

Tree Policy



TREE POLICY

1. INTRODUCTION

This policy outlines the Council's approach to ensuring successful maintenance and management of trees on council owned land. It has been written in line with government legislation, national standards and recommendations from the council's auditors. The policy will allow better risk management, consistency and a reduction in accidents associated with trees on council owned land. Trees provide vital social and environmental benefits in both rural and urban environments and are assets for the local area. They improve air quality, reduce levels of particulates, help reduce noise pollution and create an ecosystem for wildlife and birds providing shelter and food.

2. LEGAL/STATUTORY CONSIDERATIONS

The Occupiers Liability Act 1957 (Section 2) and 1984 sets out the Council's legal responsibilities to ensure our land and public areas and their immediate surroundings are safe for all visitors:

"The common duty of care is a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes which he is invited or permitted by the occupier to be there"

The Local Government (Miscellaneous Provisions) Act 1976 Sections 23 & 24 (Dangerous Trees) gives the council discretionary powers in respect of dangerous trees located on private land. Under the Town and Country Planning Act 1990 the council has statutory responsibility for the protection of trees subject to a Tree Preservation Order (TPO) and those within a Conservation area on land owned by others.

This policy sets out the council's approach within this legislation and will be applied in conjunction with any other relevant guidance. This policy applies to the inspection and maintenance of all trees on council owned land. The council is not responsible for the maintenance of trees on land it does not own.

This policy has been agreed by the Council's Executive Cabinet and will be reviewed on a regular basis as required in response to changes in legislation or recommendations or advice from other relevant bodies.

3. PURPOSE

The purpose of the Tree Policy is to set out the council's risk based approach to the inspection and maintenance of trees on council owned land.

The council's duty of care requires that safety measures should be applied where this can reasonably be expected. The Tree Policy contains the council's risk management inspection and maintenance procedure and enables the council to show it has undertaken all reasonable measures to ensure the safety of trees on council owned land.

4. POLICY OBJECTIVES

The objectives of this policy are:

1. Reduced risk – a proactive approach to tree management and risk assessment will seek to identify and manage any risks via a zoning system which will prioritise the inspection frequency across the borough. The inspection regime will be aligned to the NTSG (National Tree Safety Group) document which has been endorsed by the HSE. To help enable this system the council will map their tree stock using tree data capture software. The entire borough will be 'zoned' to enable a cost efficient use of council resources.
2. Consistency – a clear and consistent policy is available to all council officers involved in tree safety.

3. Reactive work – to provide clear guidance on the council’s service standards in response to service requests.

5. RESPONSIBILITIES

The council has responsibility for the amenity woodland it owns in the borough. There are also trees on many other council owned public areas, parks, open spaces and playgrounds.

The council will:

1. Undertake site specific risk assessments of all tree populated areas for which it is responsible and review these sites every 15 months to 5 years depending on zone categorisation.
2. Where possible, if requested by a resident, the council tree officers will inspect trees for which it is responsible and assess any risk to people or property
3. All formal tree inspections will be carried out by suitably qualified professionals, usually council tree officers, who will remain up to date with relevant industry development via regular CPD.
4. Ensure risks are minimised to an acceptable level by good risk management where required in line with current industry recognised practices.
5. Keep full and accurate records of inspections using a digital software system specifically designed for this purpose. Mapping the council tree stock will feed into future management decisions such as identifying where tree planting is required to ensure trees are a landscape feature across the borough. It will also help to monitor canopy cover generally.
6. Report defects for remedial action where required and ensure these actions are completed in a timely manner, to a high standard of work in accordance with industry guidance and documented.

6. RISK ASSESSMENT

For a program of tree inspections to be manageable, resources need to be directed to areas where there is potentially most risk. Risk will be categorised depending on usage of land and proximity of people and/or property. Each area will be assigned a zone category which is determined by a site risk assessment.

These categories reflect high, medium and low risk and will be kept under review. Permanent and temporary changes may result in a change to the level of risk and consequently the zone categorisation.

The frequency and method of inspection reflects the risk category/zone categorisation. The frequency within a risk zone is in line with national standards and best practice employed by other organisations in accordance with the HSE endorsed NTSG (National Tree Safety Group) document ‘Common sense risk management of trees’.

