

Committee:	Executive	Agenda Item No.:	7
Date:	16 th March 2009	Status	Open
Category	2. Decision within the functions of Executive		
Subject:	Patch Management Policies – Tree Management Policy		
Report by:	Street Services Manager		
Other Officers involved:	Patch Management Working Group		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Environment		

RELEVANT CORPORATE AIMS

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

The adoption of this policy will enable employees, members and the public to have a clear understanding of the Council's role, duties and aspirations, in respect of how we manage trees in our ownership.

TARGETS

The subject matter itself does not directly contribute to any targets specified in the Corporate Plan. However, trees have a fundamental role to play in enhancing the quality of the environment, in both urban and rural areas of the District, through the landscape, reduction of pollution and supporting Bolsover's biodiversity.

VALUE FOR MONEY

The Tree Management Policy will help Bolsover District Council to be more proactive in its management of trees within the District; planned maintenance should represent better value for money than 'out of hours responses'. It will also be used to encourage others responsible for trees to take a positive approach to the management of trees in their care.

THE REPORT

The Patch Management Working Group (PMWG) has identified a need for a Council Policy on the following subject;

Tree Management

A copy of the draft policy is attached to this report for consideration by Executive.

The draft report was submitted to the following groups for consideration and comment.

Equalities Services Development Group (ESDG) on 3rd June 2008
Senior Management Team (SMT) on 10th and 17th July 2008
Policy & Performance Management Group 2 (PPMG 2) on 2nd September 2008.
Scrutiny on 28th October 2008

The attached draft policy was approved by the Patch Management Group on 5th November 2008.

ISSUES FOR CONSIDERATION

The ESDG recommended that the policy did not require any changes.

SMT recommended that policy statements committing the Authority to a full review of Tree Preservation Orders be removed as this had immediate financial implications and that agreement from other departments was in place prior to proceeding. Agreement to proceed was given on 17th July 2008.

PPMG 2 recommended that they were happy with the content of the policy and made no suggested changes.

The policy commits the Authority to undertake a tree survey and implementing a full tree management plan, it is believed that this initial work can be accommodated within existing budgets, however, there may be recommendations from the tree management plan that have financial implications.

Scrutiny Committee recommended that the Tree Management Policy be implemented.

IMPLICATIONS

Financial : None
Legal : None
Human Resources : None

RECOMMENDATION That;

The Tree Management Policy be recommended to Council for approval.

ATTACHMENT: Y

FILE REFERENCE:

SOURCE DOCUMENT:

BOLSOVER DISTRICT COUNCIL

Tree Management Policy

April 2009

This Policy addresses the following Corporate Aims:



COMMUNITY
SAFETY



CUSTOMER
FOCUSED SERVICES



ENVIRONMENT



The District of Bolsover Equalities Statement

The District of Bolsover is committed to equalities as an employer and in all the services provided to all sections of the community.

- The Council believes that no person should be treated unfairly and is committed to eliminate all forms of discrimination in compliance with the Equality Strategy.
- The Council also has due regard to eliminate racial discrimination and to proactively promote equality of opportunity and good relations between persons of different racial groups when performing it's functions.

This document is available in large print and other formats from any of the Council Offices or by contacting the Chief Executives Directorate on 01246 242323. Please bear in mind we will need a few days to arrange this facility.

If you need help to read this document please do not hesitate to contact us.

Our Equality and Diversity Officer can be contacted via [Email](#) or by telephoning 01246 242407.

Minicom: 01246 242450
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CONTROL SHEET

Details of Document	Comments / Confirmation
Title	Tree Management Policy
Document type – i.e. draft or final version	Draft version 9 27/02/09
Location of Policy	Intranet and Internet
Author of Policy	Street Services Manager
Member route for Approval & Cabinet Member concerned	PPMG – approved 02/09/08 Scrutiny Committee - Executive Committee Council Member for the Environment
Reviewed by Patch Management Group	5/11/08
Date Risk Assessment completed	
Date Equality Impact Assessment approved	03/06/08
Partnership Involvement (if applicable)	Not applicable
Policy Approved by	
Date Approved	
Policy Review Date	April 2010

Date forwarded to CSPD (to include on Intranet and Internet if applicable to the public)		
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1. Introduction

1.1 Trees have a fundamental role to play in enhancing the quality of the environment, in both urban and rural areas of the District, through the landscape, reduction of pollution and supporting Bolsover's biodiversity.

