SOUTH DERBYSHIRE DISTRICT COUNCIL

TREE MANAGEMENT POLICY

SEPTEMBER 2011

Culture & Community Unit
South Derbyshire District Council

South Derbyshire District Council
Tree Management Policy

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1.0 Introduction

This Tree Management Policy is intended to act as a point of reference for the public, Councillors, officers and professionally interested people to enable informed discussion and to establish a clearer, consistent and more structured approach to tree-related issues.

The trees within the boundary of South Derbyshire make a significant impact on our landscape. A third of our district is within the boundaries of the National Forest, the woodland cover of which has increased dramatically since the creation of the National Forest Company in 1995. Since 1995 the National Forest Company has built an enviable reputation leading Britain's boldest, environmentally led regeneration project, The National Forest, creating a new Forest for the nation.

This 'Forest in the Making' is transforming a landscape and its communities; bringing inward investment; acting as a catalyst for job creation; helping to build a woodland economy; creating and growing habitats to allow animals, insects and plants to flourish and so far over 7.8 million trees have been planted. The wooded area has increased from an initial 6% to 18% and they are aiming for a third cover at the completion of planting, across 200 square miles of the heartland of England. South Derbyshire District Council fully supports this vision.

As identified in the Derbyshire Landscape Character Assessment (Derbyshire County Council 2010) the district is varied in its landscape. From the Parkland estates of Calke and Staunton Harold, to the alluvial floodplains of the Trent and Dove Valleys, and the former industrial and mining landscapes of the Swadlincote area, now largely reclaimed into open space and woodland.

Numerous residential estates have been developed since the1960's with formal areas of planting and avenues of trees. In the villages and towns, trees form important local landmarks, add greatly to the setting of important buildings, churchyards, village greens and open spaces or have a special cultural, historical, wildlife or rarity value.

Trees and woodlands make significant contribution to the diverse landscape by:

- Providing a valuable habitat for wildlife;
- Filtering atmospheric pollution;
- Providing a barrier to noise and screening poor views;
- Providing shelter from the sun, wind and rain;
- Shading out harmful solar radiation;
- Providing economic, social and strong environmental benefits;
- Cleaning the air that we breath;
- Improving the quality of contaminated land;
- Providing pleasant green settings in which to live and work;
- Making the District attractive to tourists
- Softening the impact of development; and
- Maintaining people's link with the natural environment.

Property owners share a common interest in the value of their assets. Trees, it has been estimated, can increase property values by as much as 18%, with houses and homes in tree lined avenues much desired and sought after. Trees also mask the intrusive nature of many developments where space is at a premium.

2.0 Scope of the Policy

The Policy will be adopted for the management of all trees on Council owned land but the delivery of the Policy is dependent on adequate resources.

The Tree Management Policy reflects only the minimum standard necessary for South Derbyshire District Council to meet its legal obligations in relation to the management of trees in its ownership.

Where resources allow, higher standards of management will be applied to ensure that the quality of the Council's tree stock sets an exemplar standard as we should lead by example.

The Policy has been designed for the following purposes:

- To act as a source of information about issues affecting trees within the District
- To provide a policy framework for decisions made by the Council that affect trees
- To support the main vision of the Council to make South Derbyshire a better place to live, work and visit

2 a) Why the need for a Tree Management Policy

The many environmental, social and economic factors relating to trees and woodlands are recognised but the pressures on existing trees, opportunities for new tree planting and the impact of development tend to be dealt with in isolation, and often in a reactive manner.

There has previously been no strategic approach to the management of trees and woodland on Council land within the District and as a result there is a real risk that the pace of development and reactive management will have a detrimental impact on the quality, and quantity, of the Council's tree stock.

The aim of this Tree Management Policy is to set out the Council's approach to retaining, managing and enhancing the tree stock for the benefit for all who live and work here.

The Policy will improve communication by making clear the reasons why decisions and actions are taken. This will hopefully increase the awareness and appreciation of trees within the district, and their importance in shaping the character of the area.

We also aim to encourage the positive management of privately owned trees.

This Tree Management Policy is intended for guidance only. It will be interpreted and followed by the Council at its sole discretion and in accordance with the individual circumstances of each case; also in accordance with the duties and powers for which the Councils is responsible under statutory legislation.

2 b) Aims

- Implement a management policy for all trees within the Council's control
- To protect trees from unnecessary felling, damage or disfigurement
- To maintain tree cover by aiming to plant more trees than are felled in any one calendar year
- To take account of the predicted impacts of climate change to ensure a continuation of large scale canopy cover with a diverse species and age range

2 c) Service Objectives

In general support of these aims, and those of the Council's Corporate Plan, the following service objectives are promoted through this Policy:

- To ensure that the management of our trees contributes to making the District's environment attractive and healthy
- To ensure the safe and efficient management and sustainability of our trees
- To ensure our services and activities achieve the highest technical and environmental standards
- To create more opportunities for wildlife to thrive in amenity open space
- To ensure that trees enhance the landscape and add to the biodiversity thereby helping to attract inward investment.
- To ensure an increasing and varied tree population within the District, which is in harmony with other land uses.
- To promote awareness of the importance and value of trees and encourage community involvement in their management and maintenance.
- To undertake remedial works where health and safety of the public is compromised

2 d) Tree Policy Statements

1. The Council will adopt a proactive approach to managing its trees and undertake regular and routine inspections of all trees on Council managed land within the boundaries of the District.

2. The Council works to create a balance between the needs of the residents, whilst still preserving the amenity of the area.

3. Every tree that is subject to an enquiry will be inspected on an individual basis. An inspection will be undertaken and we will inform the enquirer as to what work, if any, will be carried out.

4. The Council will always use best arboricultural practice to develop environmental sustainability within our parks and open spaces.

5. The Council will develop balanced tree management plans for all publicly owned Open Space to identify areas of risk, maximise safety, encourage bio-diversity and create a varied and sustainable tree population.

6. Where a tree is removed either due to health and safety or inappropriate planting, we will aim to replant.

7. To help maintain a continuity of tree cover the Council will undertake the planting of new trees where suitable opportunities arise.

8. Tree work **will** be carried out when one of the problems described below is brought to our attention:

    a) Where it poses a safety risk we will remove dead or dangerous trees or parts of trees. *Safety work will always be given priority.*

b) We will cut back trees from properties where they touch windows, walls, roofs or gutters and to avoid light structures such as aerials, tiles or gutters being damaged by trees moving in the wind and prevent property being engulfed. *Preventative measures will be undertaken to avoid future damage when time permits.*

c) We will maintain clearance for pedestrians and vehicles over footways and roads respectively. Trees on open spaces, which are not blocking the highway or sightline, will be left with a more natural shape where the branches may extend down to the ground. *To enable free passage.*

d) We will take steps to clear a sightline where it is being blocked by low branches. *To maintain vehicular and pedestrian safety.*

e) We will cut branches that are touching streetlights, road signs and other street furniture, etc. *To maintain vehicular and pedestrian safety.*

f) We will endeavour to maintain clearance of low branches overhanging private gardens when requested to a height of 3m maximum. *To prevent nuisance claims.*

g) We will give due consideration to the retention and creation of habitats when planning new planting schemes, adopting management regimes or carrying out maintenance to trees. *To increase the biodiversity of the District.*

9. Tree work **will not** be carried out solely to alleviate problems caused by natural and or seasonal phenomena as follows:
   - falling leaves;
   - sap exudation (e.g. honeydew);
   - falling fruits, nuts;
   - bird droppings;
   - blossom;
   - reduction or increase moisture to gardens;
   - sucker growth;
   - germinating seeds from trees;
   - blocked or obstructed drains, gutters, flat roofs from tree deposits and leaves; presence of algae, moss build up;

10. We **will not** carry out tree-pruning or tree removal directly attributable to:
   - TV or satellite signal reception;
   - emission of sunlight or man-made lighting during any part of the day;
   - blocking or obstruction of a view from a residence;

In exceptional cases individual circumstances will be taken into account when considering the course of action.

3.0 Tree Typologies

3 a) Urban Trees

Street and urban trees are situated on grass verges and open spaces within housing estates, and form an important part of the landscape of the District. They soften the urban landscape and provide a pleasant place to live. The constraints of the urban environment however, mean that there are inevitable conflicts.

- We aim to create a balance between the needs of the residents, whilst still preserving the amenity of the area.

- We will look at every tree that is subject to an enquiry on an individual basis. An inspection will be undertaken and we will inform the enquirer as to what work, if any, will be carried out.

- Our tree maintenance operations are directed at ensuring a healthy tree stock across the District. Resources are limited and routine maintenance will be undertaken. However, emergency and incidental tree work will only be carried out where there is a risk posed to the health and safety of the tree, property or citizen.

- It is not always appropriate to carry out remedial pruning due to species type, age and size.

- It may be necessary to begin a reduction programme for certain species of trees that have been inappropriately planted very close to buildings.

- There may also be an occasion where because of situation or species, we feel that the tree is inappropriate to the site and we will remove it.