Assessment criteria

The assessment of risk categories is a matter of informed judgement and will be reviewed if circumstances change or where otherwise appropriate.

Trees will be placed within zones as specified in the following inspection schedule:

Risk Category	Typical features	Inspection frequency
High Risk	Trees close to main public areas, buildings (this will include some shelter belts, church yards and woodland edges), heavily trafficked roads, car parks, busy/frequently used foot paths, rail lines, picnic areas, play and recreational areas	Every 15 months to ensure inspections are carried out at different times of the year.

Medium Risk	Other roads, footpaths and bridleways in regular but not intensive public use, quieter areas of parks and open spaces	Every 3 years (some trees will be informally checked more frequently by council staff who work close to or around trees on a day to day basis. They will report any concerns to the tree officer).
Low Risk	Land away from paths or only lightly used	Every 5 years, however trees within areas such as woodlands where no access or usage is present will not be formally inspected).

7. INSPECTIONS AND MAINTENANCE

All trees are potentially hazardous, however the inspection programme can reasonably only address the conditions most likely to lead to injury or damage to people or property. These are the physical or physiological conditions that may lead to a break up or collapse of a tree. It should, however, be noted that trees generally present a low risk.

Inspections are carried out by council officers who have undertaken suitable training and have the experience necessary to identify potential defects and suggest appropriate remedial action. Other council staff who are working on site near trees are encouraged to report any issues they observe to the Tree Officer for inspection

Defects will fall into four categories:

Category 1	Urgent within 1 working day	Defined as an imminent risk to public safety; urgent action required Emergency 24hr defects will be passed to the contractor immediately and the area made safe
Category 2	High risk to be dealt with within 3 months	Defined as a significant risk to public safety; although not imminent priority action is required
Category 3	Medium 3 months to 1 year.	Defined as acceptable risk to public safety but requires attention. Action response times will be in line with best practice and will depend upon a number of factors including volume of work, contractor availability and seasonal nature of the work.
Category 4	Low within 2 years	Defined as acceptable risk to public safety. No immediate action required although defect deemed likely to present a more significant hazard in the future.

Inspection procedure

Three types of inspections will be carried out:

- Formal – Visual Tree Assessment (VTA) from the ground by a qualified inspector (Tree Officer).
- Informal – Walk/drive-by by either a qualified inspector or industry related employee (e.g. Rangers) who work in and around council owned trees as part of their normal work duties.
- Detailed – More invasive specialist decay detection techniques used, written reports carried out by external professional contractor.

The Visual Tree Assessment process examines the external health and structural condition of the tree(s). As a result only visible defects are likely to be identified. Other techniques which assess the structural integrity of trees will not usually be used.

Trees will be inspected in line with the inspections schedule. Reactive requests will be assessed according to the hazard and zone category and remedied accordingly.

Following severe weather, tree officers and streetscene staff will be asked to carry out a brief visual inspection of the areas they visit in the course of their work and report any urgent issues.

Inspection frequency for a particular area may be reviewed in accordance with any change in circumstances, such as concerns arising from reported incidents, land use change as a result of development or staff feedback.

Record of inspection and maintenance

Each stand-alone tree or group of trees will be given an identifying number which will form part of the council's database. Not every tree or group within the borough will be inspected, those deemed to be in an area with very little or no usage may not be inspected. Records will be kept of the inspection and any remedial works carried out. Records will be retained for twenty years.

8. REQUESTS FOR TREE WORKS

The council will endeavour to respond to all council owned tree related service requests which are reported as dangerous within 2 working days. There is a 24/7 emergency number for dangerous requests outside normal working hours.

First response to non-urgent cases is within 5 working days, this maybe a contact with the residents and/or a site visit.

Non-urgent requests are assessed against cost, resources, benefit and/or detrimental impact upon the tree as well as the council's responsibilities as outlined in this policy. The council has limited resources to deal with non-urgent requests.

