

# Tree Management Policy

January 2014

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## Tree Management policy

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### Appendix 1

### Appendix 2

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## **1.0 Introduction**

- 1.1 Rossendale Borough Council owns a rich and diverse tree stock including natural woodlands, shelter belts, small copses and individual specimens. Species are both native and non-native ornamentals, all of which have an important role to play in forming the rich mosaic of habitats and landscapes within the valley.
- 1.2 This policy has been introduced to set out the guidelines and principles for managers and staff to ensure the way we manage our tree stocks is consistent and fair, as well as ensuring employees, residents and visitors remain safe around the council's trees.
- 1.3 While safety of trees is an important issue and the implications of unsafe trees is serious, rest assured, it is rare for trees to fall or drop limbs which result in injury or death or damage to property.

## **2.0 Policy Aims and Scope**

- 2.1 This policy aims to set out the guidelines to:
- Improve how we manage the council's tree stocks.
  - Protect the diversity of species and the ecological network.
  - Assist managers making decisions so that they are fair and consistent.
  - Clarify processes relating to planned management and service requests.
  - Ensure compliance with Health and Safety requirements.
- 2.2 The policy does not form a woodland strategy and therefore does not take in to account: large scale tree planting schemes; borough wide surveying and mapping of tree stocks; large scale woodland management projects; ecological projects and partnerships; and use of trees in regeneration or flood prevention schemes.

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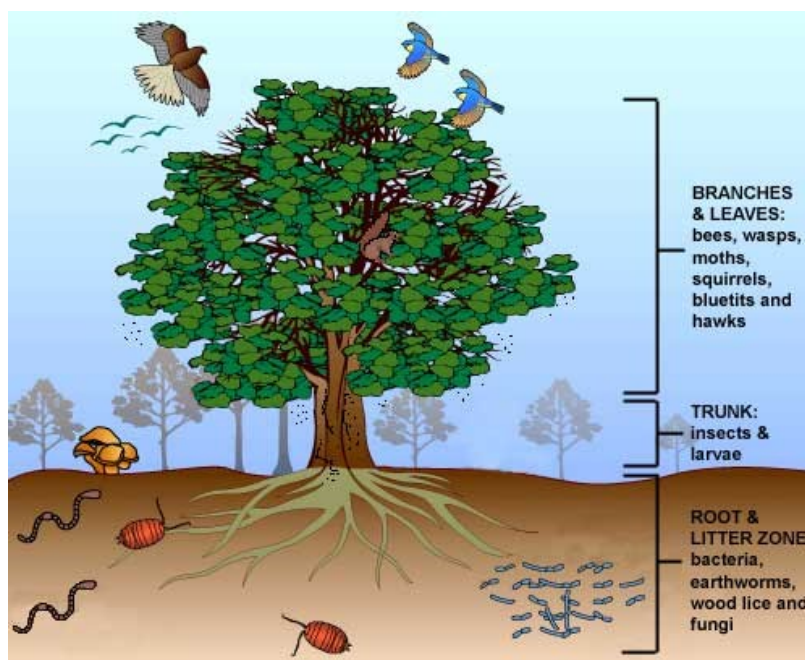
### 3.0 The importance of trees

#### 3.1 Visual

Imagine the valley without trees. Trees provide structure and scale to the landscape. They can hide visual intrusions or be the beauty themselves with changing colours and textures of the seasons.

#### 3.2 Ecological

Trees are vital for the existence of many other species. They are a key part of the ecological network providing food and habitats.



Example of an Oak tree ecosystem

#### 3.3 Climate

Trees provide shade and by the process of transpiration provide a cooling effect. This can help regulate temperature, particularly in urban areas. Trees provide all of us with oxygen.

#### 3.4 Pollution

Trees can trap dusts on their leaves, thus acting as a filter, which is then washed away during heavy rainfall. Trees absorb atmospheric gases, thus counterbalancing the effect of these gases in the atmosphere and can help reduce water pollution by trapping pollutants bound to soil particles.

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### 3.5 **Flood Control**

Tree roots stabilise the soil and can help prevent erosion during rainfall. The canopy protects the underlying soil surface by intercepting and regulating the amount and force of raindrops hitting the surface below.

The leaf litter which builds up each year adds greater depth to soil levels and improves soil structure so reducing surface run off.

Trees “drink” water, thus helping to take up water held in the surrounding soil meaning it is not necessarily waterlogged. Therefore the soil is able to absorb greater volumes of water during heavy rainfall, which is then slowly released in to water courses and thus preventing flash flooding.