- Where a tree is removed either due to health and safety or inappropriate planting, we will aim to replant.

3 b) Trees in Parks and Open Spaces

Trees growing in the District's parks and open spaces, including cemeteries and churchyards are the most significant in terms of providing visual amenity and valuable in providing leisure extensions. If the tree cover is to survive, their high value will remain in perpetuity from the benefits derived from a sustained high quality management programme.

Within urban areas, parks and open spaces are a green oasis whether they are managed formally or informally. Trees are an essential part of these green spaces. Parks are ideal sites for tree planting because there are relatively few conflicts and species that would be unsuitable elsewhere can be grown here.

Parks and open spaces within the South Derbyshire District provide an opportunity to develop collections of different varieties of tree both for their aesthetic contribution and as a valuable educational resource.

Some open spaces are little more than fields of mown grass. These could be enhanced by the planting of trees especially in copses, which in the longer term would reduce the costs of regular mowing, improve their landscape quality and enhance their bio-diversity and interest.

These planting schemes would be ideal candidates for community engagement and involvement.

Trees are fundamental to the structure of parks and green spaces. The trees in parks and open spaces are not only important to regular visitors; they are very important contributors to the overall environment of the area, and are especially valuable for providing shade during hot weather. They are a high value resource that requires active management if they are to survive for generations to come.

Risk assessment of trees located in parks and open spaces is particularly important due to the number of people who use them. Many include play areas for children, and this places great importance in regular inspections to ensure a healthy tree stock.

- We aim to create a varied and sustainable tree population in parks and open spaces, choosing a variety of ornamental and native species.

- We are focusing on the development of long term management plans for trees in parks and open spaces aiming to ensure perpetuity of tree cover.

- We will always use best arboricultural practices to develop environmental sustainability within parks and open spaces.

3 c) Closed Churchyards and Cemetery Trees

The Council maintains a number of closed churchyards throughout the District. These churches are receiving no further burials. In addition, the Council manages the large tree collections at Newhall and York Road Cemeteries.

The closed churchyards contain some of the oldest and finest specimen trees in the District and contain typical long lived species such as Yew. The Cemeteries and majority of churchyards are fully accessible to the public during the daytime.

The issues affecting tree management in closed churchyards and cemeteries are similar to open spaces in a number of areas, but differ in that they have gravestones and memorials to consider.

Trees make a valuable enhancement to the landscape in these areas, but can cause problems that include the obscuring of grave structures and disruption by tree roots and branches.

Cemeteries in particular have to allocate new graves, or add to existing graves, and this can have an impact upon trees already in situ and/or the scope for future tree planting.

Due to the difficulties in finding suitable new planting sites within churchyards, very few new trees have been planted and many have an ageing population. This has resulted in a high density of similar species such as sycamore and lime, which is detrimental to the longer term health of the trees.

- We will identify new planting sites within the old cemeteries to sustain a continuous cover of trees for future generations

- We will develop balanced tree management plans for all Cemetery and closed Churchyards to identify areas of risk, maximise safety, encourage bio-diversity and create a varied and sustainable tree population.

3 d) Housing Trees

All council owned and managed estates throughout the District have open spaces which have been planted with trees. It is here that tenants and housing communities come into the closest contact with trees.

Many housing properties have trees growing within the gardens, often planted by tenants no longer occupying the property. Housing land open spaces are sparsely planted, their design layout favours parkland style aimed to encourage single tree specimens. Small and medium ornamental trees are characteristic of these areas.

- We will undertake inspections and surveys of trees growing in gardens of houses and open space we own and we will inspect trees for safety and identify appropriate remedial arboricultural works.

- We will inspect trees following requests from tenants and/or neighbours of adjacent properties, who suspect trees are dangerous, or causing a nuisance.

- We will not allow our tenants to undertake arboricultural works (planting, pruning or felling) without written approval from Housing Services, in accordance with tenancy agreements.

- We will investigate aiming to resolve tree issues where housing ownership is in dispute.

- We will actively discourage the new planting of conifers, for example, Leyland Cypress on housing land. Only in certain circumstances will such planting be allowed.

- Where trees are removed from public areas we will replant where possible and practical using suitable species, and aim to create a balance between native and exotic trees.

- We will aim to increase the tree stock on the large open expanses of short mown grass, where this is deemed appropriate.

3 e) Woodlands

Across South Derbyshire there is a wealth of woodland. Within the Council's own land bank, there are some notable tracts of woodland, some of which are mature, and one is classified as Ancient Woodland (Gresley Wood).

Much of the wooded areas around the Swadlincote area are established on reclaimed land, following restoration from former coal/clay extraction. Swadlincote Woodlands is the largest wooded area owned and managed by the Council, at 35 hectares.

These sites have been planted in the last 15-20 years as part of a major regeneration programme and are now beginning to provide significant tree canopy to an increasingly urbanised area.

Trees in woodland areas have traditionally been planted at relatively close spacing (e.g. 1.5-2m apart). This enables the new woodland to dominate surrounding vegetation and establish much quicker.

Initially the young trees provide shelter for each other, but they eventually start to compete for light, space, soil moisture and nutrients. This triggers a natural selection process where the stronger trees start to dominate.

At this point a programme of thinning works will begin to provide space for the best trees to develop. If management works are not implemented at this stage, competition between trees forces them to become tall and drawn. This ultimately will cause the trees to become unstable and dangerous, particularly in windy conditions.

There is a significant public safety implication if woodlands/plantations are not managed through their life, particular if public access is provided through the woodland or if it adjoins an area of public use (e.g. adjacent to a highway verge).

The long-term intention is to develop a range of woodlands benefiting the District in terms of their public recreation use, wildlife habit and educational potential.

The management of woodlands for wildlife in conjunction with allowing public access present certain challenges. Aspects which are beneficial to one are not necessarily desirable for the other.

The Council will continue to manage its woodlands in accordance with the woodland strategy outlined for each individual site. The Council will undertake safety inspections and carry out essential works for public safety reasons.

4.0 Tree Risk Management System

Previously much of the Council's tree resource was managed by responding to complaints as they arise. Reactive management is not efficient and does not give our customers best service.

Sound risk management across all services is a fundamental requirement for achieving the vision laid out in the Corporate Plan for SDDC.

The Council will adopt a proactive approach to managing its trees and undertake regular and routine inspections of all trees on Council managed land within the boundaries of South Derbyshire District Council. In January, a Tree Management Software package was purchased, to enable cataloguing, audit and analysis of all tree stock. Work is currently underway to map all council-owned trees.

The main aim of the Council is to have in operation a reasonable, defensible and proactive tree management system that conserves and enhances the tree population on the land for which it is responsible.

4 a) Statutory Responsibilities

If a tree fails and causes injury or damage its owner could be held negligent if it is proven that they omitted to take sufficient care of the tree.

Trees are a potential liability and SDDC, as a landowner, has a duty of care to ensure that all of the trees on its land are kept in an acceptable condition and do not put persons and property at unreasonable risk.

Any large branch or tree falling onto a person or property can cause serious damage, injury or death. Without any system of inspection or maintenance, the consequences to the Council are not simply monetary but could lead to conviction under the **Corporate Manslaughter and Corporate Homicide Act 2007.**

However, the Council can only be held liable for damage or injury caused by trees on its land if it can be proved that the Council has been negligent in the management of its trees.

The Occupiers Liability Act 1984 requires occupiers of land to have a common duty of care to all visitors. This Act requires the occupiers to take reasonable care to maintain their land in such a condition that it does not harm any person or damage any property. SDDC, as the occupier of its land has a common duty of care to look after all visitors.

The Health and Safety at Work Act 1974 and the **Management of Health and Safety at Work Regulations 1999** also apply to this situation. Failure to comply with this legislation could lead to the Health and Safety Executive (HSE) taking criminal action against the Council. Section 3 of the Act places a duty on the Council to take reasonable care for the health and safety of third parties. The Regulations effectively require the Council to have an adequate management system to ensure health and safety.

The need for Councils to carry out tree surveys has been recognised for some time. Government guidance in the form of circulars requires Local Authorities to regularly inspect trees adjacent to highways: Circular 52/75 (Inspection of Highway Trees) and Circular 14/96. More recently, the Department of Environment's (ODPM) research reports 'Trees in Towns' and 'Trees in Towns 2' identified as one of its main conclusions that each local authority needs to examine the tree stock it is responsible for in a uniform way and then store this information on a database so it is accessible.

Industry Best Practice

Best practice now strongly favours a risk-based system of tree management relying on a programme of regular inspection prioritised by potential hazard.

In the event of a tree failure causing loss, such a system is recognised as a reasonable method of management. It should also provide the basis of a robust defence in the event of litigation.

The British Standards Institute is currently consulting on a new British Standard for Tree Inspections (BS8516 – Recommendations for Tree Safety). It is intended that this British Standard will address considerations arising from the need to inspect trees in order to assess, and if necessary reduce their potential for structural failure. It is aimed at tree owners and managers, and at all those designing tree inspection regimes and undertaking tree inspections.

