (HMSO 2016)

16. Irrespective of any criminal prosecution for every tree felled or otherwise destroyed in contravention of the legislation there is a duty on the landowner to replant<sup>4</sup>. The requirement to plant a replacement tree will be considered alongside any criminal prosecution. Where the landowner has not complied with the duty to replant and it is considered expedient to require replacement planting the council will serve a Tree Replacement Notice. Where a landowner does not comply with a Tree Replacement Notice and it remains necessary to provide replacement amenity the council will carry out the planting as permitted under the legislation.

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<sup>4</sup> Section 206, 207 & 213, Town and Country Planning Act 1990



## ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

<b>Date of Meeting</b>	Tuesday 16 January 2018
<b>Report Subject</b>	Forward Work Programme
<b>Cabinet Member</b>	Not applicable
<b>Report Author</b>	Environment Overview & Scrutiny Facilitator
<b>Type of Report</b>	Operational

### EXECUTIVE SUMMARY

Overview & Scrutiny presents a unique opportunity for Members to determine the Forward Work programme of the Committee of which they are Members. By reviewing and prioritising the Forward Work Programme Members are able to ensure it is Member-led and includes the right issues. A copy of the Forward Work Programme is attached at Appendix 1 for Members' consideration which has been updated following the last meeting.

The Committee is asked to consider, and amend where necessary, the Forward Work Programme for the Environment Overview & Scrutiny Committee.

### RECOMMENDATION

1	That the Committee considers the draft Forward Work Programme and approve/amend as necessary.
2	That the Facilitator, in consultation with the Chair and Vice-Chair of the Committee be authorised to vary the Forward Work Programme between meetings, as the need arises.

## REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE FORWARD WORK PROGRAMME</b>
1.01	Items feed into a Committee's Forward Work Programme from a number of sources. Members can suggest topics for review by Overview & Scrutiny Committees, members of the public can suggest topics, items can be referred by the Cabinet for consultation purposes, or by County Council or Chief Officers. Other possible items are identified from the Cabinet Work Programme and the Improvement Plan.
1.02	<p>In identifying topics for future consideration, it is useful for a 'test of significance' to be applied. This can be achieved by asking a range of questions as follows:</p> <ol style="list-style-type: none"><li>1. Will the review contribute to the Council's priorities and/or objectives?</li><li>2. Is it an area of major change or risk?</li><li>3. Are there issues of concern in performance?</li><li>4. Is there new Government guidance of legislation?</li><li>5. Is it prompted by the work carried out by Regulators/Internal Audit?</li></ol>
<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None as a result of this report.
<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Publication of this report constitutes consultation.
<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None as a result of this report.
<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Draft Forward Work Programme
<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>None.</p> <p><b>Contact Officer:</b> Margaret Parry-Jones Overview &amp; Scrutiny Facilitator</p> <p><b>Telephone:</b> 01352 702427</p> <p><b>E-mail:</b> <a href="mailto:margaret.parry-jones@flintshire.gov.uk">margaret.parry-jones@flintshire.gov.uk</a></p>



7.00	<b>GLOSSARY OF TERMS</b>
7.01	<b>Improvement Plan:</b> the document which sets out the annual priorities of the Council. It is a requirement of the Local Government (Wales) Measure 2009 to set Improvement Objectives and publish an Improvement Plan.

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ENVIRONMENT OVERVIEW & SCRUTINY FORWARD WORK PROGRAMME

**Draft Forward Work Programme**

<b>Date of Meeting</b>	<b>Subject</b>	<b>Purpose of Report/Presentation</b>	<b>Scrutiny Focus</b>	<b>Responsible/Contact Officer</b>	<b>Submission Deadline</b>
<b>Tuesday 13<sup>th</sup> March 2018</b> <b>10.00 am</b>	Q3 Council Plan Monitoring	To enable members to fulfil their scrutiny role in relation to performance monitoring.	Performance Monitoring/ Assurance	Facilitator	
	Review of Highway and Car Park Safety Inspection and Intervention Level and Response to Policy	To review the policy in line with the revised national guidelines.	Policy Review	Barry Wilkinson	
	North East Wales Bus Strategy  <b>Fly Tipping on Public and Private land (development session prior to meeting)</b>	To seek a recommendation to Cabinet to approve the North East Wales Bus Strategy	Options Appraisal	Chief Officer Streetscene and Transportation	
<b>Tuesday 17<sup>th</sup> April 2018</b> <b>10.00 am at Greenfield Valley (tbc)</b>	Greenfield Valley Museum Heritage Park visit and presentation	To receive an update on the developments at Greenfield Valley Heritage Park.	Assurance	Chief Officer Planning and Environment	
<b>Tuesday 12<sup>th</sup> June 2018</b> <b>10.00 am</b>	Year-end Reporting & Council Plan Monitoring	To enable members to fulfil their scrutiny role in relation to performance monitoring.	Performance Monitoring/ Assurance	Facilitator	

# ENVIRONMENT OVERVIEW & SCRUTINY FORWARD WORK PROGRAMME

## Items to be scheduled

<b>Subject</b>
<b>North Wales Metro System</b>
<b>Enforcement and Environmental Care</b>
<b>Contact Centres review</b>
<b>National Resources Wales</b>
<b>Decriminalised Parking Since 2013</b>
<b>Flintshire Bridge Converter Station (site visit?)</b>

Site visit to Parc Adfer – date in February to be confirmed (response awaited from Steffan Owen)