



Response to Joint Mitigation Protocol (JMP) Consultation

30th July 2025

ADEPT

The Association of Directors of Environment, Economy, Planning & Transport (ADEPT) is the voice of place directors who are responsible for providing day to day services including local highways, recycling, waste and planning, whilst preparing for the longer term.

ADEPT is a membership based, voluntary organisation with members across England. We bring together directors from county, unitary, metropolitan and combined authorities, along with sub-national transport bodies and corporate partners drawn from key service sectors.

ADEPT members develop long term strategies, investment and infrastructure needed to make their places resilient, sustainable, inclusive and prosperous. They drive clean, sustainable growth, delivering the projects that are fundamental to creating more resilient communities, economies and infrastructure. These services include housing, environmental and regulatory services, planning, economic development, culture and highways and transport.

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Executive Summary

ADEPT welcomes the opportunity to comment on the Joint Mitigation Protocol (JMP). We have approached the Regional Tree Officer Group for the Southwest who have provided the following comments. While there is general support for the principles underpinning the protocol, several authorities have raised concerns regarding its practical implementation, stakeholder engagement, and alignment with existing standards. Key themes include:

- The need for broader ratification from insurers and legal stakeholders.
- Concerns over proposed timeframes for response and mitigation.
- Suggestions to prioritise engineered solutions where appropriate.
- Recommendations for aligning technical guidance with BS 3998:2010.
- Proposals to enhance the protocol's scope and clarity, particularly regarding amenity value and procedural fairness.

The detailed feedback from Cheltenham Borough Council, Bath and North East Somerset Council, and South Gloucestershire Council is outlined below.

Detailed Feedback

Cheltenham Borough Council

In broad terms we like the principle of the thing but feedback from our claims handler has been slightly less enthusiastic. He has concerns that without a ratified agreement from a wide range of parties (insurers, solicitors etc), the document has no power. Also that it might benefit parties receiving claims but not those making them so is unlikely to gain universal traction. Without our claims handler / insurer on board, we may struggle to pull CBC in with it. We had hoped to include the protocol within our fledgling tree strategy but this seems unlikely without those parties supporting it.

Additional comments:

1. **Preambles** – The protocol should apply to all local authority owned/controlled trees, not just street trees.
2. **First Notification** – 28 days to identify the tree controller and insurer is reasonable. However, the 28-day deadline for a “Without Prejudice” proposal is onerous and should be extended to 42 days.
3. **FOI Requests** – Support for the proposal to refuse historic record requests within a wider radius.
4. **Mitigation** – A 13-week timeframe for mutually agreed tree works is reasonable, as is the proposal for cyclical pruning.
5. **Mediation** – A joint site visit in the absence of agreement is welcomed as a means to reduce litigation and improve mutual understanding.
6. **Appendix A** – The list of surveys and assessments is reasonable, but the protocol should also consider the amenity value of trees. A tiered approach (low/medium/high) could be agreed between the tree controller and loss adjuster to ensure proportionality and efficiency.

Bath and North East Somerset Council

I noticed that the use of percentages is used to describe crown reductions under appendix B which does not follow 7.7.2 advice within BS 3998:2010.

I really think that this should be altered – unless BS 3998 is to be changed.....

Other than that comment, I’m a little concerned about the time scales proposed but since I don’t manage trees and woodlands in my current role, I think I will leave to those who have the most current experience.

South Gloucestershire Council

The concern for meeting the timeframes for response from the Local Authority perspective is shared within the context of current and potential volume of claims.

The “vegetation management” solutions are accepted as having efficacy, but moving to an engineered solution-first basis would both lead to property stabilisation and allow the retention of good quality trees. It is understood that this will not always be an expedient course of action but in

cases where foundations are sub-standard (from a NHBC 4.2 perspective) and such a solution is the only way to achieve the long-term stabilisation of the structure, this is considered to be a pragmatic approach. It would be positive to see some form of words within the JMP suggesting that seeking an engineered solution shouldn't be the final option and, rather, should be the default first consideration.