4 b) Classification of Risk

The Council owns and controls 3 large parks and numerous recreation grounds, cemeteries and closed churchyards, woodlands, common land, sheltered housing estates and council houses.

Most of these green spaces contain a tree population of varied age, species and condition.

Each area will be given a classification code and then sub divided into category 1, 2 or 3 depending on the potential risk to the public that the tree stock poses.

This classification then determines the frequency of future inspection.

- Sites rated 1 or 2 are inspected at least once annually,
- Sites rated 3 inspected at least once bi-annually.

The factors affecting the classification include the age of the tree stock on a particular site, the amount and nature of public usage and the trees proximity to roads, footpaths or constructions within or adjacent to the site.

4 c) Risk Zones

It is essential that all areas for which SDDC is responsible are categorised in relation to the risk they represent. This is in conformity with industry best practice and is a significant step in ensuring a defensible system of tree management is implemented. This will be, in the main, a desk based exercise, with Risk zones being mapped and recorded as a data-set on the Council's Ezytreev (Tree Management software) System.

Areas will be categorised as **High, Medium or Low Risk,** dependant on their location.

Cat 1 Sites (High Risk Zone)	Areas of high density pedestrian and vehicle use or areas frequented by vulnerable age groups including major roads, areas near to schools, car parks playgrounds and busy parks
Cat 2 Sites (Medium Risk Zone)	Areas of medium density pedestrian and vehicle use including estate roads and green spaces, allotments, major woodland paths,
Cat 3 Sites (Low Risk Zone)	Areas of low density pedestrian and vehicle use including woodlands, minor roads, and isolated green spaces.

4 d) Inspection Criteria

Acceptable and effective tree inspection procedures should ensure that changes in tree condition are noted and acted upon before the tree becomes hazardous and injury to persons or damage to property occurs. The District Council's tree inspection procedures take into account the following criteria:

Species – Some species are prone to develop physiological defects.

Age of Tree – A tree is more likely to develop structural defects during the latter stages of its life.

Condition – Trees should be inspected more regularly if structural defects have been noted which increases the risk of failure in extreme weather.

Location – Surrounding features should be noted which would become a target if the tree should fail.

Level of use – High levels of public use in the immediate vicinity of a tree will increase the likelihood of injury if a tree were to fail.

Timing – Trees are best inspected in full leaf, from mid-summer thought to autumn, before leaf fall. However, due to the size and scale of the operations, inspections should continue throughout the year.

Hazard Risk – An assessment of risk posed by each tree is made by considering condition and size of the tree against the character of its surroundings (i.e. target area) and the level of activity in that area.

Habitat Value – An assessment of the tree's ecological value should be made and considered when prescribing tree management work. In particular, evidence of roosting bats or nesting birds should be noted and work planned to avoid any possible disturbance.

4 e) Inspection Records

The results of tree inspections will be recorded on the 'Ezytreev' Tree Management System.

Each particular job will be categorised and will reflect on the urgency of the situation, the degree of inconvenience being caused and the best time of year for the work to be undertaken. Unscheduled site inspections will be carried out following extreme weather events, or in response to a request from a third party.

The following categories will be used when prioritising tree works:

PRIORITY	RESPONSE	DESCRIPTION
PRIORITY 1 Immediate	Within 24 hours	EMERGENCY tree work requiring an immediate response to remove a hazard – Access to tree location may be restricted until work can be completed.
PRIORITY 2 Urgent Public Safety	Up to 1 Month	NON-EMERGENCY tree work requiring a response to remove a hazard not classified under Priority 1– Access to tree location may be restricted until work can be completed.
PRIORITY 3 Essential	Within 6 Months	Work to be classified as ESSENTIAL, associated with mitigation of a danger. The Council will endeavour to ensure that works will be undertaken within 6 Months of the inspection. These will be works associated with the mitigation of nuisance such as branches brushing against buildings in normal winds.
PRIORITY 4 Urgent Tree Health	Within 6 months	Work to be classified as URGENT TREE HEALTH. The Council will endeavour to ensure the works will be undertaken within 6 months of the inspection. To mitigate against tree failure likely to be detrimental to the heath of the tree.
PRIORITY 5 Desirable	12 Months	Non essential maintenance work including cyclical pruning, cultural pruning and pollarding where work needs to be undertaken at the appropriate time of year to ensure the longer term health of the tree.

5.0 Tree Maintenance Operations

Tree maintenance work originates from the following:

1. Programmed inspections routine inspections by the Tree Officer
2. Ad-hoc inspections by the Tree Officer following enquiries from the general public
3. Enquires from Parish and District Councillors
4. Reports from utility companies
5. Cyclic maintenance
6. Emergency works (e.g. resulting from high winds)

5 a) Tree Safety

Where there is a clear and foreseeable threat to the personal safety of residents or visitors, or to property, that is directly related to the condition of a tree, action will be taken to minimise that risk.

Risk that is an indirect consequence of a tree (e.g. slippery leaves on the pavement in autumn) will not be dealt with through pruning or felling other than in exceptional circumstances and where other options (such as clearing the leaves) are not available.

Unfounded fear of a tree (e.g. due to the height or size of the tree) will not normally result in action to prune the tree unless there has been a recent change in circumstances.

5 b) Remedial Tree Work

People rarely contact the Council when they are happy about trees. Only when trees become an apparent problem are comments made, and therefore a distorted picture of peoples' perception of trees develops. It is important to seek alternatives to felling or severe pruning when conflicts arise, so that the trees can remain for the silent majority who value them.

It is not always necessary to remove or severely prune a tree because it is causing a problem. Often, there are other options available and these need to be considered first. Furthermore, the Council is not legally required to mitigate all tree related nuisances, and to do so would not be practicable with the resources available.

Policy Statements 8 & 9 (Pages 5 & 6) deal with the most common issues associated with urban trees and how these can be mitigated or overcome. The aim of those policies is to ensure the Council is meeting its legal obligations in respect of trees on its land and strike a balance between removing problem trees and retaining trees in good health.

ii) Overhanging trees

The Council has no legal obligation to prune overhanging trees unless they are causing direct damage to an adjacent property or are dangerous. The Council will not prune trees that overhang neighbouring properties unless the trees are dangerous or are causing an actionable nuisance as identified in the following Policies. This reflects the Council’s position as an owner of thousands of trees and the resources available.

Adjacent landowners are entitled to prune encroaching tree branches or roots back to the boundary of their property. Legally, they are required to retain the prunings and offer them back to the Council, but the Council is not obliged to accept them.

Where access to the Council's land is required in order to undertake tree works, the adjacent landowner must seek the permission of the Council to enter their land. This will not be unreasonably refused.

It is a requirement that all Contractors working on Council land are suitably qualified to undertake the proposed work. It is also a requirement that adequate public liability insurance is in place and that appropriate risk assessments and method statements have been completed. The Council will request evidence of this before permitting access.

iii) Obstruction of Highways

The Council will maintain its trees to provide the statutory clearance for pedestrians and vehicles over footways and roads respectively, so as to maintain a free and unobstructed passage.

One of the requirements of the Highways Act 1980 (the Act) is that a public highway should be kept clear of obstructions. Trees are living and growing organisms that can grow, in time, over a highway and impede the movement of pedestrians and vehicular traffic. Specifically, section 154 of the Act gives the highway authority powers to require the removal or cutting back of trees, shrubs and hedges that obstruct or endanger highway users.

While no specific guidance is given in the Act, it is generally accepted that the minimum clearance should be 2.4m over a footpath and 5.05m (16' 6") over a road (measured from the centre line). As a guide, these minimum clearances should be sufficient to allow a 2m person with an umbrella up to walk unimpeded along a footpath and a double-decker bus to travel along a road without hitting any overhanging branches.

Where an offending tree is on private land, the landowner will be given a reasonable period of time to abate the nuisance. If works are not undertaken within this time, legal action may be taken to have the obstruction removed.

The Council will ensure that branches shall be reduced back where they are touching streetlights, road signs and other street furniture, so as to maintain vehicular and pedestrian safety.

iv) Trees blocking light

A common complaint about urban trees is that they block light from properties or shade gardens. However, the seriousness of this effect is variable and often removal of the tree will have little effect on the amount of sunlight reaching the house or garden. An example of this is where the house is north facing and the tree is small or at a distance.

There is no right to light under the law and therefore the Council has no legal obligation to abate this perceived nuisance. However the Council **will** consider taking action (pruning or felling) in the following circumstances:

- Trees **over 12m** in height – distance between base of the tree and the window of the nearest habitable room is less than 5m.

- Trees **smaller than 12m high** – distance between base of the tree and the window of the nearest habitable room is less than half the height of the tree.

- Where the separation between the edge of the tree canopy and a vertical line through that window is less than 2m.
  A 'habitable room' means a dining room, lounge, kitchen, study or bedroom but specifically excludes WCs, bathrooms, utility rooms, landings and hallways.

