

## TREE PLANTING FEES AND CHARGES

<b>Head of Service:</b>	Justin Turvey, Interim Head of Place Development
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	None

### Summary

The Council's Tree Management Plan ("Plan") was approved by this committee at its meeting on 21 March 2023. Tree planting on Council owned land including memorial trees forms part of the Plan and a link is provided for those interested in requesting tree planting. The Plan recognised that there would need to be an application cost and a tree planting cost passed onto the applicant. This report seeks to set out Council Policy on determining applications for tree planting and the associated fees and charges.

### Recommendation (s)

#### The Committee is asked to:

- (1) Agree and adopt the policy for determining single memorial tree planting applications to be implemented by the Council.**
- (2) Agree and adopt the policy for determining third party tree planting applications/requests.**
- (3) Agree the fees and charges for 2023/24 and 2024/25 as set out at paragraphs 1.12 and 1.23.**
- (4) Delegate authority to determine application/requests for tree planting to the Director for Housing, Environment and Regeneration in accordance with the Policy.**
- (5) Agree that the Policy at (1) and (2) above be finalised in consultation with the Chair and Vice Chair of the Environment Committee.**

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### 1 Reason for Recommendation

1.1 To set a clear Policy for determining proposals made to the Council for tree planting on Council owned land and to set the fees and charges associated, to facilitate the effective implementation of the Tree Management Plan.

#### 1.2 Background

1.3 The Council's Tree Management Plan ("Plan") was approved by this committee at its meeting on 21 March 2023. Tree planting on Council owned land including memorial trees forms part of the Plan and a link is provided for those interested in requesting tree planting. However, the Council has not got a policy for which to assess proposals against. This report therefore sets out a proposed policy.

1.4 Full Council will meet to agree the budget, including estimates of income and expenditure, in February 2024. To enable the budget to be finalised, policy committees are asked to recommend fees and charges covering the services for which they are responsible. Tree Planting fees and charges have not been set before and therefore following the adoption of the Tree Management Plan, it is important to introduce the relevant fees.

1.5 The fees and charges presented in this report are discretionary charges only. For discretionary charges, there is scope to generate additional income, to reduce any subsidy of the service or to contribute to an improved budget position.

#### 1.6 **Single Memorial Tree planting requests on Council owned land to be delivered by the Council on behalf of the applicant.**

1.7 An application for a single memorial tree can be made in line with the Tree Management Plan.

1.8 Planting will take place on a council owned site selected by the Council which will conform to its plans for planting and ongoing maintenance. The Council will select the species of tree to be planted.

1.9 Ad hoc single tree planting will be avoided as this has on-going maintenance costs for the Council to nurture new planting on an on-going basis at multiple sites across the borough, until they are established.

1.10 The Council will look after the tree on an ongoing basis. However, the Council cannot protect all trees from damage from natural causes, disease, or anti-social behaviour. Should a memorial tree be damaged the Council is not in a position to replace the tree free of charge.

1.11 As part of these proposals no scattering of ashes, benches or plaques will be permitted.

1.12 The proposed fees and charges for 2023/24 and 24/25 are set out below:

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Type of request	Action	Proposed Fee
Single Memorial Tree – Council to plant	Admin fee	£50
	Planting fee (if site selected is agreed)	£500

- 1.13 The admin fee covers the cost of officer time to receive and review the application and process payment. Bespoke requests for tree planting at ad hoc council owned sites not in conformity with the tree management plan will be declined.
- 1.14 The Council will offer the applicant a memorial tree on a selected site, if agreed, a planting fee will be requested. No planting will take place until the fee is received.
- 1.15 Planting will take place only during the tree planting season (November – March).
- 1.16 The planting fee covers the cost of sourcing the tree, planting it and on-going maintenance.
- 1.17 **Tree planting requests on Council owned land to be delivered by a third party.**
- 1.18 The Council receives tree planting requests by third parties to plant trees on Council owned land. Although the Council has its own plans for trees on its own land, we may at times accept offers from third parties to carry out tree planting with consent and instructions. The policy and process are set out below.
- 1.19 An application must be submitted containing the below information:
1. The proposed site location identified on an OS base map and appropriate photographs.
  2. The reasons for the site selected.
  3. Details of the proposed tree planting, number, and species
  4. Arrangements for the on-going maintenance
  5. A copy of the applicant's Public Liability Insurance
  6. Details of the planting including proposed date, number of volunteers, health, and safety, completed risk assessment.

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7. The required admin fee.

1.20 The application will be assessed against the following criteria.

- a) Is this an acceptable location for the tree planting proposed? (*e.g., Service check, likely success rate of the trees in this location, compatibility with and/or impacts on purpose of the wider site*)
- b) Are the proposed tree species appropriate?
- c) Are the proposed number of trees appropriate for the proposed location?
- d) Are there any operational reasons as to why the proposal should not take place?