### 3.6 **Education**

Trees and woodlands can be the base for so many educational activities whether artistic or scientific.

### 3.7 **Play and recreation**

Hide and seek, tree climbing, role play and imagination – all the elements of a fun day out. Or simply enjoying a walk in the woods.



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## 4.0 **Planned Management**

4.1 It is important that trees and woodlands are maintained to ensure they remain healthy and diverse while preventing future risks to safety.

4.2 Surveys are required to identify issues primarily focussed on the health and condition of the trees, therefore placing safety as the main factor.  
Surveys may take one of three main formats:

### 4.3 **Regular site visits:**

Regular grounds maintenance is carried out on some council owned land thus providing the opportunity for visual surveys. Staff are able to identify more obvious issues relating to tree health and safety and make note of any problems on work tickets or carry out immediate action where their skills and training allow. Work tickets are monitored by line managers with further inspection being carried out where necessary.

### 4.4 **In house surveys**

Parks, playgrounds and cemeteries are part of the maintained estate with known high usage. An annual formal visual inspection with accompanying report is undertaken by trained / experienced RBC staff. The process also involves a risk assessment to identify trees which in the event of falling down or losing a large limb would have a significant impact on infrastructure to ensure appropriate and timely work is carried out should that tree become unhealthy and unstable.

4.5 Surveys will also be carried out on non-maintained council land where an issue lies with a single tree or small number of trees, where staff resources allow this and only a visual inspection is required.

### 4.6 **Externally contracted out surveys.**

There are two scenarios where survey work may be contracted out to a private company or neighbouring authority: where significant numbers of trees, forming part of the non-maintained estate need to be surveyed, as internal resources are limited and / or surveys other than visual inspections.

4.7 Contracted out surveys will be conducted on an ad hoc basis as resources allow or when an issue is brought to the attention of the council where further investigation is required.

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4.8 Surveys and inspections will determine the most appropriate type of work required to an individual tree. The level of risk will determine how soon work must be carried out.

- **Urgent safety work:** Will be carried out as soon as practicably possible.
- **High priority work:** Where trees are in a state of decline or dead and standing yet displaying no signs of instability (to the root plate, trunk or canopy) that tree will be closely monitored until the next tree work season and work carried out as a priority. If during monitoring the status of that tree changes to become urgent safety work, then action will be taken as above.
- **Medium priority work.** Where a tree is likely to cause damage or pose a risk in the future then work will be programmed for the next tree work season.
- **Low priority work.** This is work that will benefit the tree as it grows, however is not vital that work is carried out that year; or it may be work required as a result of a service request that is not technically of any benefit to the tree, landscape, ecology or wider public use of that site.

4.9 The tree work season typically runs from the start of November to the end of February, when deciduous trees are dormant, however this period may be extended or reduced dependent on weather conditions seasonal changes and potential impact on wildlife.

4.10 It is an offence (subject to exceptions) to intentionally kill, injure, or take, possess, or trade in any wild animal listed within legislation, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places. Therefore employees carrying out tree work must be aware of the potential and actual wildlife which may be resident in that tree. Work programmes must be planned and if necessary altered to accommodate the requirements of wildlife as per legislation dictates.

4.11 Tree work may be carried out at other times where deemed absolutely necessary, e.g. urgent safety work.

4.12 Non-urgent tree work will not be undertaken during the bird nesting or breeding season, which is considered to be from 1 March to 31 July. However, depending on seasonal temperatures, some birds continue breeding into August and

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September. There is some flexibility surrounding these dates due to seasonal fluctuations and therefore prior to any work commencing the tree will be inspected by employees to ensure there are no nesting birds present.

- 4.13 Tree work will not be carried out which would result in damaging or destruction of bat breeding sites and roosts. Where bats are suspected to be present, advice from a licenced bat specialist will be sought and relevant licences obtained before proceeding with tree works.
- 4.14 Safety when planning and carrying out tree work is a main consideration. Work will only be undertaken when weather and ground conditions are suitable.
- 4.15 The council does not operate an out of hours tree work service. In the event of a tree falling and blocking a highway or footway then Lancashire County Council or Lancashire Police should be contacted.