ACTION IN RESPONSE TO REQUESTS FOR TREE WORKS

Tree Condition	Land ownership		
	Council owned	Lancashire County Council	Private
Dangerous to people or property	Council will arrange for the necessary work as a priority	Pass by 'phone to Lancashire County Council and confirm in an e-mail	Council will take action to make area safe and notify the landowner. Legal action may be taken to recoup costs
Dead, diseased, dying, causing structural damage to buildings or development in the area requires removal	Council will arrange for the necessary work following advice from council insurers	Report to Lancashire County Council	Council will not take action
Non-urgent requests	Council will assess against cost, available resources, benefit and/or detrimental impact upon the tree	Complainant to report to Lancashire County Council	Council will not take action
Overhanging private property	Council will consider works in this situation subject to budget and that the requested work is unlikely to cause detrimental damage to the tree.	Complainant to report to Lancashire County Council	Council will not take action

<p>Other issues including:</p> <ul style="list-style-type: none"> -Excessive leaf/fruit/blossom/twig fall -Complaints regarding allergies (pollen/seed), insect sap, bird droppings or bees/wasp nest -Perceived risk of damage from a tree -Root ingress into underground drainage (roots will generally enter drains that are already damaged/evidence required). -Tree deemed too large -Satellite and/or TV reception -Interference with telephone lines (responsibility of service provider) 	Council will not take action	Complainant to report to Lancashire County Council	Council will not take action
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Where a tree on private land presents an imminent danger to people or property and the owner has failed to act, legislation may be used as a last resort.

9. TREE PRESERVATION ORDERS

A Tree Preservation Order (TPO) is intended to protect trees which provide significant amenity to their local surroundings. A TPO makes it an offence to cut down, top, lop, wilfully damage or wilfully destroy a tree without the planning authority's written permission. TPOs can apply to trees on council owned and private land. All living material of the tree both above and below ground are protected, therefore the root system of TPO'd trees are afforded the same legal protection as the canopy above. This should be considered whenever any excavation works are to be carried out within the rooting system of the tree(s). The decision as to whether a TPO is placed on a tree is made by a council planning officer.

A TPO application must be approved by the council before any works can be carried out to a tree protected by a TPO or before it can be removed. If a TPO'd tree is considered to be dead or dangerous it may be removed without the need for a formal application. The council must approve removal of a tree under these circumstances by issuing a '5 day notice'. The issue of removing deadwood from a protected tree is exempt from application although it is advisable to inform the council tree officers of any such intended works in the event that the council receives a complaint regarding the perceived illegal pruning of a protected tree.

Any persons carrying out works to a protected tree without prior consent from the council will be liable to prosecution.

10. CONSERVATION AREAS

Trees in conservation areas are also protected under planning law. A notification must be sent to the council prior to works commencing. The council has a 6 week consultation period in which to respond. If the proposed works are not considered appropriate, a TPO may be placed onto the tree(s) affected.

11. HIGH HEDGES

High Hedge complaints are a civil issue between the complainant and hedge owner and an amicable resolution to a complaint is recommended. If no resolution can be found, the council are able to make a judgement based on strict guidelines under High Hedge legislation. To engage the services of the council the current fee of £500 is applicable.

12. CLAIMS FOR ALLEGED DAMAGE CAUSED BY COUNCIL OWNED TREES

Any claims for alleged damage caused by council owned trees will be dealt with in conjunction with the council's insurance team.

13. UNAUTHORISED WORKS TO COUNCIL OWNED TREES

In the event of unauthorised works being carried out to council owned trees, compensation may be sought via the courts. The CAVAT (Capital Asset Value for Amenity Trees) evaluation system will be used in such a situation to place a financial value to a tree. Historically this system has been used in a court of law and successfully achieved high sums where council trees have been illegally pruned or felled.

14. REMOVAL OF TREES

Council owned trees will only be removed if they are dead, diseased, dying or causing structural damage to nearby buildings or if permitted via planning or in exceptional circumstances. Exceptions are to be agreed following consultation from the council tree and/or planning officers. The council will endeavour to replant a new tree in place of any removed trees to help mitigate canopy loss in the borough. The council will seek to improve and increase a diverse and healthy tree stock each year.

Local residents will be consulted if a tree is to be removed wherever practicable. This may not be possible where the issue is urgent.