1.21 The Council will inform the applicant of the outcome of the application within 28 days of the application being acknowledged as valid. Should consultee feedback raise concerns an application may be refused.

1.22 If an application is successful:

- a tree planting fee will be required before planting can take place.
- a date for planting will need to be agreed with the Council.

1.23 The proposed fees and charges for 2023/24 and 24/25 are set out below.

Type of request	Action	Proposed Fee
<b>Third party Tree planting</b>	Admin fee	£150
	Planting fee	£350

1.24 The admin fee covers the cost of officer time to receive and review the application, process payment, undertake a site visit and carry out a service check.

1.25 The planting fee covers the cost of a Council officer being on site to supervise the tree planting and check its compliance with the original proposal.

1.26 As part of these proposals no scattering of ashes, benches or plaques will be permitted.

1.27 Where an application is recommended to be refused by the Head of Place Development, there will be an internal review process by the Director for Environment, Housing and Regeneration.

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1.28 The third party must comply with the following:

- perform the tree planting with the highest level of care, skill, and diligence in accordance with best practice in the industry.
- co-operate with the Council in all matters relating to the proposal and comply with all instructions of the Council.
- only use personnel who are suitably skilled and experienced to perform the tasks assigned to them, and in sufficient number to ensure that the obligations are fulfilled.
- ensure that it obtains, and maintains all consents, licences, and permissions (statutory, regulatory, contractual or otherwise) it may require, and which are necessary to enable it to comply with its obligations.
- provide all equipment, tools, vehicles, and other items required to undertake the tree planting.
- observe all health and safety rules and regulations and any other reasonable security requirements.
- provide maintenance for five years following the planting of a scheme including watering, formative pruning, labour, top up mulch.

### **1.29 The Council's Obligations**

1.30 The Council will provide continuing maintenance for the scheme following the first five years in accordance with the rest of the Council's estate management, this will not include any obligation on the Council to replace planting as a result of damage or loss for whatsoever reason.

## **2 Risk Assessment**

Legal or other duties

2.1 Equality Impact Assessment

2.1.1 None arising from this report.

2.2 Crime & Disorder

2.2.1 There are no implications in terms of crime and disorder. However, some sites are prone to anti-social behaviour and therefore puts young trees at risk of damage. Where the Council considers this to be high risk, as mitigation it is likely not to permit further tree planting.

2.3 Safeguarding

2.3.1 None arising from this report.

2.4 Dependencies

2.4.1 None arising from this report.

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### 2.5 Other

2.5.1 None arising from this report.

## 3 Financial Implications

3.1 Planting, establishing, and maintaining trees can have significant financial implications. The Council is supportive of additional tree planting but requests from third parties do have resource implications for the Council. The proposed fees and charges are intended to cover the costs to administer the applications received and cover the cost of any requested tree planting.

3.2 **Section 151 Officer's comments:** Financial implications are set in the body of the report.

## 4 Legal Implications

4.1 **Legal Officer's comments:** If third parties are permitted to plant and maintain trees on council land, absent a legal agreement with the applicant that settles the terms upon which consent is permitted, the Council may be required to take legal action against an individual who makes the application on behalf of the applicant in order to enforce the terms of such consent and to ensure that maintenance is upheld by the applicant. The Council could consider the use of a legal agreement to avoid this risk but it would require legal support which will increase the costs to the applicant alongside a willing applicant to review and sign up to it.

4.2 If it is decided that it would be expedient not to require a legal agreement to be entered into with the council, it shall be important to ensure that written records of any consent and the terms upon which consent is given are recorded in writing and retained for so long as the agreement is due to last.

4.3 If the applicant were to ever fail to keep to the agreed terms, this will incur both operational and legal costs that the department responsible for overseeing this Scheme will need to account for; that is likely to lead to a future report to this Committee to seek a budget to cover such maintenance and enforcement costs as and when required.

## 5 Policies, Plans & Partnerships

5.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Green & Vibrant and supports delivery of the Annual Plan.

5.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

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5.3 **Climate & Environmental Impact of recommendations:** The Plan supports objectives in the Biodiversity Action Plan and Climate Change Action Plan, maintaining and enhancing biodiversity and contributing to increased carbon sequestration and meeting the Council climate change targets.

5.4 **Sustainability Policy & Community Safety Implications:** No specific implications

5.5 **Partnerships:** None

## 6 Background papers

6.1 The documents referred to in compiling this report are as follows:

### Previous reports:

- [Tree Management Plan – Environment and Safe Communities Committee, 21 March 2023](#)

### Other Papers:

- None