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## 5.0 **Service requests.**

- 5.1 Residents and business owners regularly contact the council requesting work to be carried out a tree or trees close to their property. The reason for requests is variable, ranging from urgent safety reasons to issues of light.
- 5.2 Rossendale Borough Council can only carry out work on trees owned by the council / on council land; consequently a check is carried out to ascertain responsibility prior to inspection.
- 5.3 Experienced grounds maintenance staff will carry out inspections where reason for the request is not related to safety. If they have any concerns regarding the health and condition of the tree during that survey then it will be passed to trained officers (evaluating hazards in trees) to carry out a further inspection.
- 5.4 Trained and experienced officers will inspect the tree(s) where safety has been highlighted as a concern and ensure the most appropriate action is selected and undertaken.
- 5.5 The decision of the inspecting officer is to be supported and respected.
- 5.6 Any action is subject to Tree Preservation Order, conservation area constraints and legal implications where they exist.
- 5.7 RBC will undertake the following tree work free of charge.
- Work carried out where the tree itself is posing a risk due to damage or poor health.
  - Removal of trees that are likely to cause access problems, sightlines issues (roads and paths) or cause damage to structures if left to reach maturity.
  - Removal of limbs, branches or the tree where it is touching a building, structure or utility and may be causing or potentially cause damage.
- 5.8 Rossendale Borough Council will not carry out work that is detrimental to the health or structure of any tree and will not remove healthy tree, unless identified as necessary for the above reasons.
- 5.9 Where work is requested that is of no benefit to the tree, landscape, ecology or wider public, however benefits an individual or household(s) only, then the costs for that work shall not be covered using public money.

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- 5.10 Such work, as explained in paragraph 5.9, includes that to alleviate issues of:
- Shading of house or garden.
  - Algal growth
  - Gutters blocked by leaves
  - Sepal cases or fruit on the ground
  - Sap or bird excrement on cars or property
  - Concerns over height or size of tree
  - Leaf fall causing accumulations on the ground
  - Interrupted signals to satellite reception.
- 5.11 Where work to alleviate issues as detailed above is requested by a resident or individual then work may be undertaken by the Council and costs shall be recovered. Those costs will cover labour, a contribution to vehicle maintenance, fuel and disposal.
- 5.12 Trained and experienced officers will inspect the tree(s), select the most appropriate action and provide a quote for the work. Should the individual who has requested the work be prepared to meet that cost then the work shall be added to the schedule. Such work will be considered low priority and carried out subject to higher priority work being completed first (i.e. safety works, planned tree and woodland management).
- 5.13 Costs may also include for a replacement tree or trees, should it be deemed that loss of a tree to benefit and individual or household(s) has an overall detrimental impact within the landscape and/ or ecologically.
- 5.14 The costs for work (and replacement tree where deemed necessary) will be on a prepayment basis. Work will not be undertaken until the full costs have been received.
- 5.15 Work will only be permitted that does not adversely affect the tree. In the event of a person allowing tree work to be carried out that has not been agreed with a council officer then that person shall be requested to make a contributory payment to the council to cover costs of remedial work and / or for a replacement tree(s).

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## **6.0 Tree Preservation Orders (TPO's)**

- 6.1 TPO's are regulated and managed by the council's planning department.
- 6.2 They can be issued for an individual tree, a group of trees or woodland on any land (council or private) and aim to protect trees which give amenity value to an area. The Council's policy is only to protect trees that are under a direct threat.
- 6.3 Trees that are exempt from TPOs are those that are dead, dying, diseased or dangerous and fruit trees grown for the commercial production of fruit.
- 6.4 It is an offence to cut down, uproot, prune, lop or damage any tree covered by a TPO without first obtaining the Council's consent. The maximum penalty for carrying out works to TPO trees without consent is £20,000.
- 6.5 Permission to carry out works must be applied for. The applicant does not need to be the tree owner, however they must state the reasons for making the application, the works required and make it clear to which tree the application relates.
- 6.5 If any tree with a TPO is removed, uprooted or destroyed without consent, the landowner must plant another tree of an appropriate size and species, at the same place, as soon as he/she reasonably can.
- 6.6 If the landowner does not replace the felled tree, or if any replacement conditions attached to a permission to fell a tree are not complied with, the Council can serve a tree replacement notice (TRN) on the owner of the land.
- 6.7 Contact RBC Planning Department for a TPO application form to carry out works.  
[planning@rossendalebc.gov.uk](mailto:planning@rossendalebc.gov.uk)  
01706 252580

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## **7.0 Privately owned trees:**

- 7.1 Rossendale Borough Council is only responsible for trees growing on council owned land. Privately owned trees are not council responsibility and we have no legal duty to intervene in neighbour disputes.
- 7.2 Private individuals are advised to first speak to their neighbour to resolve issues and reach an agreement, which if not successful then seek their own legal advice.
- 7.3 The exception to the above information may be when 2 or more trees together may be viewed as a high hedge, in which case see section 8.

