



The 2017 Tree Charter: A response from the Legal Sustainability Alliance

In 2017 more than 70 organisations from across the UK, including the Legal Sustainability Alliance (LSA), came together to call for a better relationship between trees and people with the creation of the new Charter for Trees, Woods and People. This briefing introduces the Ten Principles of the new Charter, offers where relevant some legal context and also suggests practical ways in which law firms can adopt the Charter Principles going forward.

The Tree Charter, officially launched by The Woodland Trust on 6 November 2017 marks the 800th Anniversary of the signing of the original Charter of the Forest in 1217. Both the LSA and The Woodland Trust believe the Tree Charter provides a unique opportunity to revitalise our appreciation of trees and their place in our landscape, culture and social environment and we encourage all LSA members to take a proactive approach to supporting the Tree Charter Principles.

About the LSA

The LSA is an inclusive movement of law firms and related organisations committed to working collaboratively to take action to improve the environmental sustainability of their operations and activities. Founded in 2007 by a group of leading law firms to take positive action on climate change by measuring, reducing and reporting on their carbon footprint.

The LSA is hosted by Achill Management, The Exchange, Somerset House, The Strand, London WC2R 1LA



The Tree Charter Ten Principles

- 1 Sustain landscapes rich in wildlife:** Urban and rural landscapes should have a rich diversity of trees, hedges and woods to provide homes, food and safe routes for our native wildlife. We want to make sure future generations can enjoy the animals, birds, insects, plants and fungi that depend upon diverse habitats.
- 2 Plant for the future:** As the population of the UK expands, we need more forests, woods, street trees, hedges and individual trees across the landscape. We want all planting to be environmentally and economically sustainable with the future needs of local people and wildlife in mind. We need to use more timber in construction to build better quality homes faster and with a lower carbon footprint:
- 3 Celebrate the power of trees to inspire:** Trees, woods and forests have shaped who we are. They are woven into our art, literature, folklore, place names and traditions. It's our responsibility to preserve and nurture this rich heritage for future generations.
- 4 Grow forests of opportunity and innovation:** We want forestry in the UK to be more visible, understood and supported so that it can achieve its huge potential and provide jobs, forest products, environmental benefits and economic opportunities for all.
- 5 Protect irreplaceable trees and woods:** Ancient woodland covers just 2% of the UK and there are currently more than 700 individual woods under threat from planning applications because sufficient protection is not in place. We want stronger legal protection for trees and woods that have special cultural, scientific or historic significance to prevent the loss of precious and irreplaceable ecosystems and living monuments.
- 6 Plan greener local landscapes:** We want new residential areas and developments to be balanced with green infrastructure, making space for trees. Planning regulations should support the inclusion of trees as natural solutions to drainage, cooling, air quality and water purification. Long term management should also be considered from the beginning to allow trees to mature safely in urban spaces.
- 7 Recover health, hope and wellbeing with the help of trees:** Having trees nearby leads to improved childhood fitness, and evidence shows that people living in areas with high levels of greenery are 40% less likely to be overweight or obese. We believe that spending time among trees should be promoted as an essential part of a healthy physical and mental lifestyle and a key element of healthcare delivery.
- 8 Make trees accessible to all:** Everyone should have access to trees irrespective of age, economic status, ethnicity or disability. Communities can be brought together in enjoying, celebrating and caring for the trees and woods in their neighbourhoods. Schoolchildren should be introduced to trees for learning, play and future careers.
- 9 Combat the threats to our habitats:** Good management of our woods and trees is essential to ensure healthy habitats and economic sustainability. We believe that more woods should be better managed and woodland plans should aim for long-term sustainability and be based upon evidence of threats and the latest projections of climate change. On-going research into the causes of threats and solutions should be better promoted.
- 10 Strengthen our landscapes with trees:** Trees and woods capture carbon, lower flood risk, and supply us with timber, clean air, clean water, shade, shelter, recreation opportunities and homes for wildlife. We believe that the government must adopt policies and encourage new markets, which reflect the value of these ecosystem services instead of taking them for granted.



Background briefing on the Ten Principles

1 Sustain landscapes rich in wildlife

The importance of biodiversity is often underplayed in discourse surrounding the environment. Many see the expansion of biodiversity and economic growth as mutually exclusive and believe that the former should take precedent.

Key legislation of relevance and interest includes:

The Natural Environment and Rural Communities Act 2006 under part 3, section 40, (1), requires that

“[The] public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

Under section 41, it is at the discretion of the Secretary of State to publish a list of organisms and habitats that they believe are of principal importance to conserving biodiversity, in conjunction with Natural England. Following from this, the Secretary of State must themselves, or promote to a third party, the undertaking of action to achieve this biodiversity. More broadly speaking, the legislation highlights the requirement to consider the United Nations Environmental Programme Convention on Biological Diversity of 1992.

The National Planning Policy Framework specifically highlights the importance of sustainable development, considering biodiversity within the context of the new developments. Some habitats and species are protected under the Habitats Directive through the Conservation of Habitats and Species Regulations 2010 in England as well as the Birds Directive, through the Conservation of Habitats and Species Regulations 2010, and the Wildlife and Countryside Act 1981.

2 Plant for the future

Under the Environmental Impact Assessment Regulation, in 2011 in England and 2016 in Wales, an environmental statement must accompany any application for planning. However, in looking at the specifics of such regulation, it becomes clear that as long as the project is not likely to have a ‘major environmental impact’ such as crude oil refineries and power stations, they are often exempt from such requirements.

The ‘Housing White Paper’, published by the government on the 7th February 2017 states that the government will be ‘encouraging the development of housing that meets the need of our future population’

3 Celebrating the power of trees to inspire

To mark the 800th Anniversary of the Charter of the Forest the LSA commissioned an anthology of new poetry on the theme of poems for Trees, Woods and People. ‘The Tree Line’ is available from [Worple Press](#) or bookshops across the UK.