1.2 Trees in towns and villages are particularly important and the Council has an important job to do protecting them, this is often a process of defending trees from a range of threats.

1.3 The Tree Management Policy will help Bolsover District Council to be more proactive in its management of trees within the District. It will also be used to encourage others responsible for trees to take a positive approach to the management of trees in their care.

2. Scope

2.1 The policy is principally aimed at the management of Bolsover District Councils 'urban trees'. These are classed as trees within the built up areas of towns and villages and includes trees next to roads, in residential and commercial areas as well as in parks and open spaces.

2.2 The policy also provides for the management of Bolsover District Councils rural trees and woodlands within our control.

2.3 This policy does **not** cover trees within the boundaries of Council properties, where the property has been let. The Council tenant will be responsible for trees within the garden of their property in accordance with their tenancy agreement.

3. Principles

3.1 Trees are widely accepted as 'a good thing' and in general people want trees in towns and villages.

3.2 The Council will manage trees in a way that maximises their contribution to the landscape and environment, but also minimises their conflict with other urban and rural activities.

3.3 This policy seeks solutions to common conflicts in both the short and long terms so that future generations inherit a healthy tree resource, which requires the minimum of maintenance.

3.4 At present much of the Councils tree resource is managed by responding to complaints as they arise. Reactive management is not efficient and does not give our customers high standards of service. A concern with reactive management is that hazardous trees may not be identified and made safe.

3.5 The Council will adopt a methodical approach to tree management with regular inspections of all council owned and managed trees and prioritised maintenance.

4. Policy Statement

4.1 Tree Resource Management

4.1.1 Tree Survey

To understand the status of the trees the Council will undertake a periodic survey of all Council owned and managed trees, in order to compile a database to inform the tree management plan. The results of the tree survey will enable the development of a five year tree management plan.

4.1.2 Tree Management Plan

The plan will allocate resources specifically for arboriculture work including tree planting and where possible seek external funding through partnerships or grant schemes.

It will ensure that work specifications meet currently accepted standards, which are set out in our operational procedures.

The plan will identify the skills needs and therefore support the training and development of all arboriculture staff involved in council tree work

It will ensure that the Council complies with the requirements of Tree Preservation Orders and Conservation area regulations.

It will enable alternative uses for arisings from tree works to be identified and ensure as much as possible is re-used or recycled.

4.2 Trees in the Urban Environment

4.2.1 Damage to Property

New trees

When designing planting schemes these will take into account the long term effects of planting trees near buildings. They will also adhere to current relevant guidance such as NHBC Standards 'Building near trees' and British Standard 5837 'Trees in relation to construction'.

Existing trees

We will prune or remove council owned trees that are causing damage to property when it is the only appropriate solution.

4.2.2 Right to Light

When trees are causing significant shading to properties or gardens they will be pruned only where it is possible to do so without being detrimental to the health or amenity of the tree.

Trees will only be removed only when they are causing significant shading to properties or gardens only where there is a dense group of trees and some

can be removed to allow more light through without being detrimental to the landscape, or character of the area.

4.2.3 Television & Satellite Reception

Trees that interfere with television and/or satellite reception will only be pruned when all alternative solutions have been explored and only where it is possible to do so without being detrimental to the health or amenity of the tree.

4.2.4 General Nuisances

The Council will not fell or drastically prune trees, which cause minor nuisances, but strive to find alternative solutions.

4.2.5 Removal of Trees

The Council will:

- Not remove a tree unless it is dead, dying or dangerous or it is in the interest of good arboriculture or forestry practice.
- Leave standing dead trees for wildlife habitat where it is safe to do so.
- Identify and regularly inspect all council owned trees that are potentially hazardous.
- Undertake phased removals of inappropriate over-mature trees, from situations where they are unsuitable.
- Remove our trees that are posing a hazard.
- Use our powers under the Miscellaneous Provisions Act to make safe hazardous trees on private land.
- Act promptly in emergency situations to make safe trees that are imminently dangerous.
- Not remove nuisance trees.

4.3 Tree Replacement

4.3.1 Two for one replacement

Where a tree on council land is removed, the Council will plant at least two trees of a suitable species and size, at the most appropriate site in the locality.

4.3.2 Species & Site Selection

The Council will seek to create a diverse and appropriate tree population by giving careful consideration to the selection of suitable tree species depending on site, locality and characteristics of the area.

Increase the diversity of tree species in planting schemes.