- It is recognised through the preparation of the Equalities Impact Assessment that there are exceptional circumstances in which this approach needs to be more flexible. Where it can be established that the presence of trees is causing a detriment to the health of residents, further consideration will be given to the management approach of trees. This consideration will also take in to account the quality and importance of the tree in question. This approach is important as the presence of trees also has a beneficial impact on other residents and the reduction in the number or size of trees may have a greater impact than on just one original enquirer

Where a situation falls within these guidelines cases will be prioritised according to proximity and account will also be taken of the orientation of the affected window. The results of any consultation exercise may modify decisions if it appears that any work would be by and large unpopular with the rest of the community.

v) Trees affecting reception

Interference with television or satellite reception causes frequent complaints. Interference is worse when leaves are on trees and in bad windy and rainy weather. Satellite reception is more sensitive to interference than television reception. There is likely to be an increase in these complaints in coming years with the advent of this new technology and increased numbers of subscribers.

There is no right to good reception and in many cases it is possible to resolve issues of poor reception by finding an engineering solution. The Council will only consider requests to prune trees to improve reception where all the following conditions are true:

- Efforts have been made to find an engineering solution to the problem and have not been successful
- The work required is consistent with good arboricultural practice and will not unduly affect the amenity or health of the tree
- The work required can be executed within financial resources available

vi) Pruning to prevent general nuisances

The Council will not fell or prune Council owned trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of their control.

There are a variety of potential nuisances associated with trees, most which are minor or seasonal and considered to be social problems associated with living near trees. Examples of such problems are:

- Falling leaves, sap, fruit, nuts, bird droppings or blossom.
- Reduction or increase of moisture to gardens.
- Suckers or germinating seedlings in gardens.

- Leaves falling into gutters, drains or onto flat roofs.
- The build up of algae on fences, paths or other structures.

Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

As with leaves, honeydew is not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. Pruning will not normally be considered solely as a way of alleviating problems with honeydew.

5 c) Damage to property caused by trees

The Council will cut back trees from properties where they touch windows, walls, roofs or gutters. This will ensure that damage to property such as aerials, tiles or gutters is avoided.

i) Root damage

Cases of direct root damage will be considered on an individual basis. A balance will be struck between the nuisance experienced by individuals and the benefits offered by the tree to the wider community.

The Council will not normally take action in response to complaints that Council trees are damaging drains. Trees do not have the capacity to break into a sound drain, but they will ruthlessly exploit any existing fault. The removal of one tree will not prevent other vegetation from exploiting the same opportunity.

The Council's presumption is that the appropriate way to deal with tree root blockage of drains is to ensure that the drains are watertight.

ii) Subsidence

Subsidence is a complex interaction between the soil, building, climate and vegetation that occurs on highly shrinkable clay soils when the soil supporting all or part of a building dries out and consequently shrinks resulting in part of a building moving downwards. This policy seeks to set out the Council's response to subsidence claims against its own trees and subsidence related applications to undertake work to protected trees.

While the Council recognises its responsibilities for the trees it manages, it will expect any claim against its own trees to be supported by sufficient evidence to show that the tree in question is a contributory factor in the subsidence. In a similar way, where an application to work on a protected tree is received the Council will again expect sufficient evidence to be provided to show that the tree in question is a contributory factor in the subsidence. Where this evidence is provided, permission to remove the tree will not unreasonably be withheld. The Council will obtain expert specialist advice to verify submitted evidence as necessary. The Council will therefore require the following information in order to consider a claim associated with tree related subsidence;-

- Description of type of damage
- Indication of seasonal movement
- Levels and distortion survey
- Visual evidence of damage
- Depth of foundations demonstrated from excavated trial holes

- Analysis of soil type under foundation
- Presence and identification of trees roots

Where the Council or a protected tree is alleged to be causing damage to a building the Council will permit the removal of the tree provided that:

- on the balance of probabilities there is sufficient evidence to demonstrate that the tree is an influencing factor:
- the removal of the tree is necessary to deal with the problem or if were dealt with by pruning, this would effectively destroy the amenity value of the tree:
- removal can be carried out without contravening wildlife legislation; and in the case of Council trees, the complainant indemnifies the Council against any claim for heave or settlement as a result of the trees removal.

The Council will not normally subject its trees to regular heavy pruning to deal with suspected damage. Instead it will usually opt for removal and replacement planting with an alternative species that is less likely to cause future problems.

d) Dangerous Trees on Private Land

The Council has discretionary powers under the Local Government (Miscellaneous Provisions) Act 1976, Section 23, to deal with trees in private ownership that are dangerous. This legislation only allows the Council to become involved with trees that pose an imminent threat to people or property.

The Council can serve notice on a tree owner to carry out specified safety works within a period of not less than 21 days. Where the specified safety works are not carried out, the Council does have powers to enter the land, carry out the works and reclaim from the land owner any reasonable costs incurred.

Where trees on privately owned land represent an immediate threat to People or Property the Council will undertake one of the following actions, dependant on the severity of the risk and the site location and conditions:

- Secure the affected area to prevent public access and notify the tree owner of the risk posed and action to be taken
- Undertake work from a position within the Council owned land (only if safe to do so)
- As a last resort, enter the property and carry out remedial works to remove the risk

In such cases, the Local Authority can seek to recover the cost of these works from the owner of the tree.

The Local Government (Miscellaneous Provisions) Act 1976 does not enable the Council to become involved with private trees causing a nuisance to a neighbouring property by causing shade, blocking views or dropping leaves, flowers or fruit etc. unless the trees are imminently dangerous.

Problems associated with High Hedges are covered by the Anti Social Behaviour Act 2003.

6.0 Wildlife and Trees

a) Birds

Where birds are found nesting in trees, pruning works will be delayed until the end of the nesting season.

- Bird Nesting season is from 1st March until 31st July
- Vegetation or site clearance will be done outside of the nesting season (1st March – 31st July inclusive), although the nesting period may start before this and extend beyond it, in many cases (e.g. barn owls can breed at any month of the year in the UK). This is to avoid impact to nesting birds and infringement of the Wildlife and Countryside Act 1981.
- Any active nests identified should be protected until the young have fledged.

Legal Protection:

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), whilst they are actively nesting or roosting. Section 1 of this Act, makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs.

In addition, bird species listed under Schedule 1 of the Act receive extra protection. The Act states that 'it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird'.

The maximum penalty for each offence in the Magistrates' Court is a £5000 fine and/or six months imprisonment and a £5000 fine and two years imprisonment in the Crown Court.

Exceptions:

An authorised person (i.e. someone who has the written consent or the owner or occupier), may fell or prune a dangerous tree in order to preserve public health and safety. If Schedule 1 birds would be affected, then a licence from DEFRA is required. Similarly a licence is also required for tree work deemed necessary for reasons other than health and safety.

Accidental injury, killing or disturbance of a wild bird, as a result of a lawful tree operation may not be an offence, provided it can be shown that the harm could not have been reasonably avoided.

Works Protocol

The following protocol should be followed if work is deemed to be necessary within or close to the core bird nesting season, or may affect the habitat of a species known to nest outside the core season.

- Before works commence a suitably qualified or experienced person should undertake a careful survey of the proposed working area to ensure that there are no nesting birds. Potential locations include scrub, bushes, open grassland, mature or dense canopy

trees, hedgerows open water, tall herbs etc. Each area should be observed for at least 30 minutes and note taken of whether any birds are nesting or preparing to nest (e.g. carrying nest building materials and/or food for the young). The observations should take place from a reasonable distance from the proposed working area, to avoid disturbance to any possible nesting birds, and it may be necessary to observe the area from more than one vantage point.

- Birds incubating eggs are extremely illusive and therefore a more detailed search of the areas may be necessary but care must be taken not to disturb nesting birds particularly where a Schedule 1 species may be present. Searches for possible nest sites may be conducted using angled mirrors or similar to avoid flushing birds off hidden nests.

- If no signs of nesting birds are observed then works may start but the site must be constantly monitored during the working period.

- A record of the observations and any results should be made and retained for reference.

- If at any time nesting birds are observed, works, which may disturb them, must cease immediately and advice sought. Any active nests identified should be protected until the young have fledged. Where a Schedule 1 species is involved, mitigation for impacts, e.g. loss of nesting site, should be devised and implemented.

- The protocol does not apply where it is suspected that a Schedule 1 species may be present and specific advice must be sought in these circumstances.

'It will be a 'reckless' act if there is an obvious risk and a person:

- recognised the risk and took it anyway, or
- did not consider whether there was a risk and as a result disturbance or destruction occurred'

Definitions:

(1) A wild bird is defined as 'any bird which is resident in, or a visitor to Great Britain in a wild state'. (Game birds are not included in this definition. They are covered under the Games Acts, which fully protect them during the closed season)

(2) It will be an intentional act if, for example, a contractor continues to reduce or remove a hedgerow, tree or shrub, after he/she discovers, or is told that birds are nesting there. The discovery of a nest during the process of work will also prohibit further cutting work within an area or buffer zone around the nest.