4 Grow forests of opportunity and innovation

The Forestry Commission, both in England and Scotland (as this is a devolved matter), has the responsibility of reporting to the appropriate minister on relevant matters, advising both policy and implementation of policy. The responsibilities and powers are primarily derived from the Forestry Act of 1967 and the Plant Health Act, though other acts such as the Forestry Commission Byelaws of 1982 also apply. From this, the commission has the power to prevent loss of tree cover, protect trees from pests and disease and seek prosecution through regular courts.

5 Protect irreplaceable trees and woods

It is estimated that in the UK approximately one third of all woodland area is publicly owned, the majority of which is managed by the Forestry Commission. The Ancient Monuments and Archaeological Areas Act 1979 in Great Britain (along with the Historic Monuments and Archaeological Objects Order 1995 in Northern Ireland) provides a legal basis for protecting historic environmental heritage in the UK, statutorily protecting important archaeological sites as Scheduled Monuments.



Criterion 6.1 sub-section D of the ‘Guidelines for Forest Management Planning’, a pan-European resolution that remains fundamental to the scope and remit of the UK Forestry Standard, states that “Sites with recognised specific historical, cultural or spiritual significance should be protected or managed in a way that takes due regard of the significance of the site’

6 Plan greener local landscapes

To tackle both the housing and environmental crises that face our country, we need to fundamentally rethink our approach to new property developments. In July 2015 the Woodland Trust published practical guidance called ‘Residential development and Trees’ outlining how trees can be integrated into the LTN1/08 design process – practical guidance which could help in advising on the economic and environmental benefits of integrating trees into urban design.

7 Recover health, hope and wellbeing with the help of trees

London iTree urban forest survey (December 2015) demonstrates that London’s trees remove 2,241 tonnes of air pollution per year, with an estimated value of £126.1 million through reducing social damage such as human disease. Along with the role played in carbon sequestration, stormwater runoff, energy efficiency and air pollution removal, the survey also highlights that urban trees can improve recovery time from illnesses, reduce stress and combat mental illness.

8 Make trees accessible to all

In the UK Forestry Standard it is stated that consideration should be given to involving people in the development of forestry proposals who have a ‘recognisable interest in the proposal or its outcomes’, along with due consideration to woodland-based enterprises and economic activities.

In December 2015 the Government, in partnership with the Woodland Trust, launched a scheme for 7,000 state funded schools with resources to plant up to 45,000 British trees as part of their wider initiative to plant 11 million trees by 2020.

9 Combat the threats to our habitats

Forestry is an important part of the rural economy, directly employing 42,000 people in a wide range of roles and contributing almost £2bn a year to the UK economy. The UK’s softwood (conifer) timber processing industry is efficient and globally competitive.

Under the Timber Procurement Policy, all central government departments, their executive agencies, executive non-departmental public bodies, non-ministerial government departments in England and their suppliers must comply with the Timber Procurement Policy (TPP). The policy states that the specified public sector procurers must buy all timber and wood-derived products from independently verifiable legal and sustainable sources, including Forest Law Enforcement, Governance and Trade (FLEGT) licenses, for use on the government estate.

10 Strengthening our landscapes with trees

The UK is one of the least wooded countries in Europe. 13% of UK land is woodland compared to an average of 37% in Europe. As a result, the UK is the world’s third largest importer of wood products next to China and Japan. There is a big opportunity to increase the area of woodland, a low-carbon route to increasing the resilience of the rural economy and delivering increased environmental benefits.



Some Practical Steps

Ten steps to celebrate and support the principles of the new Tree Charter:

- 1 Sign the Tree Charter.** This first step is free and simple. Simply go onto the website, treecharter.uk, and enter your details. You can advertise to your staff and customers that you support the charter and aim to be guided by the principles by including the Tree Charter Mark on your website and communications. Email treecharter@woodlandtrust.org.uk to request the artwork and permission.
- 2 Reduce unnecessary consumption of paper.** Many LSA members have already made the transition to digital working, as well as implementing measures such as double-sided printing and reducing paper use. We encourage all our members to adopt these simple measures to save money and the trees
- 3 Ensure sustainable supply chains.** We encourage all our members to ensure that their entire supply chain is sustainably sourced, in every aspect of the business
- 4 Place the concept of 'green architecture' on the government's agenda.** With much of the charter focusing on sustainable timber policy, there is an opportunity for us all to lobby in order to put pressure on the government and built environment professionals to adopt more environmentally friendly construction projects
- 5 Campaign for appropriate environmental regulation to encourage sustainable development following the exit from the European Union.** One of the areas of environmental regulation where the UK is likely to have freedom of action following Brexit is that relating to habitats and conservation. Action should be taken to ensure that any new regulation promotes environmental sustainability with specific relevance to trees and woodlands
- 6 Inform clients in accordance with the spirit and letter of the Tree Charter.** We would advise all our members to familiarise themselves with the Charter and take the opportunity to include it, where relevant, when advising clients on related issues
- 7 Advocate for stronger protection of trees.** We believe that lawyers can not only put the government under pressure to introduce measures to protect trees but can also inform the nation of their vital importance
- 8 Ensuring social justice around access to trees and woods.** There are opportunities to provide pro bono support for individuals or organisations seeking to protect trees or areas of woodland under threat of destruction
- 9 Incorporate the protection of trees into your organisation's CSR programme.** Incorporating the Tree Charter into your organisation's environment or CSR programme is a simple, yet effective way to raise awareness
- 10 Spread the word!** We believe that everyone should know about and sign the Tree Charter, and we also believe that adherence to the Charter by LSA members would set a good example for others