4.4 Tree Preservation Orders & Conservation Areas

4.4.1 Management of Protected Trees

The Council will use its powers under the Town and Country Planning Act 1990 to protect and manage important trees within the District, ensuring that, where it is expedient, important trees which contribute to public amenity and

are under threat or affected by development are covered by a Tree Preservation Order, in accordance with its Statutory duty under Section 197.

The Council will maintain an accurate, up-to date and publicly available record of protected trees.

All applications for work on or removal of a protected tree or a tree in a conservation area will be assessed by a person competent in Arboriculture. The Council will review Tree Preservation Orders from time to time and where necessary make revisions to ensure they are appropriate and up-to date. The Derbyshire County council also administers some existing tree preservation orders.

4.4.2 Conservation Areas

Most trees within conservation areas designated under the Planning (Listed Buildings and Conservation Areas) Act 1990 may not be felled, or topped or lopped, without 6 weeks prior notice to the Council, and carry statutory protection until this notice period has expired. The Council will consider all notifications to work on trees in conservation areas and decide whether it is expedient to make a tree preservation order to preserve the tree.

4.4.3 Trees on New Developments

The Council has a statutory duty under the Town and Country Planning Act 1990 to ensure, where it is appropriate, that adequate provision is made for the planting of trees.

The Council will ensure that, where it is conducive with other planning objectives, there is maximum retention of trees on new development

The Council will require that a landscaping or tree planting scheme to good arboriculture practice is submitted and implemented on most new developments.

There will be a requirement on developers to replace any new trees planted under such a scheme which die within 5 years of planting.

In line with planning best practice, where trees are removed as part of a development the Council will ensure, as far as practicable, that at least 2 trees of a suitable size and species will be planted for each one removed.

4.4.4 Enforcement

The Council will consider the use of its enforcement powers under the Town and Country Planning Act 1990 in all cases where it is aware of breaches of Tree Preservation Order, or breaches of the controls over trees in conservation areas.

The Council will encourage the highest standard of arboriculture work for protected trees.

The Council will normally require a healthy tree of an agreed size and species to be planted within 12 months of the felling of a protected tree.

4.5 Trees and the Community

4.5.1 Empowering the Community

The Council will support where possible community initiatives that promote the planting and care of trees.

4.5.2 Vandalism and Damage to Council Trees

Where it is appropriate the Council will report and seek prosecution for all acts of criminal damage to Council owned trees.

Whenever possible the Council will seek to recoup the cost of restoration or replacement where Council trees have been damaged.

4.5.3 East Derbyshire Woodland Project

The Council supports the East Derbyshire Woodland Project and the planting of community woodlands within the district. The Council will seek to promote the reforestation of the district with broad-leaved species wherever possible, whilst recognising the need to protect existing natural magnesian limestone grasslands and create new grassland habitats within and adjoining woodland. The Council supports a free tree scheme under the above project.

4.5.4 Woodland Grant Scheme Consultations

Woodland grant scheme consultations from the Forestry Authority will be entered on the weekly list of planning applications which can be viewed on the Council's website under planning, public access.

When details of a woodland grant scheme are received the Parish or Town Council and the Derbyshire Wildlife Trust will be notified, and if felling or thinning of trees is involved a site notice shall be placed close to the site, inviting comments from the public within 14 days.

The Council will consider the recommendations of the Forestry Authority when works are undertaken on woodlands protected by Tree Preservation Orders, under The Forestry Commissions Woodland Grant Scheme.

4.5.5 Bolsover Woodland Enterprise

Bolsover Woodland Enterprise is a partnership between Derbyshire County Council Countryside Partnership and Social Services to deliver woodland management by people with learning difficulties. Where opportunities arise the Council will work with Bolsover Woodland Enterprise in service delivery

4.6 Trees in the Rural Environment

4.6.1 General Principles

The Council will identify the areas of the district that will be covered by the Tree Management Plan, trees and woodlands outside of these areas will be deemed as trees in the rural environment.

These trees will be dealt with in a less prescriptive way and in the main will be left to nature, except where they are brought to the Councils attention as a problem, in which case the Policy Statements 4.2.1 through to 4.5.5 will guide the Councils actions.

4.6.2 Felled or Fallen Trees

Where trees have been felled or have fallen through natural causes they will be left in situ where this is deemed to benefit the local flora and fauna or it is impracticable to remove them from site.

5. Responsibility

Street Services – 4.1 to 4.3

Planning – 4.4, 4.5.3 to 4.5.5

Legal – 4.5.2

Community Safety – 4.5.2