(3) Any protected bird listed under Schedule 1

b) Bats

Bats are a highly protected species under European Law and causing damage to a roosting/nesting site is a criminal offence which can lead to imprisonment.

Trees displaying signs of roosting bats will be referred to the Tree Officer before any work commences. Any trees supporting roosting bats will not be worked on until Natural England is consulted.

The leaflet 'Bats and Trees' produced by the Bat Conservation Trust will be sent to all contractors and District Council staff who regularly carry out work to trees in the District. The

Council will ensure all staff involved in decision making regarding trees and woodlands are aware of the law regarding bat protection as laid down in the leaflet 'Bats and the Law'.

c) Managing Trees for Wildlife

Trees and in particular native species (i.e. those species which are indigenous to this country) provide a rich and diverse range of habitats for plants and animals. For example, an oak tree is a habitat for 284 species of invertebrates.

Consideration therefore needs to be given to the retention and creation of these habitats when planning new planting schemes, adopting management regimes or carrying out maintenance to trees.

Deadwood
Dead wood, both on and off the tree, is a very important habitat for invertebrates. Therefore, as a general rule fallen dead wood from trees will be left where it is practicable to do so, for example in a woodland. Similarly, large dead or dying branches on trees will not be removed unless they are a danger to the public.

Tree stumps
Tree stumps are an important habitat and food source for beetle larvae where they can spend up to 4 years. The Council will retain old tree stumps, where it is practicable and safe to do so.

Standing Dead Wood
Where practicable, for example in areas with low usage by the public, the Council will consider retaining dead trees. These will often be large mature trees that provide habitats and a food source for bats, woodpeckers, birds etc.

Veteran Trees
Veteran trees can be found in many places in the District, including in woodlands, boundary banks, old hedgerows, river banks, churchyards and parkland. Veteran trees are defined as having special importance due to their great age, size or condition with exceptional value culturally, in the landscape or for wildlife. Some trees may not grow to a great size or reach a great age but they may be veterans for their species. When assessing a veteran tree, both the individual tree and its surroundings will be considered and when necessary a management plan will be prepared which involves assessing the site, deciding on priorities, implementation, monitoring and review. Veteran trees are valuable for many reasons:

- They support a rich invertebrate fauna, both of general and specialist species. The nooks and crevices provide nesting sites for birds and small mammals.
- They support a rich flora of lichens and mosses, both of general and specialist species.
- Veteran trees represent a gene pool which may link back to the trees of the wildwood.
- They are living remnants of past land use and management.

The Council are committed to ensuring that wherever possible veteran trees are given the strongest level of protection against applications to fell them.

Bird and bat boxes
The Council will encourage the installation of bat and bird boxes in trees, where it is practicable to do so and where these are installed using non invasive methods of attachment. The Council will avoid placing bird and bat boxes in trees requiring regular surgery or which are identified as being a high risk to the public because of their location and condition.

7.0 Tree Planting

As a key District in the National Forest, the Council is keen to promote the benefits of trees and woodlands, and will endeavour to identify new opportunities for tree planting across the District with partner organisations and communities.

Although most of the trees in towns and villages were planted during the 1960s and 1970s following developments of housing estates, in other parts of the District there is a legacy of trees plated over a much longer period of time.

Many of the trees in the Parks are reaching the end of their natural life and careful consideration is required when considering replacements. If future generations are to continue to enjoy this rich heritage then it is important that new trees are planted as ready replacements.

The Council as a land owner has an opportunity to lead by example by planting new trees on its land and, equally importantly, looking after them to ensure they establish and thrive.

To help maintain a continuity of tree cover the Council will undertake the planting of new trees where suitable opportunities arise.

Where the Council does remove trees it will plant replacements when and where it is appropriate to do so and carry out a programme of maintenance to ensure they are given the best start possible.

In reaching a decision whether it would be right to plant new or replacement trees the Council will take into account the following considerations:

a) Is it in the interests of public amenity?
b) Is there sufficient room for a new tree to grow and develop?
c) Is there a deficit of younger trees in the area?
d) Was the removed tree part of a local feature e.g. a line of trees?
e) What species add to local distinctiveness and are these appropriate for the site?

8.0 Planning

South Derbyshire Planning Department have their own policy documents covering, Trees and Hedgerows and Trees and Development (www.south-derbys.gov.uk/planning). These documents cover all planning matters relating to trees within the legal framework, and provides advice to Developers on arboricultural matters.

South Derbyshire District Council has two main levels of protection for trees. These are Tree Preservation Orders (TPO's) and Conservation Areas (CA's). These are the tools that the Council can use to preserve the amenity of the area. Explanations of each are as follows:-

A Tree Preservation Order (TPO) is a legal designation under the Town and Country Planning Act 1990; that gives protection to individual trees, groups of trees or woodlands. The order is made by the Local Planning Authority (LPA) and prohibits the cutting down, uprooting, topping, lopping, wilful damage and wilful destruction of such trees without the LPA's written consent.

Trees within the Conservation Areas are protected under part II of the Planning (Listed Buildings and Conservation Areas) Act 1990. Anyone proposing to cut down or carry out work on a tree is required to give the LPA six weeks prior notice, to avoid risk of prosecution.

APPENDICES

APPENDIX 1 – Native Tree Species

Trees commonly found in and around the District:

Ash (Fraxinus excelsior)
Occurs in woods, scrub and hedges, preferring neutral to alkaline soils. Thrives on base rich soils. Tolerates exposed conditions. Light demanding. Suitable for general planting in woodlands and hedgerows. Grows on old mine waste.

Downy Birch (Betula pubescens)
Occurs in fens, bogs by lakes, water courses and in wet areas to 750 metres. Will grow on most soils but prefers wet acidic sites, able to grow on old mine waste. Tolerant of wet, exposed and infertile sites. Matures quickly, therefore useful as a pioneer and nurse species, particularly on poorly drained land. Suitable for general planting as a woodland fringe species.

Silver Birch (Betula pendula)
Occurs in woods, heaths, old coal heaps and forms a succession stage in the development of sessile oak woodlands. Will grow on most soils, however prefers dry, acid soils and is rare on chalk. Tolerant of dry, exposed and infertile sites. Matures quickly, therefore can be useful as a nurse species. More tolerant of dry conditions than downy birch. Suitable for general planting in the woodland fringe. Will grow on old mine waste.

Wild Cherry (Prunus avium)
Attractive, fast growing flowering tree. Occurs in broadleaved woodland, scrub, road verges and hedges, preferring heavy neutral to calcareous soils. Light demanding. Suitable for general planting in the woodland fringe, and in hedgerows. Grows on old mine waste. Take care to avoid the planting of ornamental cultivars.

Bird Cherry (Prunus padus)
A small, fast growing tree that occurs in open broadleaved woods, woodland edges, river and stream banks and fen woodland. Prefers wet acid/calcareous soils and will grow on old mine waste. Light demanding. Suitable for planting as an under storey and woodland fringe species on riparian and valley sites.

Common Alder (Alnus glutinosa)
Occurs typically in wet and water logged woodland and along watercourses up to 500 metres, often forming pure woods in succession to fen or marsh. Tolerates a variety of conditions on wet sites, on acid or calcareous soils and will also grow on old mine waste. Light demanding. Suitable for planting as a woodland fringe species on wetter ground. Can be planted to help improve soil fertility, as this species can act as a nitrogen fixing nurse on infertile or reclaimed sites.

Crab Apple (Malus sylvestris)
An attractive, small, flowering and fruiting tree. Occurs in woodland margins, hedges and scrub to 380 metres, particularly in older woodlands, as an individual tree or in small numbers. Grows on most soils but avoid peat and highly acidic soils. Light demanding. Suitable for planting as a woodland fringe or hedgerow species, in small numbers.

Field Maple (Acer campestre)
An attractive small tree with strong autumn colour. Occurs in woods, hedges and old scrub, mainly on basic soils. Tolerates shaded conditions and shallow soils. Mainly considered a woodland fringe, under storey or hedgerow tree.

Holly (Ilex aquifolium)
An attractive, slow growing evergreen tree. Occurs in woods, hedges and all but the wettest or driest soils to 550 metres. Tolerates light/dry and acidic/calcareous soils. Withstands shade, pollution and high exposure when established. Suitable for general planting as a woodland understorey and fringe species, also as a hedgerow shrub. Provides food source and nest sites for birds.