## **8.0 High hedges.**

- 8.1 Where residents are concerned over the height of a hedge (consisting of 2 or more trees / shrubs) they must first be advised to discuss the matter with the landowner.
- 8.2 Only after all conversations and discussions have been exhausted can that resident then apply to the council for assistance under the High Hedges Act. There is a charge for this assistance.
- 8.3 A council officer will then inspect the hedge and decide if action is necessary, following guidance within the Act, to reduce the height of the hedge. If this is so then the council will request the landowner to take action.
- 8.4 If the landowner fails to take action from this request then it becomes a matter for the courts. It may also be decided that the council carries out the necessary works and recharges the landowner.

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## **9.0 Memorial trees**

- 9.1 Trees are a popular way of remembering loved ones and planting of memorial trees (with / without accompanying plaque) is arranged through the council's bereavement services.
- 9.2 Trees may be planted on any council owned land with prior agreement on the location.
- 9.3 The species or type of tree must first be agreed to ensure it is suitable for the selected site.
- 9.4 On some sites there is a pre-determined design or plan for tree planting and members of the public may opt for a tree to be planted as part of this scheme.
- 9.5 Trees may also be planted to signify a birth, marriage or other reason.
- 9.6 Planting is undertaken by the parks and open spaces team and the cost of the tree, stake, ties, plaque (as appropriate) and planting is charged to the individual. Full payment must be received before work is carried out.

## **10.0 Tree planting**

- 10.1 Where a tree which forms a significant part of the landscape and / or ecology has been felled, then another is planted in the same or a nearby location to compensate for this loss.
- 10.2 Wider scale tree planting is considered as part of one off projects and is not a routine operation by the parks service. Community groups often approach the Parks and Open Spaces team regarding tree planting schemes and are supported where the proposed scheme is appropriate and viable.

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## **11.0 Pests and Diseases**

- 11.1 Trees are constantly exposed to a range of pests and diseases. In many cases overall tree populations have resistance and impact is localised. Occasionally pathogens occur on a more widespread and devastating scale affecting large numbers of trees in a relatively short space of time. Such outbreaks must be managed to prevent further spread and maintain safety.
- 11.2 In the event of a large scale outbreak then guidance on control is taken from expert organisations within the woodland and forestry industry, such as the Forestry Commission, Woodland trust and DEFRA. Processes are then put in to place at a local scale and information communicated to relevant staff.

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## **12.0 Financial and Legal Implications**

- 12.1 To carry out tree work safely a minimum of two employees, with vehicle (Unimog with winch) and equipment (chipper, chainsaws, chainsaw specific PPE, ropes and harnesses), is required.
- 12.2 Employees require specific training which must be refreshed every 3 to 5 years dependent on the certificate.
- 12.3 Limited in house resources means that some work required may require the use of external contractors.
- 12.4 There would be a cost for external survey work.
- 12.5 Arboriculture work is hazardous and influenced by many factors, consequently a vast number of laws and regulations apply, the main ones being as follows:
- Health and Safety at Work Act 1974
  - The Highways Act 1980
  - The Wildlife and Countryside Act 1981
  - The Countryside and Rights of Way Act 2000
  - The Town and Country Planning Act 1990
  - The Planning Act 2008
  - The Planning Compensation Act 1991
  - The Forestry Act 1967 (as amended)
  - The Climate Change Act, 2008
  - The Town & Country Planning (Trees) (England) (Amendment) Regulations 2008
  - Management of Health and Safety Regulations 1999 as Amended in 2003 and 2006
  - Provision and Use of Work Equipment Regulations 1998 as Amended in 2002
  - Lifting Operations and Lifting Equipment Regulations (LOLER) 1998 as Amended in 2002
  - Work at Height Regulations 2005 as Amended in 2007
  - Construction (Design and Management) Regulations 2007
  - Control of Vibration at Work Regulations 2005
  - Control of Noise at Work Regulations 2005
  - Chapter 8 of the Traffic Signs Manual 2009
  - Control of Substances Hazardous to Health Regulations 2002 and 2004 Amendment
  - Manual Handling Operations Regulations (MHO) 1992 as Amended in 2002

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- Personal Protective Equipment at Work Regulations 1992
- Electricity at Work regulations 1989
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- Conservation (Natural Habitats) Regulations 1994

12.6 All employees involved in the planning and / or practical aspects of tree work must ensure they are familiar with the relevant sections of these acts and regulations to ensure compliance. All necessary information can be obtained at work in either hard copy documentation or via the internet.

12.7 Employees who are not familiar with any of the relevant health and safety requirements must inform their line manager and that information will then be made available to them.

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