

# Environment Sustainable Communities Overview and Scrutiny Committee

21 July 2023

Tree Management Policy - update



## Report of Alan Patrickson, Corporate Director of Neighbourhoods and Climate Change

### Electoral division(s) affected:

All

### Purpose of the Report

- 1 To provide an update on the Council's Tree Management Policy.

### Executive summary

- 2 The council's Tree Management Policy sets out the council's approach to managing trees in its ownership, or under its management, and trees in private ownership that pose a safety risk to the public. It was approved by Cabinet in July 2014 following a public consultation exercise.
- 3 The Policy has proved to be a useful document since its introduction, providing information to the public on tree-related matters and helping to provide a consistent approach to dealing with customer enquiries. It was programmed for review in July 2023 and that review is now underway.
- 4 The purpose of the review is to update the document to reflect changes in national or local policies, proposed changes to internal procedures within the council relating to tree inspections, and the relationship of the Policy with other publications produced by the council. It will also seek to clarify existing policies where necessary and to provide additional information on topical issues such as ash dieback.
- 5 The review will be carried out in the period July-September 2023. An updated version of the Policy will be reported to Cabinet for approval.

### Recommendations

- 6 The Committee is recommended to:

- (a) Note the content of the report and presentation and comment accordingly.
- (b) Receive a further update on the Tree Management Policy in the next work programme.

## **Background**

- 7 The council's Tree Management Policy (see Appendix 2) sets out the council's approach to managing trees in its ownership, or under its management, and trees in private ownership which pose a safety risk to the public. It is informed by statute law, common law and arboricultural best practice
- 8 The Policy was approved by Cabinet on the July 16<sup>th</sup> 2014 (Key decision NS/25/13) following a public consultation exercise. Minor amendments were made in July 2017 and July 2020.
- 9 The Policy describes the council's approach to the inspection and maintenance of trees in its care (sections 6 and 7) and sets out how it deals with common tree care issues, and damage caused by trees, which are the subject of service requests, customer complaints or insurance claims (sections 9 and 10).
- 10 It sets out how the council uses its powers to deal with trees on private land affecting public safety under the Highways Act 1980 and the Local Government (Miscellaneous Provisions) Act 1976, and the council's role in dealing with high hedges under the Anti-Social Behaviour Act 2003 (sections 11, 12 and 13).
- 11 It provides information on Tree Preservation Orders and trees in Conservation Areas, and on trees in relation to development (sections 14 and 17).
- 12 It provides information on replacement tree planting and biosecurity (sections 16 and 19) and on tree pruning techniques based on arboricultural best practice (section 20).
- 13 The Policy has proved to be a useful document since its introduction, providing information to the public on tree-related matters and helping to provide a consistent approach to dealing with customer enquiries.
- 14 The Policy was scheduled for review in July 2023 and this review is currently underway. The purpose of the review is to update the document to reflect changes in national or local policies, proposed changes to internal procedures within the council relating to tree

inspections, and the relationship of the Policy with other publications produced by the council. It will also seek to clarify existing policies where necessary and to provide additional information on issues such as ash dieback.

### **Key considerations for review**

- 15 The introductory sections of the policy need to be updated to reference recent national policy documents such as the England Trees Action Plan 2021-2024 and Keepers of Time: ancient and native woodland and trees policy in England. They also need to be updated to reference the County Durham Climate Change Strategy and Emergency Response Plan and the Ecological Emergency Action Plan and to set out what implications they have for how we manage our tree resources.
- 16 The way the Policy deals with inspections and tree maintenance need to reflect developments in how the council deals with these issues. The Council's approach to tree inspection and maintenance in the past has been largely reactive. It is currently developing a proactive programme of tree inspections covering trees on land that it owns or manages. An additional Senior Tree Officer was appointed in 2022 to assist in the development and implementation of that programme. The new inspection procedure will be detailed in a separate document currently being prepared which will be reported to Cabinet for approval. The Tree Management Policy will need to embed that procedure.
- 17 The sections of the Policy dealing with tree care and damage are the most regularly referred to parts of the Policy. The principles set out in these sections are well founded and reflect those adopted by other local authorities. It isn't proposed to review these comprehensively although there might be some benefit from clarification in wording or additional information in some cases. There are new topic areas such as effects of vegetation on horses that could usefully be added and more information provided on how claims are dealt with by our insurers.
- 18 The Policy currently deals with protected trees and trees on development sites. The council is producing a Supplementary Planning Document (SPD) on Trees, Woodlands and Hedges as part of the County Durham Plan. This was published as a consultation draft in spring 2023 and a revised document will go out to final consultation later this year. The SPD covers issues relating to trees on development sites and protected trees in considerable detail. It is unnecessary for the Policy to duplicate this information.
- 19 County Durham Plan Policy 40 states that where applications are made to carry out works to trees in Conservation Areas or that are covered by a Tree Preservation Order, they will be determined in accordance with the council's Tree Management Policy (or any subsequent revisions).

Any revisions made in relevant sections of the Policy will need to be reflected in the SPD.

- 20 Ash dieback (ADB) is a disease caused by a fungal pathogen which is likely to result in mortality rates on between 50% and 75% of the county's ash population. Information on how the council deals with protected ash trees or ash trees on development sites is contained within the SPD. The revised Tree Management Policy will need to set out the council's approach to ADB on trees in its care.
- 21 The Policy doesn't currently reference to woodland management and this is an area that might usefully be included.

### **Process**

- 22 The review will be carried out in the period July-September 2023. An updated version of the Policy will be reported to Cabinet for approval.

### **Conclusion**

- 23 The Tree Management Policy has proved to be a useful document since its introduction in 2014. The review being undertaken will ensure that the Policy is up to date and reflects best practice in tree care and risk management.

### **Background papers**

- None

### **Other useful documents**

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## **Appendix 1: Implications**

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### **Legal Implications**

The review of the document will help ensure that the council meets its legal responsibilities in respect of trees and exercise its duties effectively.

### **Finance**

None

### **Consultation**

None

### **Equality and Diversity / Public Sector Equality Duty**

No impact

### **Climate Change**

An effective and up to date Tree Management Policy will form part of the council's response to the climate emergency.

### **Human Rights**

None

### **Crime and Disorder**

No direct implications.

### **Staffing**

None

### **Accommodation**

None

### **Risk**

A well-founded and up-to-date Tree Management Policy is needed to support the council in meeting its legal obligations in relation to trees and public safety

### **Procurement**

None

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**Appendix 2      DCC Tree Policy 2020**

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Attached as a separate document