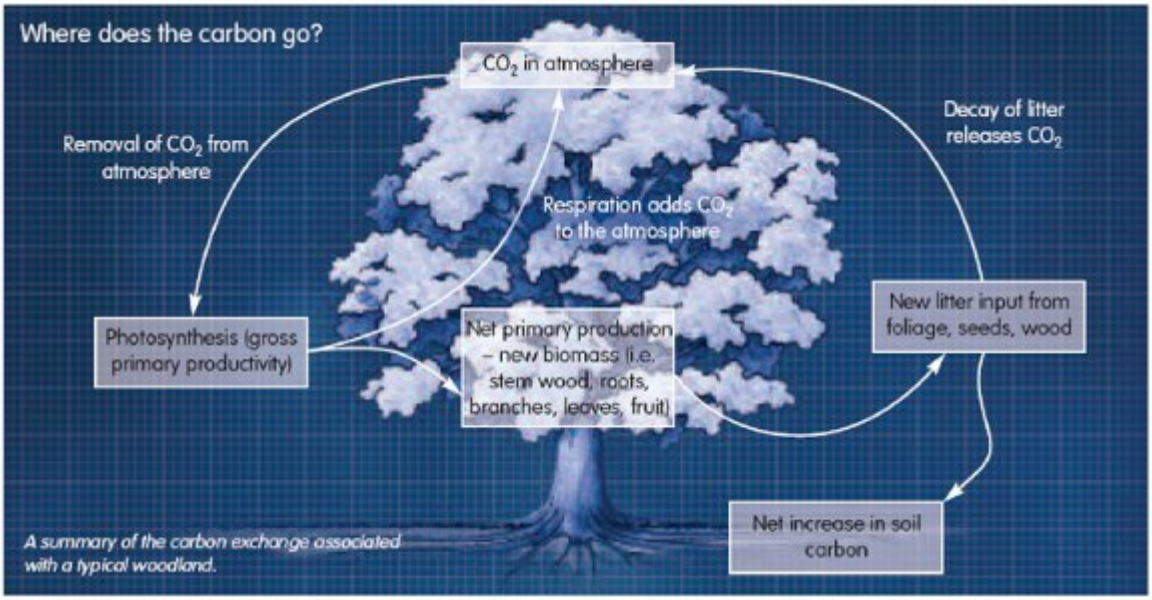
Oak (Quercus sp.)
Oaks are of an extremely high conservation value, and these species have more associated insect species than any other broad-leaved tree. They are particularly important for their abundance of spring caterpillars which provide one of the main food sources for breeding woodland birds.

APPENDIX 2 - Trees and climate change

While they are growing, trees use sunlight to absorb carbon dioxide from the atmosphere through photosynthesis and store it as carbon in the form of wood.

One of the practical ways to combat climate change is to plant more trees in order to take more carbon out of the atmosphere (as long as the trees are planted in the right place).

Younger trees absorb carbon dioxide quickly while they are growing, but as a tree ages a steady state is eventually reached, and at this point the amount of carbon absorbed through photosynthesis is similar to that lost through respiration and decay. If trees are harvested carefully near this time in the growth cycle, and new trees are planted or allowed to regenerate, then this can keep the forest as a net “sink” of carbon. Therefore careful woodland management can mean that woodlands are able to take up the maximum amount of carbon possible.



APPENDIX 3 - Wildlife and Countryside Act 1981(Trees)

The *Wildlife & Countryside Act 1981* is one of the most important pieces of Wildlife legislation in this country. It states it is an offence to:

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built
- Intentionally take or destroy an egg of any wild bird

The *Wildlife & Countryside Act 1981* has several subsequent amendments the most important being the - The *Countryside and Rights of Way Act 2000* (CROW) which under Schedule 12 of the Act strengthens the legal protection for threatened species. It also makes certain offences 'arrestable' and importantly and significantly creates a new offence of **reckless disturbance**. It also confers greater powers to police and wildlife inspectors for entering premises and obtaining wildlife tissue samples for DNA analysis, and also enables heavier penalties on conviction of wildlife offences.

Bats and Roost Sites

All bat species and their roosts are legally protected in the UK. All bats are listed as European protected species of animals in the European Union's Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as the Habitats Directive.

This Directive is implemented in the UK under the Wildlife and Countryside Act 1981 (Schedule 5). They are also included in Schedule 2 of the Conservation (Natural Habitats, &c) Regulations 1994, and The Countryside and Rights of Way Act 2000. The Acts and Regulations include provisions making it Illegal to:

- Recklessly or deliberately kill, injure or capture (take) bats.
- Recklessly or deliberately disturb bats (whether in a roost or not)
- Damage, destroy or obstruct access to bat roosts

A Bat roost is interpreted as 'any structure or place which is used for shelter or protection', whether or not bats are present at the time. If proposed work is likely to destroy or disturb bats or their roots the appropriate Statutory Nature Conservation Organisation (SNCO) MUST be notified and allowed a reasonable time to advise on whether the proposed work should be carried out and, if so, the method to be used.

APPENDIX 4 - Insect Tree Population

The number of insect species associated with common trees or shrubs in Britain.

Tree or shrub	Number of insect species
Oak	284
Willow	266
Birch	229
Hawthorn	149
Blackthorn	109
Poplar	97
Crab apple	93
Scots Pine	91
Alder	90
Elm	82
Hazel	73
Beech	64
Hornbeam	38
Rowan	38
Maple	36
Lime	31
Juniper	20
Larch	17
Fir	16
Sycamore	15
Holly	7
Chestnut (sweet)	5
Chestnut (horse)	4
Yew	4
Walnut	4
Plane	1

APPENDIX 5 – Tree Planting Guide

The following is a guide to the type of species considered appropriate for some of the typical locations managed by South Derbyshire District Council. It is not an exhaustive list, and other trees may be equally suitable.

Pavements and verges

- Dwarf Field Maple (Acer campestre 'Nanum')
- Norway Maple (Acer platanoides 'Globosum')
- Snowy Mespilus (Amelanchier lamarkii)
- Flowering Ash (Fraxinus ornus 'Meczek')
- Japanese Cherry (Prunus 'Amanogawa')
- Flowering Cherry (Prunus x hillieri 'Spire')

Verges only

- Hawthorn (Crataegus monogyna 'Stricta')
- Rowan (Sorbus 'Joseph Rock')
- Rowan (Sorbus x Thuringiaca 'Fastigiata')
- Fastigiate Rowan (Sorbus x Hybrida 'Fastigiata').
- Upright Mountain Ash (Sorbus 'Sheerwater Seedling');

All the above trees have the following properties:-

- upright habit;
- small or compound leaves;
- low water demand;
- comparatively unaggressive root system;
- small fruits;
- easily pruned;
- produce less shading;
- comparatively unattractive to sap feeding insects.

Residential Type B

Wider residential streets often with wide roadside verges. Mixture of detached and semi-detached housing, with relatively large front gardens,

Pavements and Verges

- Field Maple (Acer campestre Queen Elizabeth)
- Columnare Maple (Acer Platanoides 'Columnare');
- Ornamental Pear (Pyrus calleryana 'Chanticleer')
- Hornbeam (Carpinus betulus 'Frans Fontaine')

Verges only

- Trident Maple (Acer buergerianum)
- Canadian Maple (Acer rubrum 'Armstrong')

- Box Maple (Acer negundo 'Flamingo')
- Grey Alder (Alnus incana 'Aurea')
- Italian Alder (Alnus cordata)
- Jacquemont's Birch (Betula Jacquemontii);
- Silver Birch (Betula Pendula);
- Small leaved Lime (Tilia cordata 'Rancho')
- Sweet Gum ‘Acalycina’ (Liquidambar styraciflua 'Acalycina')
- Pink Hawthorn (Crataegus Oxycantha 'Paul's Scarlet');
- Common Hawthorn (Crataegus monogyna);
- Cockspur Thorn (Crataegus 'Gruss-crulli');
- Cherries (Prunus Spp.) – small – medium varieties
- Whitebeam (Sorbus aria);
- Swedish Whitebeam (Sorbus intermedia);
- Of course any of the species suitable for Residential A may also be planted.

Also, where adequate space exists, larger trees should also be considered.

Consideration planting for:

Post War social housing estates and Sheltered Housing sites

Communal gardens (Flats and Bungalows)

- Acer pseudoplatanus (Sycamore) 'Brilliantissimum'
- Apples (Malus Spp.) – small-medium varieties
- Betula pendula (Swedish Birch) 'Dalecarlica'
- Cornus mas (Cornelian Cherry)
- Corylus avellana Zellernus (Red Filbert)
- Cherries (Prunus Spp.) – small – medium varieties
- Crataegus x lavalleei (Hybrid Cockspur Thorn)
- Sorbus aria (Whitebeam) 'Lutescens'
- Sorbus aucuparia (Rowan) 'Edulis'
- Sorbus aucuparia (Rowan) 'Sheerwater Seedling'

Large Communal areas

- Acer cappadocicum 'Rubrum'
- Acer ginnala (Amur Maple)
- Acer platanoides (Norway Maple)
- Acer pseudoplatanus (Sycamore) 'Leopoldii'
- Acer rubrum (Canadian Maple)
- Acer saccharinum (Silver Maple)
- Aesculus x carnea 'Briotii' (Red Horse Chestnut)
- Betula utilis Jacquemontii (Himalayan Birch)
- Ornamental Cherries (Prunus Spp.) – medium to large varieties
- Corylus colurna (Turkish Hazel)
- Gleditsia triacanthos (Honey Locust)
- Liquidambar styraciflua (Sweet Gum)
- Liriodendron tulipifera (Tulip Tree) 'Fastigiatum'
- Nothofagus antarctica (Antarctic Beech)

- Platanus orientalis 'Minaret'
- Platanus x hispanica (London Plane)
- Quercus 'coccinea'

Indiginous species to be considered where space permits, to include:

- Acer Campestre (Field Maple)
- Betula pendula
- Carpinus betulus (Hornbeam)
- Fraxinus excelsior (Common Ash)
- Quercus robur (Oak)
- Tillia cordata (Small leaf Lime)

Communal Gardens – Type B
Small courtyard gardens in densely populated Council social/sheltered housing developments.

Small trees

- Acer griseum (Paperbark Maple)
- Amelanchier Ballerina (Juneberry)
- Apples (Malus Spp.) – small varieties
- Betula pendula 'Youngii' (Youngs Weeping Birch)
- Cercis canadensis "Forest Pansy"
- Cornus kousa "Chinensis"
- Cherries (Prunus Spp.) – small varieties
- Cotoneaster 'Cornubia'
- Crataegus monogyna 'Alboplena'
- Elaeagnus angustifolia 'Caspica' (Oleaster, Quicksilver)
- Euonymus europaeus 'Red Cascade'
- Gleditsia triancanthos 'Ruby Lace' (Honey locust)
- Ilex aquifolium 'Pyramidalis' (Holly)
- Lagerstroemia indica (Crape Myrtle)
- Sorbus 'Joseph Rock';
- Sorbus x Thuringiaca 'Fastigiata';
- Pinus sylvestris Fastigiata (Sentinel Pine)

Specimen larger trees

- Betula pendula (Silver Birch) 'Fastigata'
- Betula pendula (Swedish Birch) 'Dalecarlica'
- Ginkgo biloba (Maidenhair Tree)
- Gleditsia triacanthos (Honey Locust)
- Robinia pseudoacacia (False Acacia) 'Frisia'

Specimen Plantings

Any medium to large tree, dependant on scale and location of planting site, but avoiding trees with large fruits and those attractive to sap feeding insects

- Acer campestre Queen Elizabeth (Field Maple)
- Acer negundo (Box Maple)

- Acer platanoides (Norway Maple) 'Columnare'
- Acer platanoides 'Olmstead'
- Acer saccharinum (Silver Maple) 'Pyramidale'
- Alnus cordata (Italian Alder)
- Alnus incana (Grey Alder)
- Betula utilis Jacquemontii (Himalayan Birch)
- Carpinus betulus (Hornbeam) 'Frans Fontaine'
- Corylus colurna (Turkish Hazel)
- Fraxinus excelsior (Common Ash) 'Altena'
- Fraxinus ornus (Flowering Ash) 'Obelisk'
- Ginkgo biloba (Maidenhair Tree)
- Liriodendron tulipifera (Tulip Tree) 'Fastigiatum'
- Sorbus intermedia (Swedish Whitebeam)
- Platanus x hispanica (London Plane)
- Tilia cordata (Small-leaved Lime) 'Greenspire'

Public Open Space A:

All publicly owned open space accessible to the public including Cemeteries, closed churchyards, sports grounds, recreation grounds and formal parks.

- All species, depending on site, and location and planned management of the site.
- Aim should be to plant the largest tree species that space permits
- Consideration to be given to planting indigenous species where appropriate
- Transplants/whips of indigenous species to be planted in small Copse/plantations

Public Open Space B:

All public open space adjacent to highways of significant amenity value, but too small to be considered parkland.

- Acer cappadocicum 'Rubrum'
- Acer ginnala (Amur Maple)
- Acer platanoides (Norway Maple)
- Acer pseudoplatanus (Sycamore) 'Leopoldii'
- Acer rubrum (Canadian Maple)
- Acer saccharinum (Silver Maple)
- Aesculus x carnea 'Briotii' (Red Horse Chestnut)
- Betula utilis Jacquemontii (Himalayan Birch)
- Ornamental Cherries (Prunus Spp.) – medium to large varieties
- Corylus colurna (Turkish Hazel)
- Gleditsia triacanthos (Honey Locust)
- Liquidambar styraciflua (Sweet Gum)
- Liriodendron tulipifera (Tulip Tree) 'Fastigiatum'
- Nothofagus antarctica (Antarctic Beech)
- Scots Pine (Pinus sylvestris)
- Acer negundo (Box Maple)
- Acer platanoides (Norway Maple) 'Columnare'
- Acer platanoides 'Olmstead'
- Acer saccharinum (Silver Maple) 'Pyramidale'

- Alnus cordata (Italian Alder)
- Alnus incana (Grey Alder)
- Betula utilis Jacquemontii (Himalayan Birch)
- Carpinus betulus (Hornbeam) 'Frans Fontaine'
- Corylus colurna (Turkish Hazel)
- Fraxinus excelsior (Common Ash) 'Altena'
- Fraxinus ornus (Flowering Ash) 'Obelisk'
- Ginkgo biloba (Maidenhair Tree)
- Liriodendron tulipifera (Tulip Tree) 'Fastigiatum'
- Sorbus intermedia (Swedish Whitebeam)
- Platanus x hispanica (London Plane)
- Tilia cordata (Small-leaved Lime) 'Greenspire'

APPENDIX 6 - Summary of Capital Asset Value for Amenity Trees (CAVAT)

At present trees only show on a local authority's balance sheets as a drain on their financial resources. There is no way either to account for their contribution to the public good, or to measure how the value of the tree stock may change as a result of management.

To remedy this, a system has been adopted by many Local Authorities to place an asset value on the public tree stock. It is called Capital Asset Value for Amenity Trees (CAVAT).

There are two variants of the method, one designed to allow the stock as a whole to be managed in relation to its value, and the second intended for cases relating to individual trees, or groups, where a more detailed consideration is necessary.

The basis of both methods is the American `trunk formula' method. The value calculated is in effect a notional replacement value. In CAVAT this has been revised to reflect the public value of the tree. A basic value calculated from the trunk diameter is modified by its functionality, in broad terms defined as how complete the crown is relative to what would be expected for a tree with the same trunk diameter, and in what functional condition it is found to be. A range of other factors, reflecting the Helliwell system and recent research are also taken into account in the case of individual trees.

It has been developed and tested by a user group formed from London Tree Officer Association (LTOA). Tree Officers using this system found it to be robust and reliable. As a result of the testing the methods have evolved in particular to include consideration of life expectancy. The social value of trees are very important, therefore included in the CAVAT system a factor relating to population density called the Community Tree index (CTI).

The Community Tree Index has been included in the CAVAT calculations on the basis that the more people who see and experience a tree the more valuable it is to the community in which it stands. Recently the concept of valuation of ecosystem services and tree valuation in particular has been gaining ground among tree management professionals. The CTI is a pragmatic method of introducing the social importance of trees into the calculations.

The CAVAT variant used for individual cases, including those relating to subsidence, is the `Full' method. This has four stages. In the first a basic value for the tree is calculated from its trunk diameter. This is then converted to a functional value by consideration of the crown area. Special factors which may increase or decrease the value of the tree are then taken into account to produce an adjusted functional value.

The final value is then calculated by adding consideration of life expectancy, using the Safe Life Expectancy (SLE) method. The method has a particular use in relation to root related subsidence claims because it allows a robust ranking of tree value to be established and hence lower value trees can be objectively separated from medium or high value trees.

While the method does rely on judgement and as a result there is a capacity for disagreement, the method is designed specifically to minimise the effect of such potential disagreements by ensuring that the judgements that have to be made are ones on which a majority of arboriculturists with suitable training are likely to agree.

There is a need for familiarisation training in order to use the method. However, this is not unduly onerous and it is anticipated that it will be made readily available through local tree officer groups. Once tree officers are confident in the use of CAVAT it will allow the Council to specify the levels of evidence required dependent on the value of the implicated tree.

Five steps and sets of key variables:

1. Basic value/ unit value x size;

2. CTI value/ location, in terms of population and use, and accessibility;

3. Functional value/ functional status;

4. Adjusted value/ amenity factors, both positive and negative; and

5. Full value/ safe life expectancy.

APPENDIX 7 - Links To Useful Websites

DCLG –Trees in Towns II
www.communities.gov.uk/publications/planningandbuilding/treesintownsii

Arboricultural Association	www.trees.org.uk
Forestry Commission	www.forestry.gov.uk
The Tree Council	www.treecouncil.org.uk
Arboricultural Information Exchange	www.aie.org.uk
Trees for Cities	www.treesforcities.org
Woodland Trust & Ancient Tree Forum	www.woodland-trust.org.uk
British Standards Institute	www.standardsuk.com
The National Forest Company	www.nationalforest.org
Natural England	www.naturalengland.org.uk
Derbyshire Wildlife Trust	www.derbyshirewt.org.uk
DEFRA	www.defra.gov.uk
Barcham Trees	www.barcham.co.uk
Bat Conservation Trust	www.bats.org.uk
Plantlife	www.plantlife.org.uk
Royal Forestry Society (RFS)	www.rfs.org.uk
Biodiversity Action Plans	www.ukbap
Butterfly Conservation	www.butterfly-conservation.org

APPENDIX 8 - GLOSSARY

Glossary of terms

Actionable nuisance. Where actual damage to property has been caused, or, if no action is taken to prevent it, damage will be imminently caused. It does not mean just the pure encroachment of roots or branches over the adjoining land.

Afforestation. The planting of trees on previously unwooded land.

Ancient semi-natural woodland. Woodland that has existed continuously on that site since before 1600 and is now valued for its locally native species and wildlife habitats.

Arboriculture. The cultivation of trees and shrubs to produce specimens mainly for ornamental and landscape value rather than for timber production.

Bare-root tree. Tree lifted for transplanting without soil around its roots.

Bark. Outer protective tissue of a woody stem.

Bio-diversity. A range of species which live within a particular habitat.

Bole. The stem or trunk of a tree.

Bolling. The permanent trunk of a pollarded tree.

BS 3998 (1991) British Standard 3998 (1991) Recommendations for tree work – This standard relates to Arboricultural operations and methods.

Buttress. Reinforcing projection near the base of a tree.

Callus. Healing tissue formed by the cambium which grows over a wound.

Cambium. A layer of growth cells which form bast to the outside and wood on the inside.

Canopy. The uppermost layer of trees and woodland structures.

Conservation Area. Conservation Areas are areas of special architectural or historical interest, the character or appearance of which it is desirable to preserve. Anyone wishing to cut down or carry out work on a tree in a conservation area is required to give the Council six weeks' prior notice.

Conservation Tree Belt. Narrow woodland areas left behind following residential development derived from ancient semi natural woodland containing native species.

Crown. The spreading branches and foliage of a tree.

Crown Reduction. Pruning back the crown to its main branches whilst maintaining its overall shape.

Drip Line. The ground below the outermost branches of a tree's crown, where most of its feeding roots are concentrated.

Ecosystem. A spatially explicit, relatively homogenous unit of the earth that contains/includes all organisms and compounds of the abiotic environment within its boundaries.

Epicormic Shoots. Shoots sprouting from dormant or adventitious buds on a trees main stem.

Hazard. (In this instance) a tree which has the potential to harm persons or property.

Heartwood. The inner wood of large branches and trunks, which no longer carries sap.

Industry best practise. Industry best practise is the use of Arboricultural techniques, methods or process which have been industry proven to be the most effective.

Natural regeneration. Young trees resulting from germination of seeds, which occur as a consequence of natural seeding.

Landmark trees. Trees which are considered to be prominent identifying features within the landscape.

Lapsed pollard. A pollarded tree that has not been cut in a regular cycle but left uncut for many years.

Native species. Those trees which are considered to be naturally occurring in the UK.

Non-intervention. The management of woods where nothing is done to allow the succession of the wood to occur naturally.

Park. An area enclosed for amenity.

Pathogen. A micro-organism causing disease.

Pollard. A tree cut once or repeatedly where the main stem forms the crown. Usually cut on a regular basis, with the whole or part of the crown removed.

Risk. The likelihood that a tree (in this instance) will cause harm to person or property.

Stag-head. Old tree with crown that has died back, leaving the upper branches dead.

Subsidence. A sinking (or movement) of structures due to shrinkage when clay soils dry out, sometimes due to extraction of moisture by tree roots.

Suckers. Shoots that arise from an underground stem or root of a tree

Thinning. Removal of weak trees or trees with poor form from a group to allow the remaining trees to prosper.

Town and Country Planning Act. An Act of Parliament which consolidates certain enactments relating to town and country planning.

Tree Belts. Areas of trees which are sometimes small areas of woodland throughout the District which where originally planted to provided a visual and sometimes audio barrier to separate housing development from other estates.

Tree Preservation Order. A Tree Preservation Order (TPO) is order made by a Local Planning Authority (LPA) in respect to trees, groups of trees, woodlands and areas of trees. The principal effect of a TPO is to prohibit the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of trees without the LPAs consent.
Relevant primary and secondary legislation is Part 4 VIII of the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees)
Regulations 1999.

Vegetation Islands. Areas of plant cover left to provide natural habitat thereby increasing the bio-diversity and ecological value within tree belts

Veteran Tree. A tree that is of interest biologically, culturally or aesthetically because of its age, size or condition.

Visual amenity. The visual amenity of a tree is its intrinsic beauty and/or its contribution to the landscape.

Wind Throw. The blowing over of a tree or stand of trees at its roots due to excessive wind.

Glossary of Pruning and Felling Operations:

The type of pruning will vary according to the tree species, age, condition, past works and the nature of any fault or complaint associated with the tree.

When is pruning justified?

Pruning is usually found to be necessary because of the following reasons:

• To maintain health and safety of the tree.
• Obstruction to users of the highway and/or private property.
• To abate actionable nuisance.

Intervals for Pruning. - Pruning can take place at most times of the year but ideally leaf flushing and fall should be avoided as well as flowering periods. Certain species have more specific times because of disease and the risk of bleeding.

Formative Pruning – is defined as pruning the aerial growth of a tree in its youth to result in an appearance considered typical for the species of variety of tree concerned. The objective of formative pruning is to produce a clean stemmed tree and the establishment of a good branch structure and canopy by the removal of a number of small branches, leaving therefore only small, quickly occluding wounds.

Crown Thinning - Crown thinning is generally undertaken, when there is a desire to improve light through the canopy of a tree. It involves the removal of a percentage of secondary and small live branch growth from throughout the crown to produce an even density of foliage around a well spaced and balanced branch structure. Crossing, weak, duplicated, dead and damaged limbs are removed.

Crown Lifting - The removal of lower branches or parts of branches in the crown to achieve adequate height clearance, considering for each individual tree the total tree height, the site, traffic (pedestrian and vehicular) and good Arboricultural practice. This operation may also include the removal of major limbs. (This should be carried out in a way that maintains an

acceptable, balanced crown shape and a branch structure conducive to the future development of a healthy, mechanically sound crown.)

Crown reduction - is defined as the reduction of the complete outline dimension of the canopy, from the tops of limbs and branches toward the main trunk, by pruning growth to an appropriately sized lateral branch, twig or bud to leave a flowing silhouette. In addition all soft growth from the tree's trunk shall be removed from those trees being subject to a crown reduction.

Coronet Cuts. - *Coronet cuts and dead wood management;*
A coronet cut is a technique for producing a natural fracture effect in cut stubs ends. It is carried out as a pruning treatment to a stub or reduced limb to mimic natural breakage. The form of the coronet cut is designed to shape the branch or trunk end-surface to resemble the fracture that might be imagined following a storm, such as Beaufort storm force 9/10 and is cut to resemble a broken or shattered appearance.

Pollarding - This practice is mainly carried out on trees which have a history of pollarding (e.g. Lime trees in Churchyards). All the regenerated shoots and branches of the tree or shrub are cut back to the main stem over the entire Pollard. (With the objective of producing a quantity of vigorous shoots from the bole. When correctly done, this form of pruning enables trees, which normally grow much larger, to be kept in restrictive locations. Pollarded trees live as long as their full grown counterparts.

Re-Pollarding -This work will usually apply to re-grown Lime trees. These trees, historically managed as pollards have fully re-grown crowns. This work will then return these trees to bi-annual pollard management.

Retrenchment Pruning. Retrenchment pruning is term used to describe the technique that has been developed in the field of environmental arboriculture to imitate the natural process of ageing. Crown retrenchment is used to describe the way in which peripheral dieback occurs as the tree redirects energy and growth to the formation of a consolidated lower region of the crown.

Ivy Removal - In cases where trees are colonised by ivy, this can be left undisturbed unless the tree is becoming visibly suppressed or is likely to be vulnerable to wind damage. Ivy provides valuable habitat and should not be removed during the bird nesting season.

Epicormic Growth Removal - This operation involves the removal of epicormic growth from the base and main stem to 1m above the 1st. main limb, or 5m whichever is the greater. (Removal of epicormic growth must be kept to a consistent height, taking into account the different type and size of trees on each site). All final cuts are made level with the source branch, stem or root so as not to leave a stub and are made with hand tools.

Removal of Dead Wood - All dead, dying or diseased branch wood, broken branches or stubs left from previous tree surgery operations are removed from the tree, and from within any cavities within the tree.

Tree removal:

It is sometimes necessary to remove trees for the following reasons:

- When they are dead, dying or dangerous.
- To allow space for the development of nearby trees that may be more desirable for retention.

- To allow light and room for new planting.
- To make way for any approved engineering or building works.
- To abate actionable nuisance.

Felling will always be considered as the last resort, when all other alternatives have been explored. Felling is defined as the cutting down of a tree or shrub to a point as close to ground level as is reasonably practicable to leave a stump. The stump is then treated in one of the following ways:

- Grinding to remove the stump and backfilling of the hole
- Poisoning stump, with an approved herbicide

Felling in confined spaces or near to adjacent hazards may require that the tree is dismantled in sections.